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federal register

THURSDAY, OCTOBER 13, 1977

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

federal register

Area Code 202 Phone 523-5240

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

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[3195–01]

Title 3—The President

Memorandum of September 20, 1977

Decision on Cast-Iron Stoves Under Section 201 of the Trade Act of 1974

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, September 20, 1977.

Pursuant to section 201 of the Trade Act of 1974 (P.L. 93–618, 88 Stat. 1978), I have reviewed the Report of the U.S. International Trade Commission (USITC) dated July 25, 1977, concerning the results of its investigation of a petition for import relief filed by several independent firms producing cast-iron stoves, parts and fireplace grates in the United States.

I have accepted the finding of Commissioners Bedell and Ablondi that cast-iron stoves are not being imported into the United States in such quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

This decision is to be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77–30064 Filed 10–11–77;4:20 pm]

rules and regulations

[3410–01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATION OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Surface Mining Control and Reclamation; Implementation

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This rule concerns the delegation of authority of the Secretary relating to his responsibilities in the implementation of the Surface Mining Control and Reclamation Act of 1977, to the Assistant Secretary of Agriculture for Conservation, Research and Education. This rule also contains a redelegation to the Administrator, Soil Conservation Service to administer the Abandoned Mine Reclamation Program for Rural Lands and certain other responsibilities assigned under the Surface Mining Control and Reclamation Act of 1977, except as to certain responsibilities assigned to the Forest Service and the Agricultural Research Service.

EFFECTICE DATE: October 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Victor H. Barry, Deputy Administrator for Programs, Soil Conservation Service, USDA, Washington, D.C. 20250, (202–447–7245), or Bob Bergland, Secretary of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: On August 3, 1977, President Carter signed the Surface Mining Control and Reclamation Act of 1977. (Pub. L. 95–87, 91 Stat. 445). This act, among other things, directs the Secretary of Agriculture to take certain actions relating to the control of surface mining and surface mined areas in the United States. This rule provides the delegation of responsibilities to administer the Abandoned Mine Reclamation Program for Rural Lands and other responsibilities of the Secretary of Agriculture under the Act.

The signature of the Secretary of Agriculture appearing hereunder is approval of the delegation in 7 CFR 2.19(j). The signature of the Assistant Secretary for Conservation, Research and Education is approval of the redelegation in 7 CFR 2.62(a)(9).

Dated: September 23, 1977.

BOB BERGLAND,
Secretary of Agriculture.

M. R. CUTLER,
Assistant Secretary of Agriculture for Conservation, Research and Education.

SEPTEMBER 21, 1977.

1. Section 2.19 is amended by adding paragraph (j) as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Conservation, Research, and Education.

* * * * *

(j) Related to Surface Mining Control and Reclamation, Administer responsibilities and functions assigned under the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, 91 Stat. 445 to the Secretary of Agriculture.

2. Section 2.62(a) is amended by adding paragraph (a)(9) as follows:

§ 2.62 Administrator, Soil Conservation Service.

(a) * * *

(9) Administer Abandoned Mine Reclamation Program for Rural Lands and other responsibilities assigned under the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, 91 Stat. 445 except as to responsibilities assigned to the Forest Service and the Agricultural Research Service.

* * * * *

[FR Doc.77-29943 Filed 10-12-77;8:45 am]

[6720–01]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 77–599]

PART 545—OPERATIONS

Service Corporations

OCTOBER 6, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board recently imposed restrictions on land acquisition and development activities by service corporations in which Federal savings and loan associations may invest. Question has arisen whether the restrictions as to the cost of such activities and the time required for their completion apply also to any construction involved in a project. This rule clarifies the Board's intention that these restrictions apply to construction as well as preparation of land for construction.

EFFECTIVE DATE: November 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, (202–376–3556).

SUPPLEMENTARY INFORMATION: By Board Resolution No. 77–337, dated June 1, 1977, and published in the FEDERAL REGISTER on June 9, 1977, (42 FR 29512), the Federal Home Loan Bank Board proposed to amend § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) for the purpose of clarifying the Board's intention regarding restrictions on land acquisition and development activities. Present § 545.9–1 places certain cost and time restrictions on land acquisition and development activities by service corporations in which Federal associations may invest. It was the Board's intention in imposing such restrictions that they apply to construction as well as preparation of land for construction.

Although only 1 of 20 public comments received favored the proposal, the Board has decided that the amendments should be adopted as proposed, since they merely clarify the Board's intent regarding existing limitations which the Board believes are necessary and appropriate.

DISCUSSION OF MAJOR COMMENTS

Respondents opposing the proposed amendments generally found too restrictive and inflexible the requirement that a project be completed within 3 years after commencement of development and 5 years after acquisition of the land, and predicted that obtaining an extension of the time period by written application to the Board will prove to be an unnecessary nuisance for the Board and the applicant. Nine respondents argued that basing the pace of development on a regulatory deadline could hinder the success of a project. Respondents stated that management decisions should be based on market conditions rather than compliance with government regulations. Others stated that service corporations

should not be required to force the market or carry expensive inventory needlessly.

The Board believes the prescribed time limits provide sufficient time for completion of a project while limiting the likelihood that a service corporation may become overextended in its acquisition of land for development. The time limitations are intended to limit the duration of a service corporation's involvement in a single project and to encourage prior planning based on such limitations.

Six respondents expressed concern about the effect of the proposal in view of increasing project delays caused by growing governmental requirements prior to commencement of development.

The Board believes that the 2 year period prior to commencement of development permitted by the regulation is normally sufficient to satisfy such government requirements.

Five respondents stated that the regulations force a service corporation into smaller projects regardless of its size and strength. Respondents asserted that smaller projects are potentially less desirable than projects large enough to create their own environment and that dealing with smaller builders may result in higher risks.

Although the regulations do not specifically limit the size of a project, but only the time permitted for completion, the Board believes that if a project is so large that it cannot be completed within the prescribed time period the potential loss from a failure of the project is unacceptable.

Four respondents objected to the regulation because it limits the flexibility of a service corporation during the various steps of development. Respondents argued that the regulations require decisions regarding the ultimate use of the land, before acquisition and without regard to later opportunities presented by changing economic conditions. Respondents also stated that the regulations prevent development in phases.

The intent of the limitations on land acquisition and development by service corporations is to encourage thorough investigation and planning prior to acquisition of land.

Respondents suggested various changes regarding the time limitations on development and construction, e.g., that a period of 5 years be allowed for completion of a project after commencement and that only some part of a project be required to be completed within the prescribed time period. One respondent suggested that projects expected at the outset to take longer than five years from the date of land acquisition to complete be submitted to the Board for approval.

The Board finds the period of time prescribed for completion reasonable and believes that a prescribed maximum is preferable to a determination by the Board on a case basis.

Ten respondents objected to the requirement that a service corporation report any project if the cost of the project to the service corporation will exceed 20 percent of its assets. Respondents asserted that practically all projects must be reported and that the paperwork burden is excessive.

The Board believes that providing the small amount of information required by the regulation should not place an excessive burden on any service corporation, and any inconvenience is outweighed by the value of having information available early in the development process.

One respondent urged that debt of a joint venture in which a service corporation is a limited partner be attributed to the service corporation only to the extent of its investment and, together with another respondent, urged that, since all debt of a partnership or joint venture in which a service corporation is a general partner or owns over 25 percent interest is presently attributed to the service corporation, assets should also be attributed to the service corporation on that basis.

The Board recently amended the service corporation debt limitations (12 CFR 545.9–1(b)(3)) to clarify that debt of service corporation subsidiaries must conform to such limitations and that consolidated debt of a service corporation must also so conform (42 FR 9386). The Board does not deem it advisable at this time to reverse the thrust of that amendment by, in effect, increasing debt limitations of service corporations. The Board also believes that interpretation of the term "assets" to include all assets of a joint venture would reduce the number of projects on which a service corporation would report and that such an interpretation would therefore be contrary to the Board's intention that all significant projects be reported.

The Board also takes this opportunity to delete from paragraph (a) of § 545.9–1 the obsolete reference to forms of charter.

Accordingly, the Board hereby amends § 545.9–1, effective November 14, 1977, to read as follows:

§ 545.9–1 Service corporations.

(a) *General service corporations.* Subject to the provisions of this section, a Federal association may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of such association is located if:

* * * * *

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the following:

* * * * *

(iv) Acquisition of unimproved real estate lots, and other unimproved real estate, for the purpose of prompt development and subdivision, principally for construction of housing or for resale to others for such construction, or for use as mobile home sites. However, if the total cost to the service corporation to purchase, develop, subdivide, and construct improvements on such real estate exceeds 20 percent of the assets of such service corporation, the service corporation shall notify the District Director-Examinations in whose district the parent association of the service corporation is located not later than 30 days after such acquisition. Such notification shall include the name and location of the project, the number of lots or acres involved, the total projected cost of the project including dollar involvement of the service corporation, and the estimated date of completion of the project.

(v) Development and subdivision of, and construction of improvements (including improvements to be used for commercial or community purposes, when incidental to a housing project) for sale or for rental on, real estate referred to in subdivision (iv) of this subparagraph. However, such development, subdivision, and construction of improvements must be completed within three years after commencement of development of such real estate and not later than five years after acquisition of such real estate, unless such period is subsequently extended by the Board upon written application by the service corporation. Acquisition of an option to purchase is not an acquisition for the purpose of determining such period.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-29942 Filed 10-12-77;8:45 am]

[4910–13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-SW-29, Amdt. 39-3054]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Helicopter Textron Model 47 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection of the tail rotor drive input pinion shaft for proper size and surface treatment and requires replacement of the duplex bearing which supports this pinion shaft with a duplex bearing of an improved type for certain Bell Helicopter Textron Model 47 series helicopters. The AD is needed to prevent failure of the drive system for the tail rotor and subsequent loss of directional control.

DATES: Effective November 14, 1977. Compliance required within the next 100 hours time in service after the effective

date of this AD unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained upon request to Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas, 76101. Also, copies of this bulletin may be obtained from the Docket maintained at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, 76106, and from the Federal Aviation Administration Headquarters, 800 Independence Avenue, SW., Washington, D.C., 20591.

A copy of the service bulletin is contained in the Rules Docket (Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591) and at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT:

Wilbur F. Wells, Propulsion Section, ASW-214, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex., 76101. Telephone number 817-624-4911, extension 524.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the tail rotor drive pinion shaft for proper size and surface treatment and to require replacement of the duplex bearing which supports this shaft with a duplex bearing of an improved type on all Bell Helicopter Textron Model 47 series helicopters with tail rotor gear boxes, part number 47-640-075-1 or 47-640-075-7, installed, except those delivered from Bell Helicopter Textron after December 1, 1976. The proposal was published in the FEDERAL REGISTER at 42 FR 41131 as a result of receiving repetitive reports from both industry and FAA concerning bearing and shaft failures which resulted in interruption of drive to the tail rotor and subsequent loss of directional control of the helicopter.

Interested persons have been afforded an opportunity to participate in making of the amendment. Although no objections were received, a suggestion was made that it might be appropriate to utilize a calendar compliance time. Since no significant service history exists to support the determination that safety of these helicopters is derogated in any way by the passage of time, this latter suggestion is rejected. Another person, who has not encountered any difficulties with the bearings and shaft component problems addressed by this AD, suggested that further study and tests are in order to identify and eliminate the failures being reported for these components. These suggestions are a part of our continuing discussions with Bell Helicopter Textron on this problem. However, in the interim, the proposal is adopted without change.

DRAFTING INFORMATION

The principal authors of this document are Wilbur F. Wells, Aerospace Engineer, Flight Standards Division, and Joseph A. Kovarik, Regional Counsel, Southwest Region, FAA.

ADOPTION OF THE AMENDMENT

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:

BELL HELICOPTER TEXTRON: Applies to all Model 47 helicopters with tail rotor gear boxes, part number 47-640-075-1 or 47-640-075-5, installed.

NOTE: Retrofit kits incorporating these gear boxes or the associated internal gears and bearings delivered from Bell Helicopter Textron after December 1, 1976, have been verified to be in compliance with this airworthiness directive and will not require inspection and/or further retrofit.

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

To minimize the possibility of loss of directional control of the helicopter resulting from failure of the bearing, part numbers 47-620-529-3 or 47-620-629-5, or failure of the input pinion shaft, part number 47-645-205-3, located in the all rotor gear box, part number 47-640-075-1 or 47-640-075-7, conduct the inspection and replacement activities prescribed by paragraphs 1, 2, 2a, 2b, 3, and 4 of Bell Helicopter Textron Service Bulletin No. 47-77-1, dated February 14, 1977, or later FAA approved revision. Comments in paragraphs 5 and 6 of this bulletin involving warranties, replacement part sources, or reporting activities, are not a part of this Airworthiness Directive.

After accomplishment of paragraphs 1, 2, 3, and 4 of Service Bulletin No. 47-77-1, reassemble and reinstall the tail rotor gear box in accordance with the Maintenance and Overhaul Instruction for the applicable model helicopters.

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 by requesting same from Service Manager, Bell Helicopter Textron, PO Box 482, Fort Worth, Texas, 76101. These documents may also be examined at Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex., 76106, and the Federal Aviation Administration Headquarters, 800 Independence Avenue SW, Washington, D.C., 20591.

Equivalent means of compliance with the modifications prescribed by this Airworthiness Directive may be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, 76101.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 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 OBM Circular A-107.

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

HENRY L. NEWMAN,
Director, Southwest Region.

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

[FR Doc.77-29755 Filed 10-12-77;8:45 am]

[4910-13]

[Docket No. 17039, Amdt. 39-3061]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm (MBB) Model BO-105A and BO-105C Helicopters

AGENCY: Federal Aviation Adminisration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of three cable assemblies on certain Messerschmitt-Bolkow-Blohm (MBB) Model BO-105A and BO-105C helicopters. This modification is required in order to prevent a failure in the electrical system which has resulted in fire in these type rotorcraft.

EFFECTIVE DATE: November 14, 1977.

ADDRESSES: The applicable service bulletin may be obtained from: Messerschmitt-Bolkow-Blohm (MBB), Helicopter Division, 8000 Munchen-Ottobrunn, Federal Republic of Germany; or Boeing Vertol Company, Mail Stop P31-69, P.O. Box 16858, Philadelphia, Pa. 19142, telephone 215-522-2755.

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

FOR FURTHER INFORMATION CONTACT:

Donald 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: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthineess directive requiring replacement of three cable assemblies on certain Messerschmitt-Bolkow-Blohm (MBB) Model BO-105A and BO-105C helicopters was published in the FEDERAL REGISTER at 42 FR 37416 on July 21, 1977. The proposal was prompted by reports of high contact resistance in connector plugs of the electrical power supply system that resulted in electrical fire, failure of the electrical system, and unscheduled landing of the helicopter.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objec-

tions were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, J. Kiselica and F. H. Kelley, Flight Standard Service, and R. J. Burton, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and 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:

MESSERSCHMITT-BOLKOW-BLOHM (MBB). Applies to Model BO-105A and BO-105C helicopters. Serial Numbers V4 through V10, and S1 through S160, certificated in all categories.

Compliance required within the next 600 hours time in service after the effective date of this AD, unless already accomplished.

Remove socket connections 1 VED and 1 VEE from main relay box, remove plugs 110 VVa and 210 VVa together with associated receptacles and wiring bundles, and install generator wiring assembly, in accordance with subparagraph 2B of MBB Service Bulletin No. 90-11 dated April 17, 1975, or an FAA-approved equivalent.

This amendment becomes effective November 14, 1977.

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

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

Issued in Washington, D.C., on October 5, 1977.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.77-29913 Filed 10-12-77;8:45 am]

[4910-13]

[Docket No. 77-EA-44, Amdt. 39-3056]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-36-285 type airplanes, which requires a repetitive inspection for cracks and replacement where necessary of the rudder assembly. Progression of such cracks could lead to loss of directional control through separation of the rudder.

EFFECTIVE DATE: October 18, 1977. Initial compliance is required within 50 hours of service and 100 hours thereafter.

ADDRESSES: Piper Service Bulletins may be obtained from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 17745. A copy of the pertinent Service Bulletin is contained in the docket in the Office of Regional Counsel, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There had been reports of a few incidents of cracks occurring in the rudder spar at the hinge attachment points. Since this condition is likely to exist or develop in aircraft of similar type design, an airworthiness directive is being issued which requires an inspection of the area within 50 hours of service of the effective date and thereafter at intervals of 100 hours. An option for a permanent correction is included which terminates the need for further inspections. Since a situation exists which requires the immediate adoption of this regulation, notice or public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

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

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

ADOPTION OF THE AMENDMENT

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

PIPER: Applies to Model PA-36-285, Serial Nos. 36-7360001 through 36-7760003 certificated in all categories

To prevent hazards in flight associated with rudder spar cracks, accomplish the following:

(a) Within the next 50 hours in service from the effective date of this AD unless previously accomplished within the past 50 hours in service and at intervals not to exceed 100 hours in service from the last inspection, inspect the rudder spar at hinge attachment points for cracks using a magnifying glass of at least ten power.

(b) If cracks exist replace the rudder assembly with a new rudder assembly Piper Part No. 98125-04 or equivalent.

(c) Upon the incorporation of rudder assembly, Piper Part No. 98125-04 or equivalent, compliance with the requirements of this AD may be dispensed with.

(d) Equivalent inspections and repairs must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(e) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection intervals specified in this AD.

(Piper Service Bulletin No. 518 refers to this subject.)

Effective date: This amendment is effective October 18, 1977.

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

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

Issued in Jamaica, New York on October 4, 1977.

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

[FR Doc. 77-29756 Filed 10-12-77;8:45 am]

[1505-01]

[Airspace Docket No. 76-AL-16]

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

Alteration of Reporting Points

Correction

In FR Doc. 77-28988 appearing at page 53598 in the issue of Monday, October 3, 1977, in the middle column the following material should be inserted before the authority citation:

In § 71.213 (42 FR 640) "MOCHA: Lat. 54°30'13" N., Long. 133°01'40" W. (INT Annette Island, Alaska, 237°, Sandspit, British Columbia, Canada, 331° radials)." is added.

[4910-13]

[Airspace Docket No. 77-WA-16]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of an Area High Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter Area High Route (J832R) in part by correcting the geographic location of the Whitman, Mass., waypoint to Lat. 42°03'46" N., Long. 70°59'01" W. This action is necessary in order to insure accurate waypoint definition for aircraft using this area high route.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace

and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to alter Area High Route (J832R) in part by correcting the geographic location of the Whitman, Mass., waypoint to Lat. 42°03'46" N., Long. 70°59'01" W. Subpart D of Part 75 of the Federal Aviation Regulations was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 722).

A recent review of airway accuracies has determined that the Whitman, Mass., waypoint description was erroneous in relation to its actual geographic location, thereby necessitating this corrective amendment.

Under the circumstances presented, the FAA concludes that this action is of benefit to the flying public and a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.400 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 722) is amended, effective 0901 G.m.t., December 1, 1977, as follows: In J832R, the Whitman, Mass., location "42°03'28" N. 70°59'13" W." is deleted and "42°03'46" N. 70°59'01" W." is substituted therefor.

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

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

Issued in Washington, D.C., on October 5, 1977.

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

[FR Doc.77-29757 Filed 10-12-77;8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 37, Admt. 1]

PART 543—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—ALASKA PIPELINE

Approval of Reporting Requirements

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Alaska Pipeline Oil Pollution rules are amended to reflect General Accounting Office clearance statement for reporting requirements contained therein. The amendment is necessary to comply with GAO regulations. The effect will be public notice of GAO's clearance.

EFFECTIVE DATE: October 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202-523-5725).

SUPPLEMENTARY INFORMATION: Pub. L. 93-153 (87 Stat. 593) requires the General Accounting Office to review certain collections of information from 10 or more persons undertaken by independent Federal regulatory agencies. This Commission has received clearance from the U.S. General Accounting Office for the reporting requirements contained in Part 543—Financial Responsibility for Oil Pollution—Alaska Pipeline (General Order 37).

Section 10.12, *Notification of General Accounting Office Action*, of Title 4 CFR requires that notice of such clearance appear in the agency's regulations. Accordingly, Part 543 of Title 46 CFR is amended by adding the following paragraph immediately after the authority citations:

NOTE.—The reporting requirements contained in § 543.6(a)(3) have been approved by the U.S. General Accounting Officer under number B-180233 (R0462).

Effective Date: Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective on October 13, 1977.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-29934 Filed 10-12-77;8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURES

[Ex Parte No. 290]

PART 1102—PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

Procedures Governing Rail General Increase Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Rule; correction.

SUMMARY: The purpose of the document is to correct a previously published rule document relating to procedures governing rail carrier general increase proceedings which appeared at 42 FR 53602, October 3, 1977.

DATE: Service date of order, September 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, phone No. 202-275-7693.

SUPPLEMENTARY INFORMATION: On September 28, 1977, the Commission served an order in the above-entitled proceeding, published on October 3, 1977, at 42 FR p. 53602. On page 53609, a clerical error was made by including in Schedule B (Part I), Columns (h) and (i), Forecast Year—Freight Service. These two Columns should be deleted.

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

[FR Doc.77-29818 Filed 10-12-77;8:14 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of Certain National Wildlife Refuges to Hunting of Big Game; Arizona, California, New Mexico, Oklahoma, and Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Arizona, California, New Mexico, Oklahoma, and Texas, is compatible with the objectives for which the area was estab-

lished, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATES: See the dates listed for each refuge under Supplementary Information below.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, as listed for each refuge under Supplementary Information below.

SUPPLEMENTARY INFORMATION: Cabeza Prieta National Wildlife Refuge.

DATES: December 3 through December 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Monte M. Dodson, Refuge Manager, Kofa Game Range, P.O. Box 1032, Yuma, Ariz. 85364. Telephone 602–261–2619.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of bighorn sheep on the Cabeza Prieta National Wildlife Refuge is permitted only in the Cabeza Prieta and Tule Mountains. The open bighorn sheep area, comprising 96,000 acres, is delineated on maps available at refuge headquarters, 356 First Street, Yuma, Ariz., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep subject to the following special conditions:

1. Bighorn sheep limited to one (1) permit issued by the Arizona Game and Fish Department.

2. Bighorn sheep hunting permitted only in the area designated on the permit.

3. Possession of transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber, magazine or clip.

4. Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard, or gun case (soft or hard).

5. Travel by vehicle is restricted to those roads or trails designated by the Refuge Manager. Maps showing these designated routes of travel are available to holders of Arizona Game and Fish Department permits to hunt sheep in this area.

6. An entry permit must be obtained each time prior to entering the refuge. Such permit may be obtained at the Yuma headquarters office or at the Ajo substation office, 1611 North 2nd Avenue.

HAVASU NATIONAL WILDLIFE REFUGE

DATES: December 3 through December 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, Calif. 92363. Telephone 714–326–3853.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of bighorn sheep on the Havasu National Wildlife Refuge, Ariz., is permitted only on the area designated by signs as open to hunting. This hunt area Unit 16B, which includes portions of the Havasu National Wildlife Refuge, is delineated on maps available at refuge headquarters, 1406 Bailey Avenue, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep subject to the following special condition:

1. Bighorn sheep limited to one (1) permit issued by the Arizona Game and Fish Department.

IMPERIAL NATIONAL WILDLIFE REFUGE

DATES: September 24 through November 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, Box 2217, Martinez Lake, Ariz. 85364. Telephone 602–783–3400.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—from November 11 through November 20, 1977; California—from September 24 through November 6, 1977. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

1. Except as provided under the special regulations covering the hunting of small game, doves and migratory waterfowl on the Imperial National Wildlife Refuge, possession of any firearms other than a legal deer hunting firearm, as defined by State hunting regulations, is prohibited.

CIBOLA NATIONAL WILDLIFE REFUGE

DATES: August 21 through November 20, 1977.

FOR FURTHER INFORMATION CONTACT:

George M. Constantino, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, Calif. 92225. Telephone 714–922–4433.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on Cibola National Wildlife Refuge, Arizona and California, is permitted as follows: Arizona—bow and arrow, from October 22 through November 7, 1977; gun, from November 11 through November 20, 1977. California—bow and arrow, from August 21 through September 13, 1977; gun, from September 24 through November 6, 1977. The areas designated by signs as open to hunting comprise 7,500 acres and are delineated on maps available at refuge headquarters, 2nd floor, Post Office Building, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

1. Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.

2. Open campfires are permitted only on the end of unvegetated jetties. Charcoal cooking fires in grills or other similar equipment are permitted in public use areas if all vegetation is cleared within a 10-foot radius of the fire. All fires must be extinguished before leaving the area.

3. Possession of all handguns and all .22 caliber rim-fire firearms is prohibited. Rifled firearms of legal caliber may be possessed on the refuge only during the legal deer hunting season.

4. Wildlife observation is permitted within the two closed hunting zones. Persons are permitted to use only established routes of travel.

5. Cibola Lake, located in Zone 3, is closed to fishing and boating from October 1 through March during the waterfowl use period.

KOFA GAME RANGE

DATES: October 22 through December 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Monte M. Dodson, Refuge Manager, Kofa Game Range, P.O. Box 1032, Yuma, Ariz. 85464. Telephone 602–261–2619.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of bighorn sheep and deer is permitted on the 660,000-acre Kofa Game Range. The bighorn sheep season extends from December 3 through December 18, 1977. The deer season extends from October 22 through November 7, 1977, and from November 11 through November 20, 1977. This open hunting area is delineated on maps available at refuge headquarters, 356 First Street, Yuma, Ariz., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of big-

horn sheep and deer subject to the following special conditions:

1. Bighorn sheep limited to ten (10) permits issued by the Arizona Game and Fish Department.

2. Bighorn sheep hunters may hunt only in those areas designated on their permits.

3. Deer limited to 800 permits issued by the Arizona Game and Fish Department.

4. Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber or magazine.

5. Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard, or gun case (soft or hard).

BITTER LAKE NATIONAL WILDLIFE REFUGE

DATES: November 5 through November 22, 1977.

FOR FURTHER INFORMATION CONTACT:

LeMoyne B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, N. Mex. 88201. Telephone 505–622–6755.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Bitter Lake National Wildlife Refuge is permitted only on the North Tract from November 5 through November 22, 1977. This hunting area, comprising approximately 12,000 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

DATES: November 5 through November 22, 1977.

FOR FURTHER INFORMATION CONTACT:

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Bosque del Apache National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,200 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, N. Mex., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

1. The open season for hunting deer on the refuge is November 5 and 6, 1977, November 9 through November 13, 1977, and November 16 through November 22, 1977.

2. Bag limit shall be one (1) antlered deer per season.

3. All hunters must leave the refuge by one hour after sunset.

4. Overnight camping is prohibited.

5. Center-fire rifles chambered for a center-fire rifle cartridge are the only legal weapons for the hunt.

6. Vehicular travel is restricted to established roads only.

7. Hunting and retrieval of kill must be by foot. Horses are strictly prohibited.

8. Fires are prohibited.

SAN ANDRES NATIONAL WILDLIFE REFUGE

DATES: October 1 through November 27, 1977.

FOR FURTHER INFORMATION CONTACT:

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, Las Cruces, N. Mex., is permitted from October 1 through October 9, 1977, but only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on maps available from the Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, Las Cruces, N. Mex., is permitted from November 26 through November 27, 1977, but only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on maps available from the Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State, Federal, and military regulations subject to the following special conditions:

1. Hunters must check in and out in person at the check station located on the Jornada road near U.S. 70. The check station will be open 24 hours a day. Hunters may check in during the afternoon of November 25, 1977. Time of entry into the hunting area will be at the discretion of the officers in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m., November 27, 1977.

2. No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Refuge except at the discretion of the officers in charge.

3. The officers in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas where their safety is endangered.

4. Each hunting party will camp within an assigned area and within 100 feet of the road.

5. No open fires are permitted.

6. Vehicles are restricted to established roads.

TISHOMINGO NATIONAL WILDLIFE REFUGE

DATES: October 15 through November 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Ernest S. Jemison, Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Okla. 73460. Telephone 405–371–2402.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Tishomingo National Wildlife Refuge is permitted throughout the entire area except all of Section 23, the headquarters area, and farming Unit C, East Flats. This open area, comprising 15,494 acres, is delineated on maps available at refuge headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

1. The open season for archery deer (either sex) hunting on the Tishomingo Wildlife Management Unit (all Zones) extends from October 15 through November 4, 1977. No permits are required. The Unit will be closed to all other public use during the archery hunt.

2. The open season for gun deer (antlerless) hunting on the Tishomingo Wildlife Management Unit (all Zones) extends from November 14 through November 15, 1977. Hunting will be by permit only with 40 permits issued for each day's hunt. The Management Unit will be closed to all other public use during the gun hunt.

3. The open season for gun deer (antlerless) hunting on Tishomingo National Wildlife Refuge extends from November 14 through November 15, 1977. Hunting will be by permit only, with 40 permits issued for each day's hunt. Hunters will be assigned hunt areas within the area open to deer hunting. In addition, 50 permits per day will be issued to 25 hunter pairs to hunt an area accessible only by boat. Hunters will furnish their own boat transportation and will depart from Nida Point boat ramp on the morning of each hunt day. The Tishomingo

National Wildlife Refuge will be closed to all other public use November 14, and 15, 1977.

4. Federal permits are not required for this hunt: however, only hunters holding computer-drawn permits from the State will be permitted to participate in the hunt. Hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

WICHITA MOUNTAINS WILDLIFE REFUGE

DATES: December 6 through December 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Karges, Refuge Manager, Wichita Mountains Wildlife Refuge, P.O. Box 448, Cache, Okla. Telephone 405–429–3222.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of elk on the Wichita Mountains Wildlife Refuge is permitted only in the Pinchot, Graham Flat, North Mountains, Quanah-Elk Mountain, and Big Bull Pasture Units. This open area, comprising approximately 49,000 acres, is delineated on maps available at refuge headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

1. Hunting days will be restricted to December 6, 7, 8, 13, 14, and 15 (Tuesdays, Wednesdays, and Thursdays), 1977.

2. No personnel of the U.S. Fish and Wildlife Service or of the Oklahoma Department of Wildlife Conservation are eligible to hunt.

3. Except as provided in special condition (4) below, the applicable portions of the Quanah-Elk Mountain Unit will be closed to all public use except elk hunting during hunt period.

4. Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during this period when the Quanah-Elk Mountain Unit is closed to all other public use. Such camping hunters may be accompanied by, but not exceed, one camping companion who will be confined to Camp Doris or refuge headquarters during hunt period unless authorized by the Refuge Manager or his agent to assist with the removal of game.

5. Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings. Violation of any of these rules or regulations or of any Federal or State hunting law will terminate the hunt of the person(s) so involved.

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

DATES: October 14 through October 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Arthur R. Rauch, Acting Refuge Manager, Laguna Atascosa National Wildlife Refuge, P.O. Box 2683, Harlingen, Tex. 78550. Telephone 512–423–8328.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Laguna Atascosa National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,240 acres, is delineated on maps available at refuge headquarters, 306 East Jackson, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the archery hunt of deer subject to the following special conditions:

1. Hunting with, or possession of, weapons other than long bow is not permitted.

2. The open season for hunting deer on the refuge is from sunrise to 2 p.m., Fridays through Sundays, October 14, 15, 16, 21, 22, 23, 28, 29, and 30, 1977.

3. Hunting hours will close at 2:00 p.m. each day.

4. The bag limit is 2 buck deer.

5. Target and field arrows are not permitted.

6. Hunters must check in and out each day of the hunt at the Laguna Atascosa field office, which will be open one hour before sunrise to 2 p.m. Permits will be issued and collected at this point. Deer must be checked out at this checkpoint.

7. Vehicles will not be permitted off refuge roads or beyond blocked gates.

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

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, N. Mex.

OCTOBER 3, 1977.

[FR Doc.77-29864 Filed 10-12-77;8:45 am]

[3410–07]

Title 7—Agriculture

CHAPTER XVIII—DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION

SUBCHAPTER E—ACCOUNT SERVICING

[FmHA Instruction 451.1]

PART 1861—ROUTINE

Subpart A—Account Servicing Policies

Moratorium on Payments, Sections 502 and 504 Rural Housing Loans

AGENCY: Farmers Home Administration.

ACTION: Interim Rule.

SUMMARY: In the December 2, 1976, issue of the FEDERAL REGISTER (41 FR 52888), the Farmers Home Administration (FmHA) published a notice of proposed rulemaking regarding § 1861.10 in 7 CFR 1861, "Account Servicing Policies," authorization for moratoria on principal and interest payments and cancellation of interest accrued during such moratoria to borrowers who, due to circumstances beyond their control, are unable to continue making payments when due, without unduly impairing their standard of living. This document supplements the notice by notifying the public that due to numerous comments received and considered as a result of the initial proposal, FmHA again presents for public participation revision of its regulation pertaining to moratoria on payments as an interim rule.

EFFECTIVE DATE: October 13, 1977. Comments must be received on or before November 14, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Wesley L. Harris (202–447–4295).

SUPPLEMENTARY INFORMATION: The Farmers Home Administration (FmHA) of the Department of Agriculture proposes additional changes in § 1861.10 of Subpart A of Part 1861, Chapter XVIII of Title 7, Code of Federal Regulations (37 FR 13703; 39 FR 25313). The proposed changes now issued as an interim rule include additions and revisions and editorial changes as indicated; however, the major changes are as follows:

A. Paragraph (a)(2) definition of "unduly impaired standard of living" is broadened.

B. A new paragraph (b)(1) is added to indicate when a borrower should be

advised of the right to request a moratorium on payments.

C. Paragraphs (b)(1)(iii) and (d) are added to provide for a procedure for an appeal of any adverse action on a request for a moratorium on payments. Paragraph (b)(3) is also revised to replace Exhibits A and B (initially available in any FmHA office) with Forms FmHA 451-22 and 451-23, respectively.

D. A new paragraph (b)(4) is added to allow a retroactive period of up to 90 days for the effective date of the moratorium.

E. A new paragraph (b)(5) is added to authorize more than one moratorium on payments for a borrower.

F. Paragraph (c) is revised to provide that County Office personnel may assist the borrower in completing the application for a moratorium on payments.

G. Paragraph (e) is revised to clarify procedure for cancellation of interest accrued during the moratorium period, and to discontinue the quarterly report on moratoria granted.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are being published effective on an interim basis. This action is being taken to implement the amendment in the field and at the same time permit public participation in the rulemaking process. Any delay in implementing this amendment would be contrary to the public interest because the changes insure early notification to eligible borrowers of their right to request a moratorium on their sections 502 and 504 Rural Housing loans. Comments made pursuant to this notice will be considered in the development of the final rule.

Accordingly, § 1861.10 as proposed, reads as follows:

§ 1861.10 Moratorium on principal and interest payments on Sections 502 and 504 loans.

A moratorium on principal and interest payments shall be granted on sections 502 and 504 RH loans, as authorized under section 505 of the Housing Act of 1949, upon determination that, due to circumstances beyond the borrower's control, the borrower is unable to continue making scheduled payments without unduly impairing his or her standard of living. Cancellation of interest accrued during the moratorium period is also authorized in cases of extreme hardship.

(a) *Definitions.* As used in this paragraph:

(1) "Scheduled payments" means the amount of monthly or annual installment on a Rural Housing loan required by the promissory note as this amount may be modified by any outstanding Interest Credit Agreement, Supplementary Payment Agreement, Additional Partial Payment Agreement, or other written agreements between FmHA and the borrower.

(2) "Unduly impaired standard of living" means that condition whereby the borrower due to circumstances beyond his/her control is unable to pay normal living expenses and scheduled payments as provided by the loan documents. The borrower must present evidence that the inability to repay the loan will probably last for a period of 6 months or more and that he/she will be able to resume payments after the moratorium period. The circumstances include but are not limited to the following:

(i) A substantial reduction of income which as a result will cause the payments for principal and interest on the Rural Housing loan, and the taxes and insurance on the dwelling to exceed the borrower's ability to make such payments after all interest credits authorized have been granted. (A moratorium based on loss or reduction of income will not be granted if the sum of the principal, interest, real estate taxes, and insurance payments is less than 30 percent of the borrower's adjusted income based on the next 12 months projected earnings. The fact that such payments would exceed 30 percent of the borrower's projected annual income does not by itself mean that the borrower is eligible for a moratorium.) Such reduction may result from:

(A) Unemployment or underemployment caused by circumstances beyond the borrower's control; or

(B) Loss or reduction in benefits which constituted a substantial part of the income as defined in §1822.3(n) of this Chapter; or

(C) Illness, injury or death of the borrower or other adult who contributed to the annual income; or

(D) A situation in which a spouse is living apart from the borrower's family and away from the RH financed dwelling and legal papers have been filed with the appropriate court to commence divorce or legal separation proceedings provided: The remaining spouse is occupying the dwelling, owns a legal interest in the property, is liable for the debt, and the loan account is put in the remaining spouse's name only; or

(E) A situation in which a spouse has lived apart from the borrower's family and away from the RH financed dwelling for 6 months or longer and legal papers have not been filed to commence divorce proceedings, provided the conditions of paragraph (a)(2)(i)(D) of this section are met. (For purposes of the retroactive provisions of paragraph (b)(4), the moratorium may be effective 90 days prior to the end of the 6-month period or the filing of a request for moratorium, whichever is later.)

(ii) The need to pay certain essential family expenses which have or may become a lien on the borrower's dwelling, and which if not paid will likely result in loss of the dwelling. Such expenses may result from:

(A) Accident, illness or injury to the borrower or dependent member of the borrower's family; or

(B) Death of a member of the borrower's family; or

(C) Cost of repairs for uninsured damage to the security property if the loss occurred because adequate insurance coverage was not available.

(3) "Extreme hardship" means that condition as described in paragraph (a)(2) of this section, which has continued until interest accruing on the loan causes the amount of monthly or annual payments required on the unpaid balance of the debt to exceed the borrower's repayment ability if the debt is reamortized over the remaining term of the loan plus any extension authorized in paragraph (e)(1)(iii) of this section unless all or part of the interest which accrued during the moratorium period is cancelled.

(b) *Policy guidelines in granting moratorium.* (1) Applicants and borrowers will be advised of the moratorium provisions as follows:

(i) The interviewer during the interview required by § 1822.11(c) of this Chapter will inform the applicant(s) of moratorium provisions under this regulation.

(ii) The County Supervisor will advise borrowers in writing of the possible availability of a moratorium when any of the following conditions exist:

(A) The County Supervisor becomes aware of a change in the borrower's circumstances which likely would justify the granting of a moratorium; or

(B) The borrower fails to make payments as agreed and the County Supervisor sends a collection letter or writes to schedule an appointment to develop a new repayment agreement. The letter will include the following statement: "You may be interested in knowing that you may apply for a moratorium on payments if due to circumstances bevond your control you are unable to continue making scheduled payments on your Rural Housing loan account without unduly impairing your standard of living. Some of these circumstances are: Loss of your job, or sudden reduction of income from other sources; a loss of income or a substantial increase in expenses due to injury, illness or death in the family; or, under certain conditions, in cases of separation, when your spouse is living apart from the family and the RH financed dwelling."

(iii) A notice of acceleration and demand for payment (Exhibit C of Subpart A of Part 1955 of this Chapter) is sent to a borrower whose loan has been approved for forced liquidation because of monetary default. Paragraph 10 of the notice will be revised as follows: "HOWEVER, YOU HAVE THE OPPORTUNITY TO HAVE A MEETING BEFORE THIS FORECLOSURE TAKES PLACE. If you wish to make use of this opportunity to meet because you believe that the United States is in error in accelerating your account(s) and proceeding with the foreclosure, or because you have not been advised of your rights to request a moratorium on payments on your Rural Housing loan account, you should IMMEDIATELY contact the District Direc-

tor of the Farmers Home Administration in writing at the following address: _____."

(2) Moratorium on principal and interest payments on an RH loan account may be granted provided:

(i) The borrower: (A) Has before experiencing the hardship, had a good repayment record, paid real estate taxes and property insurance premiums when due, and has complied with the other conditions of the loan documents; and

(B) Requests a moratorium on payments in accordance with paragraph (c) of this section and appropriately documents the conditions causing his unduly impaired standard of living.

(ii) The County Supervisor: (A) Has verified the accuracy of the information received with the request for a moratorium on payments from the borrower; and

(B) Has determined, after using all other alternatives such as granting all authorized interest credits, that a moratorium on payments is still necessary and the borrower is eligible for such moratorium on payments.

(3) The County Supervisor is authorized to approve or disapprove a request for a moratorium. The borrower will be notified of the action taken within 15 days after his request for a moratorium has been received in the County Office. The decision relative to a moratorium is made on Form FmHA 451-23, "Moratorium on Payments" (Section 502-504 RH Loans). The reasons and justification for approval or disapproval of the moratorium will be noted or attached as additional information. An original and two copies will be prepared and distributed in accordance with the Forms Manual Insert (FMI) for the form. If the moratorium is denied, the borrower will be notified by letter which will include the following:

(i) A statement of the action taken, a recitation of the facts upon which the decision is based and the specific reason(s) for the decision denying the moratorium; and

(ii) An invitation to call at the County Office to discusss the decision with the County Supervisor. If the borrower wishes to bring additional information or a representative to the meeting, he or she may do so.

(iii) A statement that the borrower may appeal the decision directly to the State Director instead of meeting with the County Supervisor. The statement should read as follows: "You may appeal the action concerning your eligibility for a moratorium on payments by writing to the FmHA State Director within 30 days of the receipt of this letter, giving the reasons why you believe your case should be reviewed. His address is, _____." The State Director will handle the appeal in accordance with paragraph (d) of this section.

(4) A moratorium may be granted for 6 months. The moratorium may be retroactive for up to but not more than 90 days prior to the date the request for a moratorium was received in the County Office if the circumstances for which the moratorium is to be granted existed during that time.

(5) Immediately before the end of each 6-month period, or sooner if the County Supervisor becomes aware of the facts that substantially change the borrower's repayment ability, the justification for a moratorium will be reviewed by the County Supervisor and the moratorium terminated or extended for another 6-month period if the facts so warrant. The extension will be processed in accordance with paragraph (b)(3) of this section prior to the expiration date of the current moratorium. No moratorium plus extensions may exceed 3 years, and 5 years from the end of the moratorium plus extensions must elapse before another moratorium may be granted unless prior approval is received from the State Director. If the situation creating a hardship continues after 3 consecutive years of moratorium and the borrower is still unable to make scheduled payments even if the account were reamortized, all authorized interest credits were granted, and interest accrued during the moratorium were cancelled, the account must be liquidated in accordance with applicable FmHA regulations. If, at the end of the moratorium period and any extensions thereof, it is determined that the account will be continued (as modified by any interest credit or interest cancellation assistance), it will then be handled in accordance with paragraph (e) of this section.

(6) Interest will accrue during the moratorium at the rate shown on the promissory note as modified by any Interest Credit Agreement. Interest credits will be granted and renewed throughout the period a moratorium is in effect for all loans eligible for interest credits under Exhibit E of Subpart A of Part 1822 of this Chapter.

(7) Cancellation of any part or all of the interest accrued during the moratorium plus any extension thereof, will be granted only in cases of extreme hardship as defined in paragraph (a)(3) of this section. Cancellation will be made in accordance with paragraph (e) of this section.

(c) *Request for moratorium.* The County Supervisor will provide the borrower who wishes to apply for a moratorium on payments with two copies of Form FmHA 451-22. The borrower, who may be assisted by County Office personnel, will complete the applicable spaces on the form, and sign and return the original to the County Supervisor. The County Supervisor will retain the original in the borrower's case folder.

(d) *Borrower's appeal for review of adverse action.* The borrower may appeal to the State Director for review of adverse action taken by the County Supervisor within 30 days after the action was taken on the request for moratorium, extension, or cancellation of interest accrued during the moratorium. On receipt of a request for review from a borrower:

(1) The State Director will have a member of his Staff (usually the District Director) arrange for a meeting to be held within 30 days of the receipt of the borrower's request for review. If the borrower is unable to meet with the staff member within a 30 day period, a meeting will be arranged at some other time and place as is mutually convenient for the borrower and the Agency. The meeting will be an informal proceeding at which the borrower will be given an opportunity to provide whatever additional information he or she believes should be considered in reaching a decision concerning the case. The borrower may have an attorney or any other person at the meeting if desired.

(2) The staff member will submit the additional information provided by the borrower to the State Director with his recommendation concerning the case within 10 days of the meeting.

(3) Within 10 days of receipt of the staff member's report, the State Director will determine what action to take with regard to the borrower's appeal and:

(i) If the State Director determines that the decision should be reversed or modified, he will inform the borrower by letter of the action to be taken. He also will advise the County Supervisor.

(ii) If the State Director determines that the decision should be affirmed, he will inform the borrower by letter of his decision giving the reasons. He will send the County Supervisor a copy of the letter. The letter must contain the following statement:

"If you wish to have the decision on your eligibility for (a moratorium on payments) (a renewal of moratorium) (cancellation of interest accrued during the moratorium) reviewed, you may write to the Administrator of the Farmers Home Administration within 30 days explaining why you believe the decision is wrong. His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250."

(4) Upon receipt of a request from a borrower that the decision of the State Director be reconsidered, the Administrator will obtain a comprehensive report on the matter from the State Office. He will consider this information together with any additional information that may be provided by the borrower; and

(i) If the Administrator determines that the decision should be reversed or modified, he will inform the borrower of his determination. He will advise the State Director of the action taken.

(ii) If the Administrator determines that the State Director's decision was correct, he will inform the borrower by letter of his decision giving the reasons. He also will send the State Director a copy of the letter.

(iii) If no decision is reached within 30 days of the receipt of the request for review by the Administrator, the borrower will be informed that his request is being considered and given a specific date by which a decision will be made.

(e) *Action at the expiration of the final moratorium period.* (1) The County Supervisor at the end of the moratorium period will verify the borrower's annual income and obtain a current financial statement to determine the borrower's ability to repay the unpaid balance of the Rural Housing indebtedness. Interest cancellation, reamortization of the account, and repayment schedules will be determined in accordance with the following provisions:

(i) Borrowers who can repay within 2 years any principal and interest which were deferred during the moratorium period in addition to the regular scheduled installments, will execute Form FmHA 451-37 "Additional Partial Payment Agreement" to establish such a new repayment schedule.

(ii) For borrowers who cannot meet the repayment requirements of paragraph (e)(1)(i) of this section, the unpaid principal and interest balance of the loan will be reamortized within the remaining term of the loan.

(iii) For borrowers who cannot meet the repayment requirements of paragraph (e)(1)(ii) of this section, the loan account will be reamortized and the remaining term of the loan may be increased to the maximum legal term for the loan (33 years from the date of the note for a section 502 RH loan, or 20 years from the date of the note for a section 504 RH loan) plus a period not to exceed the time the moratorium was in effect. State regulations will be issued for extending the term of the loan or advice will be obtained from the Office of the General Counsel on a case by case basis. The borrower must pay for title clearance and legal-services needed to assure that the Government's lien priority is retained.

(iv) If he determines that the borrower cannot make the scheduled payments on the balance owed under the terms of paragraph (e)(1)(iii) of this section without cancellation of part or all of the interest which accrued during the moratorium, the County supervisor will determine how much interest must be cancelled to enable the borrower to repay the loan during the time authorized in paragraph (e)(1)(iii) of this section. The County Supervisor will complete Section II of Form FmHA 451-23 indicating the amount of interest cancelled. Such amount will be deducted from the balance owed in determining a new repayment schedule.

(v) The borrower will be advised by letter of the action taken and the reasons for the action, the new repayment schedule, and that if the borrower does not agree with the action taken, that the borrower may appeal the action to the State Director as provided in paragraph (d) of this section.

(2) The County Supervisor, after a determination concerning the cancellation of interest has been made, will prepare and submit to the Finance Office Form FmHA 451-21, "Request for Reamortization of Real Estate Loan," if the account is to be reamortized or Form FmHA 451-37 if reamortization is not planned.

(i) If Form FmHA 451-21 is submitted to the Finance Office for an insured loan, the account will be reamortized and a new promissory note will be executed in accordance with § 1861.9(e)(1)(ii)(*a*). For a direct loan, only an approved Form FmHA 451-21 will be sent to the Finance Office in accordance with § 1861.9(e)(1)(ii)(*b*).

(ii) If Form FmHA 451-37 is submitted, the County Supervisor will appropriately change his records to reflect the amount of the new installments.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

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

Dated: October 11, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-29980 Filed 10-12-77;8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN CERTAIN STATES

Hearing on Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider proposed changes in the marketing order. The principal issue to be considered is updating allotment bases for producers.

DATES: The hearing will be held November 1, 3, 8, 11, 14, 1977, at the locations listed under supplementary information below.

ADDRESSES: See the list of locations under supplementary information below.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader (202-447-3545).

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held in the Holiday Inn, 500 Hathaway Road, New Bedford, Mass., beginning at 9 a.m., local time, November 1, 1977; in the Cherry Hill Inn, Route 38 and Haddonfield Road, Cherry Hill, N.J., beginning at 9 a.m., local time, November 3, 1977; in the McMillan Memorial Library, Wisconsin Rapids, Wis., beginning at 9 a.m., local time, November 8, 1977; in the Aero Club at the Bandon State Airport, Bandon, Oreg., beginning at 9 a.m., local time, November 11, 1977; and in the Long Beach Grange Hall, Long Beach, Wash., beginning at 9 a.m., local time, on November 14, 1977, with respect to proposed amendment of the marketing agreement, as amended, and Order No. 929, as amended, regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement, as amended, and the order, as amended.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

PROPOSED BY THE CRANBERRY MARKETING COMMITTEE

PROPOSAL NO. 1

Revise § 929.20 by deleting the first two sentences and substituting in lieu thereof the following. As amended § 929.20 reads as follows:

§ 929.20 Establishment and membership.

There is hereby established a Cranberry Marketing Committee consisting of seven members, each of whom shall have an alternate. Except as hereafter provided, members and their alternates shall be growers or employees, agents, or duly authorized representatives of growers. The committee may be increased by one public member and alternate nominated by the committee and selected by the Secretary. The public member and alternate shall be neither a grower nor a handler. The committee, with the approval of the Secretary, shall prescribe qualifications and the procedure for nominating the public member. * * *

PROPOSAL NO. 2

Revise § 929.32(a) to read as follows:

§ 929.32 Procedure.

(a) Five members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided*, That in the event of the addition of a public member to the committee, six members shall constitute a quorum and any action of the committee shall require at least six concurring votes.

PROPOSAL NO. 3

Revise § 929.48 by deleting paragraph (b), redesignating paragraph (c) as paragraph (d) and adding new paragraphs (b) and (c). As amended, § 929.48 reads as follows:

§ 929.48 Base quantities.

(a) * * *

(b) Periodically, but at least once each three years, the committee shall review the use being made of base quantities and recommended to the Secretary any change in the formula for determining base quantities which may be deemed appropriate.

(c) (1) A reserve equal to 2 percent of the total base quantities shall be established annually: *Provided*, That such reserve shall include any base quantity that becomes available due to any reduction or invalidation because of nonuse of base quantity under paragraph (c) (4) of this section. Such reserve may be used for the issuance of base quantities to new producers and adjustments in base quantities for producers with existing base quantities with 25 percent being made available for new producers and 75 percent available for adjustments for producers with existing base quantities. Any unallocated portion of the 25 percent available to new producers may at the discretion of the committee be prorated among producers with existing base quantities on an equitable basis.

(2) The committee shall recommend rules for establishing procedures whereby persons may apply for base quantities under paragraph (c)(1) of this section. Such rules shall be subject to approval by the Secretary. Rules may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to, on-site inspection of applicant's acreage, past production of cranberries by applicant, acreage planted, average yields, and other economic and marketing factors.

(3) Each person filing an application hereunder for new base quantity or adjustment in an established base quantity shall be notified by the committee of its determination thereon.

(4) A condition for the continuing validity of a producer's base quantity is production of cranberries thereunder in a proprietary capacity. If no bona fide effort is made to produce and sell cranberries thereunder for five consecutive seasons, commencing with the 1978-79 season, the base quantity may be reduced or declared invalid due to lack of use and cancelled at the end of the fifth season of nonproduction. The committee shall establish criteria, subject to approval by the Secretary, whereby the committee may determine whether a bona fide effort has been made to produce and sell cranberries, including one that the producer must have sold at least 50 percent of his base quantity each year, unless prevented from doing so by acts of God or other circumstances beyond his control.

PROPOSAL NO. 4

Revise paragraph (a) of § 929.49 by deleting the fourth sentence and inserting in lieu thereof the following:

§ 929.49 Marketable quantity, allotment percentage, and annual allotment.

(a) *Marketable quantity and allotment percentage.* * * * No handler shall purchase or handle on behalf of any grower cranberries not within such grower's annual allotment: *Provided*, That such restriction shall not apply to cranberries transferred pursuant to paragraph (c) of this section or to cranberries purchased from or handled on behalf of any grower for disposition to such outlets as the committee, with the approval of the Secretary, finds are noncompetitive with normal outlets for cranberries. * * *

PROPOSAL NO. 5

Revise paragraph (d) of § 929.56 to read as follows

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

* * * * *

(d) In the event any portion of the funds deposited with the committee pursuant to paragraph (a) of this section cannot, for reasons beyond the committee's control, be expended to purchase unrestricted (free percentage) cranberries to replace those released, such unexpended funds shall, after deducting expenses incurred by the committee in connection with the purchase and disposition of cranberries pursuant to paragraph (c) of this section, be offered and paid or credited proportionately to handlers on the basis of the volume of cranberries withheld by each handler. In the event that the offer is not accepted or directions given by a handler to credit the funds within 90 days, the funds will accrue to the committee's general account.

* * * * *

PROPOSED BY DECAS CRANBERRY COMPANY, INC.

PROPOSAL NO. 6

Revise § 929.48 by adding thereto the following paragraph:

§ 929.48 Base quantities.

Periodically, every three years, base quantities for all established acres be recomputed and issued to all growers, replacing their existing base quantities. This computation to be accomplished by averaging the two crop years from which the greatest sales were made during the six previous crop years. The first such computation shall be in a year to be decided by the Cranberry Marketing Committee, but not later than sometime prior to the harvest of 1980. Such computation shall be made and the results thereof made known to each respective grower not later than May 1st of the year decided upon by the Cranberry Marketing Committee, but not to exceed the date of May 1, 1980.

PROPOSAL NO. 7

Revise § 929.49 by deleting "May 1, 1974", in the last sentence of paragraph (b) and inserting in lieu thereof "September 1, 1978". As amended, such sentence reads as follows:

§ 929.49 Marketable quantity, allotment percentage, and annual allotment.

(a) * * *

(b) Issuance of annual allotments: * * * On or before September 1, 1978, and by the same date each year thereafter, the committee shall issue to each grower an annual allotment determined by applying the allotment percentage established pursuant to paragraph (a) of this section to the grower's base quantity.

* * * * *

PROPOSED BY THE FRUIT AND VEGETABLE DIVISION AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 8

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: October 7, 1977.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.77-29970 Filed 10-12-77;8:45 am]

[3410-02]

[7 CFR Part 932]

[Docket No. AO-352-A3]

OLIVES GROWN IN CALIFORNIA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the marketing order regulating the handling of olives grown in California, based on industry proposals considered at a public hearing on April 5-6, 1977. The principal changes would: Provide authority to determine olive sizes by additional means other than a count-per-pound basis; change the name of the administrative committee; authorize addition of a public member to the committee; and provide that minimum standards for natural condition and packaged olives shall be those contained in the U.S. Standards for Grades of Canned Ripe Olives or modifications thereof. In addition, authority to make producer nominations to the committee by mail voting and to charge interest on overdue assessments is included. Other minor administrative changes would also be made.

DATE: Comments are due on or before December 12, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California (hereinafter, in the text of the Findings and Conclusions, collectively referred to as the "order").

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before December 12, 1977. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Fresno, Calif., on April 5-6, 1977. Notice of the hearing was published in the March 2, 1977, issue of the FEDERAL REGISTER (42 FR 12063). The proposals contained in the notice of hearing were submitted by the Olive Administrative Committee, Lindsay Olive Co., and Oberti Olive Co.

Material issues. The material issues of record are as follows:

1. Provide authority to determine olive size by methods other than the current count-per-pound method.
2. Change the name of the administrative agency to California Olive Committee.
3. Include "segmented" as a style of limited use olives.
4. Provide for addition of a public member to the committee
5. Clarify nomination procedure for persons to fill producer member positions on the committee, including authority to conduct nominations by mail.
6. Broaden the authority for alternate members' attendance at meetings and authorize payment of expenses incurred by alternate members of the committee under specified circumstances.
7. Authorize changes in committee voting requirements when voting is by mail.
8. Authorize interest and late payment charges on overdue assessments.
9. Change reporting procedures on research projects.

10. Provide that minimum size requirements for natural condition olives be the same as the size designations contained in the current U.S. Standards for Grades of Canned Ripe Olives, or such other sizes as may be recommended by the committee and approved by the Secretary.

11. Provide that canned ripe olives, other than those of the tree-ripened type, shall grade at least U.S. Grade C and conform to the size designations contained in the current U.S. Standards for Grades of Canned Ripe Olives, or such modifications thereof as may be recommended by the committee and approved by the Secretary.

12. Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

(1) Section 932.12 of the order defines "size" to mean the number of whole olives contained in a pound with the further specification that size may be referred to in terms of count ranges. Thus, under the order, determination of olive sizes is limited to this "count-per-pound" method and can be changed only by an amendment of the order. The record indicates that it may be desirable and practicable at a future time to determine olive sizes in terms of length, diameter, weight, volume, or a combination thereof.

There are objectionable features attached to the count-per-pound method of size determination. For example, such method requires that size for pitted olives be determined prior to pitting, whereas a determination based upon diameter could be made after the olives are pitted. A shift to diameter sizing or similar basis would provide greater flexibility in processing and timing of inspection which could lead to improved efficiency of operations. While proponents agreed that an acceptable method for sizing on a basis other than count-per-pound had not been perfected, they expressed confidence that difficulties associated with limitations of sizing machinery and variation in shapes within and among olive varieties could be resolved through research and testing. Work to resolve such difficulties is being undertaken and if it is successful the order should permit adoption through rulemaking without the delay involved in an amendment proceeding.

Opponents to this procedure indicated that successful development of sizing on a basis other than count-per-pound would likely involve a rather long period. Consequently, they expressed the view that amendment now to permit adoption on a basis other than an amendment proceeding would be premature.

However, addition of authority on a permissive basis with adoption contingent upon a recommendation by the committee based upon ample justification and approval by the Secretary appears to be reasonable. This would permit change on a timely basis if a satisfactory alternative is developed which is acceptable to the industry and the Secretary. Participation in such development by the industry and opportunity for input by interested persons by the rulemaking process provided under the Administrative Procedure Act should assure that the interest of all concerned would be observed. Therefore, it is concluded that the order should be so amended.

(2) The order should be amended to change the name of the agency which administers the order from Olive Administrative Committee to California Olive Committee. All the olives regulated under the order are grown in California. It was advanced and supported that this should be reflected as the name of the committee. The name California Olive Committee would more clearly identify the agency and this should be helpful in activities relative to advertising and public relations work.

(3) The order should be amended to include segmented olives among the styles of limited use olives. In 1972, the olive industry developed a new style of olive into which limited use size olives could be made and which is referred to as "Quartered" or "Segmented" style. These olives are pitted and cut lengthwise into four (or more) approximately equal parts and this style of olive has been readily accepted in the market.

The order currently authorizes the committee to specify additional styles of limited use olives and establish any requirements applicable to such styles. Under this authority, the committee, with the approval of the Secretary, specified in an administrative rule (§ 932.110) quartered and segmented olives as additional styles which could be produced from limited use olives. The recommended amendment which is effected by revision of § 932.23a makes no substantive change but merely includes the segmented style in the basic provisions of the order among the other limited use styles. Since segmented style means the olive has been cut lengthwise into four or more approximately equal parts, the term "Quartered" is superfluous and is therefore not included in the recommended amendment.

(4) The order should be amended as hereinafter set forth to provide that a public member and alternate may be added to the committee. Relative thereto, provision should be made for appropriate eligibility requirements and procedures for nominating persons to fill the public member position under the order.

A public member could be helpful in bringing the viewpoint of the general public into the committee deliberations. Such viewpoint could be particularly valuable in planning, implementing, and evaluating the committee's market development plans. The public member should serve in the same capacity as any other member and thus would be able to initiate proposals to be considered by the committee; vote on committee actions; and should be reimbursed for expenses incurred in the performance of committee duties. A public member should not be engaged in the commercial production, marketing, buying, grading, or processing of agricultural commodities. Nor should any such member be an officer, director, member, or employee of any firm engaged in those activities.

The procedure and guidelines for nominating persons to fill public member positions on the committee should be established as an administrative rule. Thus, prior to selection of a public member, the committee should recommend appropriate procedures and guidelines to the Secretary for his approval. Numerous methods were suggested for nominating the public member including establishment of a subcommittee to develop lists of potential nominees; nomination by committee members; solicitation of potential nominees through use of publications in the area; and request any interested person to attend a committee meeting and seek the nomination. The committee should weigh these and other appropriate suggestions and recommend a procedure and qualifications for establishment under the order that is designed to result in nomination of persons who could make a contribution in the role of a public member.

Under the order, the Secretary has discretion to select committee members from those persons nominated in accordance with order requirements, or from other eligible persons. This should apply to the public member. However, it is customary for nominations to be made by the industry, therefore, the committee should make specific nominations.

The term of office for public members insofar as possible should coincide with those of producer and handler members, that is, a two-year term beginning June 1 and ending on May 31 of odd numbered years. If the order is amended, the committee should, as soon as practicable, subsequent to completion of this amendatory action, recommend appropriate rules and procedures and nominate persons for public member for the remainder of the current term of office which would end May 31, 1979.

At the hearing questions were raised as to whether the vote of a public member should be considered as a producer vote or handler vote under § 932.36. This section, among other things, requires at least five affirmative votes by producer members and five affirmative votes by handler members to validate any recommendation to the Secretary relative to grade or size regulations. Since the public member is neither a producer nor a handler, the public member's vote should not be categorized into either group. Hence, the requirements of that section with respect to quorum and voting requirements should continue to relate to quorum and grower and handler members as specified.

The notice of hearing contained proposals to reduce from three to two the number of geographic districts from which producer members of the committee are to be nominated, and reallocate producer membership between these two districts. No evidence was offered in support of these proposals. Therefore, no

amendatory action is recommended with respect to such proposals.

The notice of hearing contained a proposal which would provide that not more than two producer member positions may be filled by growers who deliver olives to the same handler. At the hearing, modifications of this proposal were offered; one that the number of producer member positions be increased to three per single handler affiliation and another that the number be increased to four. The basis on which this proposal was advanced was that producer representation with regard to handler affiliation should be broadened. The implication was that in the consideration of issues under the order, grower members are inclined to reflect the position of the handler of their olives rather than a position arrived at independently.

Currently, the grower positions on the committee are allocated among three subdivisions of the production area (districts) without regard to handler affiliation. The districts are delineated so as to distribute membership geographically. The allocation is designed to assure consideration of variations in olives related to locality of production. Within districts, each grower, regardless of handler affiliation and similar considerations, is eligible to be nominated for a grower position on the committee. The primary criteria is that the candidate be a grower in the district from which nominees are to be chosen. Consistent with this, nominees for grower member positions of the committee have been elected by growers in the respective distircts. Nominees thus have been considered by the growers and the Department on the basis of their competence and their apparent concern for the welfare of the industry.

A further complication suggested possible observance of the kind of handler—cooperative or independent—handling the growers' olives, indicating that some in the industry believe the organizational structure of the handler the growers employ should be taken into account in grower nominations.

It was advanced that a provision which requires identification of a grower member with a particular handler would be objectionable in that the impression could be created that the grower is obligated to the handler for the position on the committee. Concern was expressed that in such circumstances the grower member's vote could be unduly influenced by the handler, or should such member act at variance with the handler's views, the handler could terminate his contract with the grower. In recognition of the possible validity of such concern, it was suggested that secret ballots might be taken on controversial issues. However, this was deemed undesirable since it would not allow growers to know how they are being represented on such issues by grower members.

A brief analysis of committee voting in recent years was entered into the hearing record This analysis indicated that from August 1973 through June of 1975, of 51 propositions before the committee upon which votes were taken, 49 were decided by unanimous vote. From August 1975 through December 1976, 73 matters were voted upon and 67 were decided by a unanimous vote. Though the hearing record indicates divisions of opinion on the committee, it also indicates that a very great area of agreement must also exist. The record thus appears to reflect that the committee functions appropriately in reaching decisions. Hence, it is concluded that the evidence of record does not support a finding that allocating producer membership on the basis of handler affiliation would improve committee operation, or broaden producer participation and it could result in polarization among different groups of producers. The most recent producer nomination meetings resulted in significant changes as related to handler affiliation of nominees, thus indicating that when producers are sufficiently concerned, the present nomination procedures are amply accommodating. Therefore, adoption of the proposal to allocate producer positions on the committee on the basis of handler affiliation is not recommended.

(5) Currently, the order requires that nominees to fill grower member positions on the committee shall be elected at meetings of growers in the respective districts. At such meetings each grower may cast one vote for each member and alternate member nominee to be elected from that district. At the hearing, dissatisfaction was expressed concerning the lack of grower participation in nomination meetings. It was contended that to some extent participation was discouraged by permitting an individual to cast a vote for each of a number of producing entities in which he had a qualifying interest. It was advanced, without opposition, that the order should be amended to provide that each producer present should be permitted to cast not more than one ballot for each nominee to be elected regardless of the number of producing entities in which he has an interest. In other words, individual persons should be precluded from voting more than once on a specific nomination at a nomination meeting even though they may have an interest in more than one business entity which separately qualifies as a producer. This was not intended to deprive any producer of a vote, but each producer would be required to be represented at the meeting by a separate individual person.

The order permits individuals who have a proprietary interest in more than one producing entity to be represented at nomination meetings by their officers or employees. Hence, such growers can arrange to have an officer or employee attend and vote for each producer entity in which the individual has an interest. It is therefore concluded that the order should be so amended.

Further, in the matter of grower participation in grower nominations, it was advanced that such could be encouraged if growers were permitted to vote by mail. It was contended that requiring growers to attend and vote in person in some instances worked a hardship in that some growers had to drive relatively long distances, and others often had conflicting business matters to attend to on the same date as the nomination meeting. It was indicated that if suitable procedures could be worked out for obtaining the names of prospective grower nominees in each district, and presenting such to growers on a ballot to be returned by mail, more growers would participate. It was agreed that greater participation in the grower nominee elections is desirable. A number of suggestions were made as to possible procedures for obtaining the names of candidates and for presenting the names to growers to be voted upon by mail. None of the suggestions were supported by a preponderance of evidence and each appears to require further definition and clarification. Therefore, it would not be practicable at this time to include a set procedure. Alternatively, however, such a procedure could be developed by the committee and recommended to the Secretary for adoption as an administrative rule. This would permit the necessary clarification and development and avoid the problems often associated with an untried, inflexible procedure in the basic provisions of the order, and the necessity of changing such through the process of order amendment. Thus, any needed changes can be effected through rulemaking procedures provided in the Administrative Procedure Act which does not involve a formal hearing.

While it is not certain that mail balloting would increase grower participation in the election of nominees for grower positions on the committee, it appears reasonable that it would do so. It would provide the grower more flexibility in voting, avoid travel hardships, and resolve conflicts with business demands. If for some reason such procedure should not prove successful or desirable, a shift can be made back to nominations at assembled meetings. It is therefore concluded that the order should be amended to authorize mail balloting by growers in election of nominees for grower member positions on the committee, contingent upon establishment through rulemaking of appropriate procedures for the conduct of such elections.

(6) The order should be amended to permit the committee or the committee chairman to request one or more alternate members to attend any or all committee meetings even though the respective member or members are in attendance at the same meeting, and to authorize the committee to pay expenses incurred by alternate members in attending committee meetings or performing other committee duties when such is so requested.

The order does not now specifically provide for reimbursement of an alternate member's expenses incurred in attending committee meetings when the member for whom that person is an alternate attends the same meeting. The evidence of record maintains that at times it is desirable to have both the

member and alternate attend meetings. For example, alternates serve on subcommittees. Later, when the committee is considering a recommendation of a subcommittee, attendance by the alternate members who participated in formulating the recommendation would be desirable. It may be appropriate also for the committee to pay expenses other than those incurred in attending committee meetings, incurred by members or alternates in attending technical training sessions such as the annual California Olive Association's Technical Conference, or similiar type activities.

The authority to request attendance of alternate members at committee meetings should not be construed to mean that all alternate members should regularly attend all committee meetings and be reimbursed for expenses relative thereto. The payment of expenses of alternate members for attending meetings or performing service should be limited to those incurred when the attendance or performance of sevrices has been requested by the committee or its chairman.

(7) Current provisions of the order specify that the committee may vote on issues by mail or telegram upon due notice to all members, providing that at least ten affirmative votes, of which at least five shall be grower member and five shall be handler member votes, shall be necessary for a vote to carry, provided that one dissenting vote shall prevent adoption of any proposition when voting is by the foregoing method.

Assembled meetings of the committee are not held according to a set schedule. They are called when the proposition before the committee is such that discussion of the issues is deemed to be necessary. Minor matters can be disposed of through a committee telegram or mail vote when the issues are clearly defined, and a fairly high degree of committee unanimity can be expected. The one dissenting vote rule, however, has hampered the use of this procedure which was intended to expedite decisions on minor matters. There have been a number of occasions when one dissenting vote has prevented adoption of a proposition submitted by mail ballot. This necessitated calling an assembled meeting of the committee. In recent years all propositions submitted to a mail ballot which failed because of one or more dissenting votes, were subsequently passed by the committee at an assembled meeting. It was generally agreed that use of mail balloting by the committee is desirable but should be confined to minor matters, and that such voting should be subject to safeguards to prevent abuse. However, it was also agreed that the one vote veto had proved impractical. It was advanced at the hearing that the order should be amended to require at least 14 affirmative votes, seven of which must be producer votes and seven of which must be handler votes, for adoption of any proposition on the basis of a mail or telegraphic vote, and the one vote veto provision should be deleted. Since there are only eight producer members and eight handler members, serious concern was expressed that the 14 votes could prove to be more restrictive than the current requirement, i.e., five producer votes and five handler votes, with no dissenting votes. In such event, the use of the mail voting, with its attendant savings in committee meeting costs, to resolve minor administrative questions would be frustrated. Therefore, it is concluded that the amendment should also provide that if the committee finds the 14 affirmative vote requirement too stringent, it may recommend and the Secretary may approve changes in the number of affirmative votes required for a proposition submitted by mail balloting to carry, with the limitation that that number shall not be less than ten affirmative votes, of which five shall be grower member votes and five handler member votes. It is therefore concluded that the order should be amended consistent with the foregoing.

(8) The order should be amended to provide that the committee may levy interest or late payment charges on unpaid assessments. Such charge should be at a rate recommended by the committee and approved by the Secretary. In some instances handlers have not paid assessments on a timely basis. Thus, such handlers have the use of funds due the committee without interest. This is unfair to those handlers who pay their assessments promptly. Currently, the committee bills the handlers on a quarterly basis, with the first two quarters billed on December 1, with a due date of December 15; the third quarter billed on March 1, with a due date of March 15; and the fourth quarter billed on June 1, with a due date of June 15. Any interest or late payment charge levied by the committee should become effective from the day after the customary due date of such assessment.

Late payment of assessments is costly in time and effort on the part of the committee's administrative staff. Furthermore, handlers who do pay promptly are carrying an unfair share of the financial costs of the program for periods of time. An interest or late payment charge at levels approximating commercial rates in the area should discourage delinquencies.

The establishment of an interest rate or late payment charge, or a combination of the two, should be subject to a recommendation by the committee and approval by the Secretary. Any such rate established should continue in effect until such time as the committee recommends and the Secretary approves a change.

(9) Section 932.45 of the order should be amended to authorize the committee to prepare and mail reports on research projects to the Secretary on a timely basis as soon as such projects are completed. The order now requires the committee to prepare and mail such reports annually, as soon as practicable after the close of each crop year. No purpose is served by delaying the submission of such reports. Hence, they should be submitted as soon as they are available, rather than waiting until after the end of the year. Therefore, the order should be amended accordingly. As in the past, copies of these reports on research projects should also be made available at the committee office for examination by producers, handlers, or other interested persons.

(10) Current provisions of the order provide that no handler shall process any lot of natural condition olives for use in the production of packaged olives which have not been size-graded, either by sample or by lot and classified into separate size designations in accordance with the size designations specified in the U.S. Standards for Grades of Canned Ripe Olives, or such sizes as may be recommended by the committee and established by the Secretary. Such provisions further provide that for purposes of the order two additional size designations set forth therein shall be considered to be included in said designations. The size designations are intended to indicate the value of the olives. Basically, within each given variety group, the larger the olives, the greater the value per ton. The incoming regulations also provide that each handler shall dispose of into non-canning use an aggregate quantity of olives equal to that which is shown on the inspection certificate to be smaller than a specified weight per pound. These minimum weights are specified by variety groups and vary according to the characteristics of the olives in each particular sub-variety group. This disposition provision recognizes that olives smaller than a specified minimum are relatively less desirable for canning as they produce a less satisfying product.

The notice of hearing contained a proposal to provide that the determination as to separate size designations for natural condition olives should at all times be consistent with those contained in the then current U.S. Standards for Grades of Canned Ripe Olives. At the hearing it was contended that it would be illogical to have standards under the order which do not coincide with the U.S. Standards.

However, this appears not to take into account the fact that the order establishes in § 932.51 a disposition obligation which involves sizes that are smaller than those included in the designations specified in the U.S. Standards. Similarly, under current provisions of the order certain sizes of olives which are not authorized for use in the whole or pitted styles of canned ripe olives may be made into the limited use styles. Size grading of a given lot of natural condition olives at the incoming level establishes the size composition of that lot. Thus, the volume of each size designation eligible for use in whole, whole pitted, limited use, and those required to be disposed of into non-canning outlets is determined. No evidence was presented to support a proposition that the provision with respect to size specified as non-canning in the order should be rescinded. Hence, it should be retained. Consequently, the size grading at the incoming level should be sufficient to establish handlers' non-canning obligation. To do so will require the retention

of the designations "Petite" and "Subpetite" now included in the order.

Currently, changes in provisions may be made by amendment of the order, or if authority to do so is provided in the order, through issuance of administrative rules. At the hearing it was maintained that changes in the size designation under the order should be allowed on the basis of a committee recommendation and approval of the Secretary as this would enable the committee to cope with changes in the olive marketing situation more expeditiously. While it has not been implemented heretofore, the present provision of the order does authorize the committee, with approval of the Secretary, to consider the olive situation in the light of the objectives of the order and to recommend such adjustments in size designations for natural condition olives as appear to be warranted by the prevailing circumstances. Such adjustments could be effected by issuance of an administrative rule in accordance with provisions of the Administrative Procedure Act. This procedure allows for input of interested persons during consideration by the committee and the Department. Currently, the order contemplates that any recommendation of the committee with respect to a change in size designations is to be based upon appropriate research and study, the results of which support the recommendation. In view of the objectionable inflexibility which would be introduced into the order by specifying that the size designations applicable to natural condition olives shall at all times be those contained in the U.S. Standards and the desirability of maintaining the committee's prerogatives under the order, it is concluded that the order should continue to provide not only for size designations specified in the U.S. Standards, but such other sizes as may be recommended by the committee and established by the Secretary under the order.

Change in the size designations required under the order could make it desirable to adjust the sizes required to be disposed of for non-canning use. Consequently, the order should be amended to provide for appropriate adjustments, and, in the event that sizes are specified in terms other than weight at some future time as discussed in connection with the proposed amendment of § 932.12, the order should permit the specification of disposition requirements in conformity with such terms. Therefore, it is concluded that the order should be so amended.

(11) Current provisions of the order specify that canned ripe olives (other than those of the tree-ripened type) shall grade at least U.S. Grade C as defined in the then current U.S. Standards for Grades of Canned Ripe Olives, or as modified by the committee with the approval of the Secretary. Such provisions also provide that processed olives for use in the production of whole and whole pitted styles of canned ripe olives shall conform to the size designations of single size or of the blended sizes "Family", "King", or "Royal" as set forth in said U.S. Standards, but the olives in each varietal group shall be of a size not smaller than a specified size set forth in the order with allowable tolerances. Such provisions provide for modification of grade and changes in the allowable size tolerances, but no changes in the size designations or minimum sizes for outgoing olives are authorized.

The notice of hearing contained a proposal to amend the order to provide that processed olives for use in the production of canned ripe olives, other than those of the tree-ripened type, shall grade at least U.S. Grade C as such is defined in the then current U.S. Standards for Grades of Canned Ripe Olives, and that canned whole and pitted ripe olives, other than those of the tree-ripened type, must at all times conform to the applicable size designations set forth in such standards.

At the hearing it was observed that the U.S. Standards for Grades of Canned Ripe Olives were in the process of being revised. A notice of proposed rulemaking concerning the revision had been published in the FEDERAL REGISTER and the period for filing written comment for consideration in connection with final disposition had expired. It was pointed out that one of the principal objectives of the revision of U.S. Standards was to reduce the ten sizes specified in the current standards to five. According to the record, the size designations and their names in such standards has resulted in considerable criticism, are confusing to consumers and others, and if the designations are changed in the standards, the order should be changed in conformity therewith.

The record contains a considerable amount of speculative comment regarding the possible specifications of the revised standards, and how much specifications might affect the industry. The need for testing size designations differing from those now used was stressed, as was a need to resolve problems associated with pitting olives size graded in a wider size range than at present.

Proponents of the proposal to require size-grades at all times to coincide with those in the U.S. Standards averred that it would be illogical to continue a standard for outgoing olives under the order which might be materially different than that contained in the U.S. Standards. They stressed the desirability of reducing the number of size designations prescribed in the order to the number then expected to be set forth in the revised standards as soon as possible. However, they recognized that conforming the size designations of the order to the standards would require a changeover period during which the new designations of the standards or a modification of them could be tested. To facilitate such changeover they proposed an amendment to the exemption provisions of the order to allow the Secretary to relieve handlers from any or all order requirements for a period of time to allow orderly integration of the new size designations into the order whenever such are changed in the standards. It is observed that the order contains a provision which permits exemption of olives from any or all order requirements to facilitate marketing research. Such provision contemplates research with control by the committee. However, wholesale exemption from order provisions to effect a changeover from one standard to another would be inconsistent with the purposes of the order which contemplates limitations to effect orderly marketing. From this viewpoint, providing such an exemption would be objectionable.

Concern was expressed over the possibility that persons other than those in the industry could influence specifications of the U.S. Standards to the detriment of the industry, particularly if the order were aligned automatically to the standards as proposed. Opponents of the proposal stated that for this and other reasons it would be preferable to have changes in size designations specified in the outgoing regulations contingent upon a recommendation of the committee with approval by the Secretary. Consistent with this, it was indicated that it would be appropriate to provide that the size designations therein would be those specified in the U.S. Standards or such other sizes as may be recommended by the committee and approved by the Secretary under the order. Thus, it was indicated, an orderly transition could be effected.

Currently, the order specifies twelve single size and three blended size designations for the packing of olives. In addition to the count-per-pound ranges denoting these designations, each such designation has a related name. Currently, the single size designations are Subpetite, Petite, Small (Select or Standard), Medium, Large, Extra Large, Mammoth, Giant, Jumbo, Colossal, Super Colossal, and Special Super Colossal. The blended size designations are Family, King, and Royal. Due to specification of Subpetite and Petite designations and the variations permitted by changes in the tolerances allowed for specified designations under order provisions, the size designations under the order have varied somewhat from those in the U.S. Standards.

The record indicates that changes in the size designations prescribed in the order are desirable to reduce the number of such designations and to relate names to them which are more meaningful. It would likewise appear desirable for the size designations under the order to be as closely aligned with those in the U.S. Standards as practicable. The record does not, however, reveal the specific size designations that would be specified in the revised U.S. Standards, although indications were that they likely would be those which had been proposed. However, one cannot draw a specific conclusion with regard to such size designations on the basis of an assumption.

A further complication is the fact that § 932.52(a)(2)(i–iv) specifies lower size limits by variety groups for canned whole ripe olives and paragraph (a)(3) of this section specifies the same size requirements for the whole pitted style. These requirements are not dealt with in the

then current U.S. Standards and likely would not be dealt with in the proposed amended standards, and, in the circumstances, it is not possible to assess how such requirements would relate to the standards later issued. Further, in the proposed amended standards some of the names of the size designations would be eliminated. Hence, the absence from the record of revised standards which specify a reduced number of size designations obviously creates a degree of uncertainty in this proceeding. Amendment of the order to provide that the size designations of such revised standards, when and if issued, shall automatically become the size designations under the order would be highly questionable, inasmuch as growers and handlers did not know what the designations would be.

Changes currently are permitted under the order relative to the adjustment of tolerances and to the smaller sizes which may be authorized for limited use (halved, sliced, minced, and similar styles). A number of such changes have been effected in the form of administrative rules based upon recommendations of the committee and approval of the Secretary. This has proved an appropriate means of effecting such changes, and such method could be used to effect changes in the size designations under the order if such were authorized by order provisions. This method could provide for an orderly transition from one standard to another, and would avoid the problems involved in effecting a change when objectionable features are found in the standards and it would not require exemption while modification relative to new U.S. Standards could be effected. It would permit adoption of the size designations of the amended U.S. Standards or appropriate modifications thereof. It is therefore concluded that the order should be amended to provide that the size designations under the order should be those contained in the U.S. Standards, or appropriate modifications thereof, as recommended by the committee and approved by the Secretary as hereinafter set forth.

With respect to grades for canned ripe olives, § 932.52(a)(1) of the order currently provides that no handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives, or as modified by the committee with the approval of the Secretary. In other words, the minimum grade for canned ripe olives is at all times U.S. Grade C, but authority is provided to modify that standard for marketing order purposes by means of rulemaking. This authority to modify grade requirements has been utilized in the past by the committee, and resulting modifications are contained in § 932.149 of the rules and regulations. As previously noted, the notice of hearing included a proposal to amend the order to require that canned ripe olives grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives. As proposed, authority for the committee to modify, with the approval of the Secretary, such grade requirement would no longer be included in the order. No specific testimony was offered regarding amending the order to remove the authority which permits the committee to recommend modification of such minimum grade under the order.

In the circumstances, it appears that the current provisions of the order with respect to the minimum grade are appropriate, and it is concluded that no change should be made in such provisions.

(12) Some of the amendments to the order recomended for adoption make it necessary that a minor conforming change be made in § 932.52(a)(6) of the order. This subparagraph provides that size designations used in the outgoing regulations (§ 932.52) mean the same as those designations used in the incoming regulations (§ 932.51) and the provision currently includes a parenthetical phrase, "(mammoth, extra large, medium, etc.)". Changes in the descriptive terms used to designate olive sizes in the U.S. Standards for Grades of Canned Ripe Olives or in such terms used for marketing order purposes could result in different terms, thus making any reference to size designations in this subparagraph obsolete. Therefore, deletion of the parenthetical phrase in § 932.52(a)(6) is recommended.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed June 8, 1977, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing.

Briefs and proposed findings and conclusions were filed on behalf of certain interested persons. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth herein. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusios set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of olives grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(5) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of olives grown in the production area; and

(6) All handling of olives grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 932.12 is revised to read:

§ 932.12 Size.

"Size" means the number of whole olives contained in a pound and may be referred to in terms of size ranges: *Provided*, That, upon recommendation of the committee and approval of the Secretary, size may be specified in terms of weight, diameter, volume, length, or combinations thereof, of individual olives.

2. Section 932.18 is revised to read:

§ 932.18 Committee.

"Committee" means the California Olive Committee established pursuant to § 932.25.

3. Section 932.23a is revised to read:

§ 932.23a Limited use.

"Limited use" means the use of processed olives in the production of packaged olives of the halved, segmented, sliced, chopped, or minced styles, as defined in the then current U.S. Standards for Grades of Canned Ripe Olives, including modifications of the requirements for such styles under this part, and such additional styles (and the requirements applicable thereto) as may be specified pursuant to § 932.52(a)(7).

4. The center heading appearing between §§ 932.24 and 932.25 is revised to read:

CALIFORNIA OLIVE COMMITTEE

5. Section 932.25 is revised to read:

§ 932.25 Establishment and membership.

A California Olive Committee consisting of 16 members, with an alternate for each such member who shall have the same qualifications as the member for whom he is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the committee who are handlers or directors, officers, or employees of handlers are referred to in this subpart as "handler members" of the committee. In addition, there may be a "public member" and an alternate who shall not be a producer or handler nor an officer or employee or director of any producer or handler. District representation of the producer members shall be two from District 1, four from District 2, and two from District 3. Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers", and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided*, That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers, allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The public member or alternate public member shall be selected from any place within the area. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

6. Section 932.28 is revised to read:

§ 932.28 Eligibility.

Each producer member of the committee shall, at the time of his selection and during his term of office, be a producer in the district for which selected and, except for producers who are members of cooperative handlers, shall not be engaged in the handling of olives either in a proprietary capacity, or as a director, officer, or employee of a handler. Each handler member of the committee shall, at the time of his selection and during his term of office, be a handler in the group he represents or a director, officer, or employee of such handler. Each public member and alternate public member of the committee shall at the time of selection and during the term of office not be engaged in the commercial production, marketing, buying, grading, or processing of any agricultural product nor shall such member or alternate be an officer, director, member, or employee of any firm engaged in such activities.

7. Section 932.29 is amended by revising paragraph (a), and adding a new paragraph (c), to read:

§ 932.29 Nominations.

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and voting on the candidates selected thereat as shall be fair to all persons concerned. In lieu of meetings for the purpose of nominating producer members of the committee, such nominations may be made by means of mail balloting. Prior to conducting producer nominations by mail balloting, the committee shall adopt, with approval of the Secretary, appropriate procedures to be observed.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members when nominations are made at meetings. Each producer in attendance shall be entitled to cast only one vote, regardless of the number of business units he may represent, for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer prdouces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(b) * * *

(c) *Public member.* (1) Nominations for public member and alternate public member of the committee shall be made at a meeting called by the committee. The names of the nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the selection and voting for each candidate as shall be fair to all persons concerned.

8. Section 932.30 is revised to read:

§ 932.30 Alternates.

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members. The committee or the chairman of the committee may request one or more alternates to attend any or all meetings notwithstanding the expected or actual attendance of the respective member.

9. Section 932.36 is revised to read.

§ 932.36 Procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions requiring a recommendation to the Secretary on matters pertaining to grade or size regulations shall require at least five affirmative votes from producer members and five affrmative votes from handler members. A quorum shall consist of at least ten members of whom at least five shall be producer members and at least five shall be handler members. Except in case of an emergency, a minimum of five days advance notice shall be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When voted on by such method, at least 14 affirmative votes, of which seven shall be producer member votes and seven shall be handler member votes, shall be required for adoption. The committee may recommend and the Secretary may approve changes in the number of affirmative votes required for adoption of any proposition voted upon by means of a mail ballot: *Provided*, That the number of affirmative votes required for adoption shall not be less than ten, of which five shall be producer member votes and five shall be handler member votes.

10. Section 932.37 is revised to read:

§ 932.37 Compensation and expenses.

The members of the committee, and alternates when acting as members, shall serve without compensation; but they shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. An alternate member shall be reimbursed for necessary expenses, as approved by the committee, incurred in attending committee meetings at the request of the committee or its chairman, notwithstanding that the committee member for whom he serves as alternate also attends such meeting, and for performing other committee business at the request of the committee or its chairman.

11. Section 932.39 is revised by adding a new pragraph (c) which reads as follows:

§ 932.39 **Assessments.**

* * * * *

(c) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be as recommended by the committee and approved by the Secretary. Subsequent to such approval, all assessments not paid within the period of time prescribed shall be subject to the interest or late payment charge, or both.

12. Section 932.45(e) is revised to read as follows:

§ 932.45 **Production research, and marketing research and development projects.**

* * * * *

(e) The committee shall, as soon as practicable, prepare and mail reports on current production research and marketing research and development projects to the Secretary and make a copy of such reports available at the committee office for examination by producers, handlers, or other interested persons.

13. Section 932.51(a)(1) is amended to read as follows:

§ 932.51 **Incoming regulations.**

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in the then current U.S. Standards for Grades of Canned Ripe Olives or such modifications thereof as may be recommended by the committee and approved by the Secretary: *Provided*, That, for the purpose of this section, the size designations in said standards shall be deemed to include the following two additional size designations:

Designation(s)	Approximate count (per pound)	Average count (per pound)
Subpetite		181 and up.
Petite	160	141 to 180, inclusive.

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation, the quantity of olives clasified as culls by the handler: *Provided*, That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls", the aforesaid quantity of culls shall be determined on the basis of such definition and in accordance with such classification.

* * * * *

14. Section 932.52 is revised to read:

§ 932.52 **Outgoing regulations.**

(a) *Minimum standards for packaged olives.* No handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they have first been inspected as required pursuant to § 932.53 and meet each of the following applicable requirements:

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives or as modified by the committee, with the approval of the Secretary for purposes of this part.

(2) Canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the size designations set forth in the then current U.S. Standards for Grades of Canned Ripe Olives, or such other sizes by variety or variety group as may be recommended by the committee and approved by the Secretary.

(3) Subject to the provisions set forth in subparagraph (4) of this paragraph, processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as prescribed pursuant to subparagraph (2) of this paragraph. Olives smaller than those so prescribed, as recommended by the committee and approved by the Secretary, may be authorized, including authorization by variety or variety groups, for limited use. Each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary.

(4) The Secretary may, upon recommendation of the committee, restrict the total quantity of limited use size olives for limited use during any crop year. Such restricted quantity shall be apportioned among the handlers by applying a percentage established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of limited use olives during such crop year.

(5) Canned ripe olives of the "tree-ripened" type and green olives shall meet such grade, size, and pack requirements as may be established by the Secretary based upon the recommendation of the committee or other available information.

(6) The size designations used in this section mean the size designations described in paragraph (a)(1)(ii) of § 932.51.

(7) For the purposes of this part the committee may, with the approval of the Secretary, specify the styles of olives, including the requirements with respect thereto, for limited use.

* * * * *

Signed at Washington, D.C. on October 7, 1977.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.77-29944 Filed 10-12-77;8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-GL-20]

GENERAL ELECTRIC CORP. CF6-6D AND CF6-6D1 ENGINES

Proposed Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) which would require modification of the 11-13 Stage Compressor Spool, Part Number (P/N) 9021M66 (all assembly part numbers) with General Electric Service Bulletin 72-682. This proposed AD is needed to prevent possible 13th stage rim failures due to fatigue failure. There have been seven failures of the 13th stage rim; three were uncontained, two of which resulted in under cowl oil fires.

DATES: Comments must be received on or before December 5, 1977.

ADDRESSES: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket (AGL-7), Docket No. 77-GL-20, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

The applicable General Electric Service Bulletin 72-682 may be obtained from:

General Electric Co., Cincinnati, Ohio 45215.

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

FOR FURTHER INFORMATION CONTACT:

M. Mixell, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Ill. 60018. Telephone 312-694-4500, extension 309.

SUPPLEMENTARY INFORMATION: There have been seven failures of the 13th stage rim, three of which were uncontained; two of these resulted in under cowl oil fires. Rim failures occur when a segment of the rim which has delevolped a fatigue crack extending between several bolt holes fails due to tensile overload. The fatigue crack is initiated by

fretting in the bolt holes of the 13th stage disc from contact with the bolts. This problem is not life related and has not been established as being related to maintenance or operating procedures.

Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would require installation of bushings in the disc bolt holes in accordance with General Electric Service Bulletin 72-682 to prevent fretting and subsequently, high stress concentrations in the disc bolt holes.

Although failure mode and effect are known and suitable corective action is available, specific details of the problem such as crack propagation rate, can only be estimated at this time. Accordingly, the ultrasonic inspection outlined in General Electric Service Bulletin 72-673 is not considered an adequate compliance action and is therefore not included in this proposal. When the crack propagation rate is determined, consideration will be given to revising the requirements of this proposal.

Comments Invited

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.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, an evaluation of the anticipated impacts has been made and it is expected within a normal range of pertinent considerations the proposal will be neither costly or controversial.

Drafting Information

The principal authors of this document are M. Mixell, Flight Standards Division, Great Lakes Region, and J. Brennan, Office of the Regional Counsel, Great Lakes Region.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

General Electric. Applies to CF6-6D and CF6-6D1 engines installed in aircraft certificated in all categories.

To prevent failure of the 11-13 Stage Compressor Spool, P/N 9021M66 (all assembly part numbers), thirteen stage rim modify the 11-13 Spool in accordance with General Electric Service Bulletin 72-682 not later than June 30, 1979.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Co., Cincinnati, Ohio 45215. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file of this airworthiness directive which includes incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

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

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.

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

Issued in Des Plaines, Ill., on September 30, 1977.

Leon C. Daugherty,
Acting Director,
Great Lakes Region.

[FR Doc.77-29752 Filed 10-12-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-27]

FEDERAL AIRWAYS

Proposed Alteration and Extension; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The notice of proposed rulemaking (NPRM) concerning alteration and extension of airways in the San Antonio, Tex., area is withdrawn to permit its consolidation with additional proposed airway changes in a subsequent airspace docket.

DATES: October 13, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On August 4, 1977, the FAA published for comment a proposal to alter several airways in the San Antonio, Tex., area. Subsequent to the publication of this NPRM, additional airway changes have been planned which would affect some of the airway changes proposed in this docket. For this reason, it is advisable to include all of the proposed airway changes in this area in a single docket and to withdraw Airspace Docket No. 77-SW-27.

Drafting Information

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

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-SW-27, notice of proposed rulemaking, (42 FR 39401), is hereby withdrawn.

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

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

Issued in Washington, D.C., on October 5, 1977.

William E. Broadwater,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.77-29911 Filed 10-12-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-WA-14]

FEDERAL AIRWAY

Proposed Alteration; Withdrawal of Notice of Proposed Rule Making

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The notice of proposed rule making (NPRM) concerning alteration of V-222 airway between Junction, Tex., and Industry, Tex., is withdrawn to permit its consolidation with additional proposed airway changes in a subsequent airspace docket.

DATES: Effective October 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Air-Air Traffic Service, Federal Aviation Administration, 800 Independence Ave. S.W., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: On August 18, 1977, the FAA published for comment a proposal to realign a segment of V-222 between Junction, Tex., and Industry, Tex., to bypass the San Antonio, Tex., terminal. Subsequent to

the publication of this NPRM, additional airway changes have been planned which would affect the route proposed in this airspace docket. For this reason, it is advisable to include the proposed change to V-222 in a single docket with other proposed airway changes in the San Antonio area and to withdraw Airspace Docket 77-WA-14.

DRAFTING INFORMATION

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

WITHDRAWAL OF THE PROPASAL

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-WA-14, notice of proposed rule making, (42 FR 41648), is hereby withdrawn.

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

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

Issued in Washington, D.C. on October 5, 1977.

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

[FR Doc.77-29912 Filed 10-12-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-43]

TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Bay City, Tex., transition area to provide controlled airspace for aircraft executing the new NDB instrument approach procedure to the Bay City Municipal Airport,[1] using the newly established NDB located on the airport.

DATES: Comments must be received on or before November 14, 1977.

ADDRESSES: Send comments on the proposal to:

Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration. P.O. Box 1689; Fort Worth, Tex. 76101.

The official docket may be examined at the following location:

Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76106.

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

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. Telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart G § 71.181 (42 FR 440) of FAR Part 71, the description of the Bay City, Tex., transition area reflects the controlled airspace provided for the present instrument approach procedure to the Bay City Municipal Airport. The new NDB instrument approach procedure will require alteration of the transition area to provide the necessary controlled airspace for this procedure.

COMMENTS INVITED

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. 1689, Fort Worth, Tex. 76101. All communications received on or before November 14, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71)

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[1] Map filed as part of original.

to alter the Bay City, Tex., transition area. The FAA believes this action will enhance IFR operations at the Bay City Municipal Airport by providing controlled airspace for aircraft executing instrument approach procedures established for the airport. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

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

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bay City Municipal Airport (28°58'23" N. latitude, 95°51'48" W. longitude) and within 3.5 miles either side of the 313° bearing from the NDB extending from the 5-mile radius to 11.5 miles northwest of the airport.

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

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

Issued in Fort Worth, Tex., on September 30, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-29753 Filed 10-12-77;8:45 am]

[1505-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1930]

[Docket No. R-77-466]

FEDERAL CRIME INSURANCE PROGRAM

Offer To Pay Finders Fee to Property and Life Insurance Agents, Brokers, and Certain Nonprofit Corporations and Organizations

Correction

In FR Doc. 77-29339 appearing in the issue of Thursday, October 6, 1977 on page 54432, the title and the signature at the end of the document on page 54434 should read as follows:

"JAY JANIS,
Under Secretary of Housing and Urban Development."

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21410; RM-2935]

FM BROADCAST STATION IN ALEXANDRIA, IND.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Alexandria, Indiana. Petitioner, Triplett Broadcasting Co., Inc., states that the proposed station would provide a vehicle for local advertising as well as public service, local news and entertainment programming.

DATES: Comments must be received on or before November 18, 1977, and reply comments must be received on or before December 8, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: October 4, 1977.

Released: October 7, 1977.

In the matter of amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (Alexandria, Ind.), Docket No. 21410, RM-2935.

1. *Petitioner, proposal and comments.* (a) Petition for rule making,[1] filed July 25, 1977, by Triplett Broadcasting Co., Inc. ("petitioner"), proposing the assignment of Channel 244A to Alexandria, Indiana, as a first FM assignment to that community.

(b) The channel could be assigned in conformity with the minimum distance separation requirements with the transmitter site located 8 kilometers (5 miles) west of the community.

(c) Petitioner states that it is ready to file an application for the channel, if assigned.

2. *Community Data*—(a) *Location.* Alexandria, in Madison County, is located approximately 29 kilometers (18 miles) northwest of Muncie, Indiana.

(b) *Population.* Alexandria, 5,600; Madison County, 138,451.[2]

(c) *Local Broadcast Service.* Alexandria has no local aural broadcast service.

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[1] Public Notice of the petition was given on August 12, 1977, Report No. 1070.

[2] Population figures are taken from the 1970 U.S. Census.

3. *Economic data.* Petitioner states that Alexandria is located at the hub of Indiana's best farming area and has experienced a populaiton growth of over 21 percent since 1970. It has submitted detailed social, economic and historical informatoin to demonstrate the need for a first local broadcast service in Alexandria. Petitioner asserts that the proposed station would provide a vehicle for local advertising as well as public service, local news and entertainment programming.

4. In light of the above information and the fact that this request would provide the community with its first local full-time aural broadcast service, we believe consideration of the proposal to assign Channel 244A to Alexandria, Indiana, in a rulemaking proceeding is warranted.

5. Comments are invited on a proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, for the community listed below:

City	Channel No.	
	Present	Proposed
Alexandria, Ind.		244A

6. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

7. Interested parties may file comments on or before November 18, 1977, and reply comments on or before December 8, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FN Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-29895 Filed 10-12-77;8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21412; RM-2902]

FM BROADCAST STATION IN ELIZABETH CITY, N.C.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a second FM channel to Elizabeth City, North Carolina. Petitioner, Campbell Broadcasting, Inc., states a second FM service, representing a second nighttime aural service, would be provided to a substantial area.

DATES: Comments must be filed on or before November 18, 1977, and reply comments must be filed on or before December 8, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: October 4, 1977.

Released: October 7, 1977.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Elizabeth City, N.C.), Docket No. 21412, RM-2902.

1. *Petitioner, proposal and comments.* (a) Petition for rulemaking,[1] filed May 27, 1977, by Campbell Broadcasting, Inc. ("petitioner"), licensee of AM Station WGAI, Elizabeth City, North Carolina, proposing the assignment of Channel 244A to Elizabeth City as its second FM assignment.

(b) The channel may be assigned without affecting any existing FM assignments in the Table. There were no oppositions to the proposal.

(c) Petitioner states that it proposes to file immediately an application for the channel, if assigned.

2. *Community Data*—(a) *Location.* Elizabeth City, seat of Pasquotank County, is located approximately 64 kilometers (40 miles) south of Norfolk, Virginia.

(b) *Population.* Elizabeth City, 14,069; Pasquotank County, 25,824.[2]

(c) *Local broadcast service.* Elizabeth City is presently served by Class C FM Station WMYK on Channel 229; full-time AM Station WCNC, and full-time AM Station WGAI, which is licensed to petitioner.

(d) *Economic considerations.* Petitioner states that Elizabeth City's population increased between 1960 and 1970 and has experienced a steadily growing economy in recent years. We are told that agriculture has been the mainstay of the area's economy, the principal crops being soy beans, potatoes, and grain corn. It points out that Elizabeth City has become an increasingly popular tourism site, producing revenues of approximately five million dollars for the area in 1976.

3. *Preclusion studies.* Petitioner's engineering study showed that the only significant area of preclusion that would result from the proposed assignment would be on the co-channel. However, this area contains no communities of over 1,000 population. Petitioner states that no first FM service would be provided by the proposed assignment, but that second FM service would be provided to 1,824 persons in an area of 130 square kilometers

[1] Public Notice was given of the petition on June 15, 1977 (Report No. 1053).

[2] Population figures are taken from the 1970 U.S. Census.

(50 square miles). It states that the second FM service would represent a second nighttime aural service.

4. *Additional considerations.* The proposed assignment would result in intermixing a Class A channel with a Class C channel. The Commission has a policy against intermixture of classes of FM channels, but an exception can be made when a Class C channel is unavailable and a petitioner is willing to apply for the channel in spite of the intermixture situation. Yakima, Wash., 45 F.C.C. 2d 548, 550 (1973); Key West, Fla., 45 F.C.C. 2d 142, 145 (1974). Since petitioner is willing to apply for and operate on Channel 244A at Elizabeth City, this assignment could be made.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, with regard to Elizabeth City, North Carolina, as follows:

City	Channel Nos.	
	Present	Proposed
Elizabeth City, N.C.	229	229, 244A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

7. Interested parties may file comments on or before November 18, 1977, and reply comments on or before December 8, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.81(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this *notice of proposed rulemaking.* All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.77-29896 Filed 10-12-77;8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21411; RM-2879; RM-2914]

FM BROADCAST STATIONS IN LOS BANOS AND DENAIR, CALIFORNIA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action herein substitution of a Class B channel for a Class A channel in Los Banos, California, and the assignment of a first Class A channel to Denair, California. Petitioner, John R. McAdam, states that he would be able to provide service to the increasing number of residents in the western portion of Merced County if he were permitted to operate on a Class B frequency. Petitioner, Denair Broadcasting Company, states that the proposed Class A channel for Denair would provide that community with its first full-time local aural broadcast service.

DATES: Comments must be filed on or before November 18, 1977, and reply comments on or before December 8, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: October 4, 1977.

Released: October 7, 1977.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Los Banos and Denair, Calif., Docket No. 21411, RM-2879, RM-2914.

1. *Petitioner, proposals and comments.* (a) Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules) as it relates to Los Banos and Denair, Calif.

(b) Petition for rule making[1] was filed on behalf of John R. McAdam ("KLBS"), licensee of Stations KLBS and KLBS-FM, Los Banos, California, proposing the substitution there of Class B Channel 284 for Channel 240A and modification of its license to specify operation on the new channel.

(c) A counterproposal[2] was filed by Denair Broadcasting Company ("DBC"), proposing the assignment of Channel 285A to Denair, Calif. The spacing requirements of the Commission's rules would preclude making both proposed assignments.

(d) On June 28, 1977, KLBS amended its petition by proposing, in addition to the substitution of assignments at Los Banos, the assignment of Channel 240A rather than Channel 285A at Denair, Calif.

(e) Both KLBS and DBC state they will apply for their respective channels, if assigned, and proceed at once to construct a station, if authorized.

2. *Demographic data*—(a) *Location.* Los Banos, in Merced County, is located approximately 161 kilometers (100 miles) southeast of San Francisco. Denair, an unincorporated community, in Stanislaus County, is situated 144 kilometers (90 miles) east of San Francisco.

(b) *Population.* Los Banos, 9,188; Merced County, 104,629; Denair, 1,128; Stanislaus County, 194,506.[3]

(c) *Local broadcast service.* Los Banos is presently served by one daytime-only AM Station (KLBS) and one FM station (KLBS-FM, Channel 240A), both licensed to petitioner John R. McAdam. Denair has no local aural broadcast service.

(d) *Economic considerations.* DBC states that Denair and the Stanislaus

[1] Public Notice was given of the petition on May 9, 1977 (Report No. 1044).

[2] Public Notice was given of the counterproposal on June 28, 1977 (Report No. 1058).

[3] Population figures are taken from the 1970 U.S. Census.

County area are known for their agriculture and light industry. It points out that, although Denair is an unincorporated community, it has its own schools, chamber of commerce, fire department and shopping center.

3. KLBS states that farming is the largest activity in the Los Banos area with Merced County recording $394 million in farming receipts in 1975, a 10 percent increase since 1974. It notes that livestock and related products accounted for 46 percent of the county's farming receipts in 1975. Further it states that processing, packaging, warehousing, and shipping of farm products also play an important part in the county's economy.

4. *Preclusion studies.* No preclusion study is required for Denair since the proposal is for a first FM assignment. Four communities (Merced, pop. 22,670; Atwater, pop. 11,640; Lone Pine, pop. 1,800 and Bishop, pop. 3,498), would be precluded as a result of the assignment of Channel 284 to Los Banos. Merced has two FM stations and two AM stations, one full-time and one daytime-only; Bishop has one FM and one full-time AM station; Lone Pine has no local aural broadcast service; and Atwater, which is 11 kilometers (7 miles) from Merced, also has no local service.

5. *Additional considerations.* KLBS states that, if it is to fulfill its obligation of providing service to the increasing number of residents of the western portion of Merced County, it must be permitted to operate on a Class B frequency. KLBS has submitted a showing of first and second FM service which would be provided. However, this showing utilized contours based on presently authorized power. Petitioner is requested to submit a proper Roanoke Rapids[4] showing based on a Class B station operating at Los Banos with KLB's proposed maximum facilities (50 kilowatts and 152 meters (500 feet) AAT), existing stations operating with reasonable facilities or greater in the event the station is already authorized greater facilities, and all unoccupied assignments in the area operating with reasonable facilities values. The above showing should include the extent of nighttime service provided by standard broadcast stations, so that it would be possible to see whether first and second aural service would be provided—see Anamosa-Iowa City, Iowa, 40 F.C.C. 2d 250 (1974). Petitioner KLBS should also show whether there are any alternate channels available for Lone Pine and Atwater.

6. DBC's counterproposal requests the assignment of Channel 285A to Denair, California, which is mutually exclusive with KLBS's proposal of Channel 284 to Los Banos (there is a 55 kilometer (34 mile) separation, whereas 105 kilometers (65 miles) is required). However, in its amended petition, KLBS states that its consulting engineer has studied DBC's counterproposal and has determined that Channel 240A, presently assigned to KLBS–FM, could be assigned to Denair in conformity with the minimum distance separation requirements.

7. By deleting Channel 240A from Los Banos and assigning it to Denair, it would be possible to assign Class B Channel 284 to Los Banos. In the event Channel 284 is not assigned to Los Banos, Channel 285A could be assigned to Denair. Channels 284 and 240A could be assigned to Los Banos and Denair, respectively, in conformity with the minimum distance separation requirements, provided the transmitter site of Channel 284 is located approximately 8 kilometers (5 miles) southeast of Los Banos.

8. Regarding modification of KLBS–FM's license to Channel 284 if assigned, the Commission's policy, as expressed in Cheyenne, Wyoming, 62 F.C.C. 2d 63 (1976), is that the public interest is best served where other interested parties are afforded an opportunity to apply for such a Class B channel, newly assigned to a community. However, in the absence of such interest, the license could be modified. Since no person has yet expressed an interest in the proposed assignment of Channel 284 to Los Banos, we are proposing to modify the license of Station KLBS–FM. Should an opposition to the proposed modification, together with a proper expression of interest, be submitted in comments, appropriate consideration will be afforded to any competing application for the channel, if assigned. KLBS should indicate whether it would wish to pursue its proposal if such interest were expressed.

9. An Order to Show Cause to the petitioner will not be issued since assent of the licensee of the station whose authorization is to be modified is clearly indicated by its request for the rule making proceeding.

10. In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules) with regard to the cities listed below as follows:

City	Channel No.	
	Present	Proposed
Denair, Calif.		240A
Los Banos, Calif.	240A	284
or		
Denair, Calif.		285A
Los Banos, Calif.	240A	240A

11. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

12. Interested parties may file comments on or before November 18, 1977, and reply comments on or before December 8, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), 307(b), and 316 of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply coments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs; or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-29889 Filed 10-12-77;8:45 am]

[4] Roanoke Rapids-Goldsboro, N.C., 9 F.C.C. 2d 672 (1967).

[6712-01]

[47 CFR Part 73]

[Docket No. 21413; RM-2934]

FM BROADCAST STATION IN STONINGTON, CONN.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Stonington, Conn. Petitioner, Blackmore Broadcasting, states that the proposed FM station would provide the community with a first full-time local aural broadcast service.

DATES: Comments must be filed on or before November 18, 1977, and reply comments must be filed on or before December 8, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: October 4, 1977.

Released: October 6, 1977.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Stonington, Conn.), Docket No. 21413, RM-2934.

1. *Petitioner, Proposal and Comments.* (a) Petition for rulemaking,[1] filed July 25, 1977, by Blackmore Broadcasting ("petitioner"), proposing the assignment of Channel 272A as a first FM assignment to Stonington, Conn.

(b) The channel could be assigned in conformity with our minimum distance separation requirements. No responses to the petition were received.

(c) Petitioner states that, if the channel is assigned, it will inaugurate a first local broadcast voice in Stonington at the earliest possible date.

2. *Community Data*—(a) *Location.* Stonington, in New London County, is located on the southeastern Connecticut shoreline.

(b) *Population.* Stonington—15,940; New London County—230,348.[2]

(c) *Local Broadcast Service.* There is no local broadcast service in Stonington.

3. *Economic Data.* Petitioner has furnished sufficient information regarding social and economic factors which demonstrates Stonington's need for an FM channel assignment. It appears that tourism plays an important role in the area's economy in addition to the usual industrial and retail activities. Petitioner notes that, according to the Town Planner of Stonington, the population of the area is now about 17,000 and has been growing at the steady rate of 1 percent a year for the past sixteen years. It adds that the 1974 retail trade of the Stonington area totalled $44.7 million, $2,692 per capita.

4. In light of the above information and the fact that the proposed FM station would provide the community with a first full-time local aural broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with regard to Stonington, Conn., as follows:

City	Channel No.	
	Present	Proposed
Stonington, Conn.		272A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

6. Interested parties may file comments on or before November 18, 1977, and reply comments on or before December 8, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this *notice of proposed rulemaking*. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-29894 Filed 10-12-77;8:45 am]

[1] Public Notice of the petition was given on August 8, 1977, Report No. 1069.

[2] Population figures are taken from the 1970 U.S. Census.

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 395]

[Docket No. MC-78; Notice No. 77-7]

100-MILE EXEMPTION—DRIVER'S LOGS

Proposed Rulemaking

AGENCY: Federal Highway Administration; DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice is issued to solicit comments on a proposed modification of the exemption presently provided for drivers of motor carriers who operate wholly within a 50-mile radius of their garage or terminal. As proposed, a driver need not complete a daily log if driving is performed within a 100-mile radius of the place where the driver reports for work: *Provided*, the driver returns to that place within 12 hours, and at least 8 consecutive hours off duty separates each 12 hours on duty. All comments will be considered before any final rulemaking action is taken.

DATES: Comments must be received on or before December 30, 1977.

ADDRESS: Submit comments (original and 2 copies) to: Robert A. Kaye, Director, Bureau of Motor Carrier Safety,

Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Principal Program Contact:

Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, (202-426-9767).

Principal Lawyer:

Attorney Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, (202-426-0824).

SUPPLEMENTARY INFORMATION: On August 9, 1935, Congress enacted the Motor Carrier Act to the Department of the Interstate Commerce Commission to establish regulations regarding the maximum hours of service of motor carrier employees. That act was modified in 1967 by the DOT Act (49 U.S.C. 1655) which transferred responsibility for administering the safety provisions of the Motor Carreir Act to the Department of Transportation and Federal Highway Administration. A catalyst for this Congressional mandate was a high accident/death rate on our Nation's highways.

Today's hours of service limitations, modified somewhat over the years, provide that a driver shall not drive for periods in excess of 10 hours following 8 consecutive hours off duty, or drive for any period after having been on duty 15 hours following 8 consecutive hours off duty. On-duty time is limited to 60 hours in any 7 consecutive days, except that carriers operating every day of the week may permit drivers to remain on duty not more than 70 hours in any period of 8 consecutive days.

Since the establishment of the hours of service regulations approximately 40 years ago, a driver's daily log form has been used to aid motor carriers and drivers alike in their efforts to observe the hours of service regulations. The log has a grid format and is completed by the driver daily to record the hours for each duty status. The original log is submitted to the motor carrier and a copy (carbon or otherwise) is retained by the driver.

A motor carrier, simply by looking at the submitted log, may determine the number of hours available to the driver for on duty purposes. This is especially important for motor carriers which dispatch drivers from a terminal each day. By referring to the driver's log, the carrier can assign dispatches based on economy and safety of operations. Where a driver has infrequent contact with his terminal over a period of days, i.e., a cross country dispatch, the daily submission of the log via the mail permit the carrier to control its drivers and schedule future dispatches within the hours of service limitations.

The driver is the first line of defense in the area of highway safety and needs to know the number of hours available to be on duty and be confident that the maximum hours of service limitations will not be exceeded. The limitations are a general scale beyond which a driver is considered to be too fatigued to safely operate a commercial motor vehicle. A driver cannot remember the hours he was driving, on duty not driving, in the sleeper berth, or off-duty driving during the preceding 7 or possibly 8 days. Hence, the driver is required to prepare and to keep current his driver's daily log.

Currently, 2 types of operations are exempt from the daily log requirements.

First, there are lightweight vehicle operations. Lightweight vehicles are defined in § 390.17 of 49 CFR as vehicles with a gross vehicle weight rating 10,000 pounds or less which neither transport passengers nor hazardous materials of an amount that requires placarding. This type vehicle is normally used in local operations characterized by numerous stops during the course of a tour of duty. Rarely does a work day exceed 10 hours.

The second operation is that conducted wholly within a 50-mile radius of the garage or terminal at which the regularly employed driver reports to work. Many times this type of operation is termed "local pick-up and delivery". Although exempted from the daily log requirements, the motor carrier which employs the driver must maintain accurate records for 1 year showing the total number of hours the driver is on duty each day and the time the driver reports for and is released from duty each day. These records normally are internal motor carrier documents such as delivery sheets and time/punch cards used for payment purposes.

Since the advent of the 50-mile exemption, numerous changes affecting pick-up and delivery operations have occurred. Among the most obvious changes have been: The improvement and increase in the number of limited access highways; improved highway designs; the expansion of most metropolitan areas; and improved truck and bus designs.

This Notice seeks coments regarding a proposed modification of the present 50-mile exemption from daily log preparation. The proposed modifications are:

1. Increase to 100 miles the exempted radius from the place the driver reports for work.

2. Make the exemption available to casual or intermittent drivers as well as regularly employed drivers.

3. Require that the records showing the total number of hours the driver is on duty to be maintained at the motor carrier's principal place of business, unless permission is received to maintain the records at another location.

4. Provide that a driver must return to the place he reported for work within 12 hours and that at least 8 consecutive hours off duty must separate each 12 hours on duty.

Motor carriers using a driver for the first time or intermittently will continue to obtain from the driver a signed statement giving the total time on-duty during the preceding 7 days, per § 395.8(r).

Previously, there has been some confusion regarding the location where the work records are to be maintained. To facilitate location uniformity and ease of access, all records related to the exemption provided in § 395.8(t) shall be forwarded to the carrier's principal place of business where they shall be maintained 12 months from the date of receipt. However, upon a written request to, and with the approval of the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has its principal place of business, a motor carrier may forward and maintain such records at a regional or terminal office.

The hours of service recordkeeping procedures permitted by this exemption do not lend themselves to a ready determination of whether a driver is in a driving, on duty not driving, or off-duty status (sleeper berths normally are not used in pick-up and delivery operations). Further, pick-up and delivery operations normally do not exceed 10 hours. In order to insure the removal of fatigued drivers from highly congested city highways without restricting economy of operations, a limitation of a 12 consecutive hour work period is being proposed.

The essential purpose of hours of service regulations is to assure that drivers are alert and responsive to the demands and pressures of operating a commercial vehicle on public highways in mixed traffic with general motoring public. Because of the nature of their work, drivers engaged in commercial interstate operations are exempt from the maximum hours and overtime requirements of the Fair Labor Standards Act.

It is the policy of the Federal Government to minimize the information reporting burden, consistent with its needs for information to implement statutory objectives. The subject proposal is consistent with this policy.

NOTE.—This document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Accordingly, it is proposed that 49 CFR Chapter III be amended as follows:

§ 395.8 Driver's daily log.

* * * * *

(t) *Exemptions.* (1) The rules in this section do not apply if:

(i) The driver does not operate, more than one day per month, beyond a 100-mile radius of the place at which the driver reports for work.

(ii) The driver returns to the place he/she reported for work within 12 hours;

(iii) At least 8 consecutive hours off-duty separates each 12 hours on duty;

(iv) The motor carrier which employs the driver maintains accurate and true records showing:

(A) The total number of hours the driver is on duty each day,

(B) The time at which the driver reports for duty each day,

(C) The time at which the driver is released from duty each day, and

(D) The total on duty time for the preceding 7 days in accordance with paragraph (r) of this section for drivers used first time or intermittently; and

(v) The records required in subdivision (iv) of this subparagraph, are retained in accordance with the retention requirements applicable to motor carriers for daily logs set forth in paragraph (s) of this section.

(Sec. 204, Interstate Commerce Act, as amended, (49 U.S.C. 304), sec. 6, Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 301.60, respectively).

Issued on September 30, 1977.

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety.

[FR Doc.77-29935 Filed 10-12-77;8:45 am]

notices

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

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

DESOTO TIMBER MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the DeSoto Timber Management Plan, DeSoto National Forest, Miss., USDA-FS-RS-FES (Adm.) 77-08.

Management actions include timber harvesting, and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides. The unit contains 501,391 acres of National Forest land in Forest, George, Greene, Jackson, Jones, Pearl River, Perry, Stone, and Wayne Counties, Miss.

This final environmental statement was transmitted to CEQ on October 5, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Street NW., Room 804, Atlanta, Ga. 30309.

USDA, Forest Service, 350 Milner Building, Box 1291, Jackson, Miss. 39205.

A limited number of single copies are available upon request to Forest Supervisor, B. F. Finison, Box 1291, Jackson, Miss., 39205.

Copies of the environmental statement have been sent to various Federal, State, and Local agencies as outlined in the CEQ guidelines.

Dated: October 5, 1977.

ROBERT F. WILLIAMS,
Regional Environmental Coordinator.

[FR Doc.77-29875 Filed 10-12-77;8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 77-10-23]

CHARTER TRIPS BETWEEN BELGIUM AND THE UNITED STATES

Order Granting Waivers

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

By an exchange of diplomatic notes on June 23, 1977, and June 27, 1977, the United States and Belgium renewed an Understanding governing, inter alia, the charterworthiness of passenger charter trips operated by the carriers of both countries between their respective territories. The Understanding is extended from July 1, 1977, through December 31, 1978, and is renewable thereafter.[1]

In principal effect, the Understanding reinstates the provision that the Belgian civil aviation authorities will permit all United States carriers certificated to provide passenger charter service to and from Belgium to exercise the right to pick up and set down in Belgium such passenger charter traffic moving between a point or points in the United States and a point or points in Belgium (one way or round trip, nonstop or via intermediate countries, as well as to or from points beyond or behind) for all charter type traffic as is or may be authorized by the Civil Aeronautics Board.

Amendments relative to charterworthiness in the Understanding provide that:

1. The United States civil aviation authorities will accept as charterworthy passenger charter air traffic originated in Belgium and organized and operated in conformity with the charterworthiness rules of the Belgian civil aviation authorities applicable to charter flights to the United States.

2. The Belgian civil aviation authorities reserve the right to require the filing of a passenger list for each affinity charter group at least thirty days before the arrival of the flight.

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

Under current Board charter regulations, U.S. carriers are required to conform to the U.S. charter rules for Belgium-originating as well as United States-originating charters, in the absence of the grant of a waiver or other exception in the regulations. The same is true with respect to the only Belgian carrier currently holding a foreign air carrier permit, SABENA. Each of the Board's charter regulations provides, nevertheless, for waiver of the requirements contained therein upon a finding that such waiver is in the public interest and that there are special or unusual circumstances warranting the grant of such a waiver.[2] The grant of waivers will, in accordance with section 1102 of the Act, implement the obligation assumed by the United States in the amended Understanding as renewed effective July 1, 1977.

In view of the foregoing, and in consideration of the renewed Understanding effectuated by the exchange of diplomatic notes of June 23, 1977 and June 27, 1977, the Board's responsibilities under section 1102 of the Act, and the effect of the Understanding in providing assurance that the United States-originating public will have the opportunity to travel to Belgium under charter rules found by the Board to be in the public interest, the Board finds that the provisions of the renewed Understanding represent a special circumstance which warrants an extension of waivers of the Board's various charter regulations to the extent necessary to permit U.S. certificated carriers and SABENA to operate charters originating in Belgium pursuant to the Belgian charter rules, and that the grant of such waivers would be in the public interest. Similarly, the Board finds that it is in the public interest to exempt U.S. indirect air carriers, pursuant to section 101(3) of the Act, from the provisions of Title IV of the Act insofar as is necessary to permit any such air carrier to organize Belgium-originating charters operated under Belgian rules pursuant to

[1] There will be an automatic two year extension of the Understanding if by October 1, 1978 neither Party has received written notice from the Other of its intention to allow the Understanding to again expire.

[2] See secs. 207.16, 208.3a, 213.13, 214.3, 371.3, 372.3, 372a.3, 373.30, 378.30, and 378a.3 of the Board's Economic and Special Regulations.

the provisions of the renewed Understanding.[3]

In light of the renewed Understanding providing for acceptance as charterworthy those Belgium-originating charters operated pursuant to Belgian charter regulations, no useful purpose would be served by requiring waiver applications with respect to individual charter flights or series of flights. Accordingly, the Board finds that it is in the public interest to implement a blanket waiver from the charter regulations for all U.S. certificated carriers, and for Sabena, for the duration of the amended and renewed Understanding (or the Understanding as it may further be extended). The exemptions for indirect air carriers will apply for the same duration.[4]

Accordingly, it is ordered *That*: 1. To the extent respectively applicable, waivers of the provisions of sections 207.11, 208.6, and 212.8 of the Board's Economic Regulations (except with respect to the provisions of such sections governing charters to direct air carriers and direct foreign air carriers for commercial traffic), and of such other provisions of the Board's charter regulations as would otherwise be inconsistent with the waivers granted here, are granted for all U.S. air carriers authorized to provide passenger charter service (including off-route charter service) between Belgium and the United States,[5] and Sabena (including its off-route charter service between Belgium and the United States), insofar as is necessary to permit such air carriers and the foreign air carrier Sabena to operate passenger charters originating in Belgium and destined for the United States in accordance with rules governing the charterworthiness of such charters as applied by the Belgian aviation authorities: *Provided, however*, That such waivers shall apply only to the extent contemplated by the renewed Understanding incorporated in the exchange of diplomatic notes between the United States and Belgium of June 23, 1977, and June 27, 1977 (or such Understanding as it may further be amended, modified, or extended); *And provided further*, That the waivers granted here shall not relieve such carriers from the requirements contained in Parts 207, 208, and 212 of the Board's Economic Regulations other than those relating to the charterworthiness of charters performed pursuant to those regulations;

2. All U.S. indirect air carriers of passengers be and they hereby are relieved, pursuant to section 101(3) of the Act, from the provisions of Title IV of the Act, insofar as is necessary to permit any such indirect air carrier to organize Belgium-originating passenger charters pursuant to the rules governing the charterworthiness of such charters as applied by the Belgian aviation authorities in accordance with the provisions of the renewed Understanding incorporated in the exchange of diplomatic notes between the United States and Belgium of June 23, 1977 and June 27, 1977;

3. This order may be modified, amended, or revoked by the Board without notice or hearing;

4. The waivers, exemptions, and authorization granted herein shall terminate upon the expiration of the Understanding on Passenger Charter Air Services incorporated in an exchange of diplomatic notes between the United States and Belgium of June 23, 1977 and June 27, 1977, or such Understanding as it may be amended, modified, or extended; and

5. This order shall be served upon all U.S. air carriers holding a certificate of public convenience and necessity issued by the Board, SABENA, the Departments of State and Transportation, and the Ambassador of Belgium.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

All Members concurred.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-29923 Filed 10-12-77;8:45 am]

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

[4] As noted, similar waivers were granted by the Board in Order 76-7-93 and 77-4-91 with respect to the United Kingdom and also had previously been granted with respect to Canadian-orginating charters (Order 74-5-37, dated May 8, 1974) and Swiss-originating charters (Order 76-1-2, dated January 2, 1976), pursuant to a charter Agreement and Understanding with those countries.

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

[6320-01]

[Docket 31327; Order 77-10-13]

SABENA BELGIAN WORLD AIRLINES

Order Dismissing Complaint

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

By tariff revisions[1] scheduled to become effective September 25, 1977, Sabena Belgian World Airlines (Sabena) proposes to establish a new specific commodity rate (SCR) for Item 0838 (endives) from Brussels to New York at 59 cents per kg. with a minimum weight of 1,200 kgs.[2]

A complaint requesting suspension and investigation of this rate has been filed by Seaboard World Airlines, Inc. (Seaboard). Seaboard asserts that Sabena has neither submitted economic justification for its proposal—other than to state that the rate filing has been made pursuant to an order of the Government of Belgium—nor alleged that the rate has any generative potential. Seaboard also states that the rate will yield only 17.36¢ per ton-mile, 12 percent below Seaboard's costs per available ton-mile (ATM) of 19.75¢ for the first quarter of 1977, and that, a fortiori, the rate will not cover Seaboard's costs per revenue ton-mile (RTM). Seaboard takes issue with Order 77-8-76, August 17, 1977,[3] insofar as Seaboard assumes the Board's position is that, in an excess-capacity situation, newly generated westbound traffic need not bear a full share of capacity costs. Seaboard states that this position necessarily means U.S. eastbound shippers must defray carrier costs that are not covered by the westbound generated revenues if a carrier is to recover its full costs of operations; that, potentially, the Board's incremental costing theory can lead to disastrous economic results as greater amounts of traffic move at below-cost rates; and that specific commodity traffic represents Seaboard's single largest traffic group, and the Board should not promote a long-term policy which would preclude a carrier from covering its full costs of operations by encouraging below-cost pricing of such a significant segment of its traffic. Finally, Seaboard states that, during the first seven months of 1977, it achieved a westbound load factor of 63 percent, and the Board's finding of substantial excess capacity in this service is, therefore, questionable.

In answer to the complaint, Sabena states that its not providing justification for the rate is irrelevant since Sabena is not legally required to submit justification; that the rate's failure to cover Seaboard's costs is also irrelevant since Seaboard no longer serves Brussels; and that Seaboard's arguments against Order 77-8-76 represent an improper attempt to seek reconsideration of that order. Sabena reiterates that the filing has been made pursuant to an order by the Government of Belgium, and maintains that Seaboard's complaint completely fails to establish any grounds for suspension and, accordingly, should be dismissed.

The Board has decided to dismiss the complaint.

Seaboard has not alleged that implementation of the proposed rate will cause a loss of its traffic or even a dilution of its revenues. Rather, Seaboard challenges "the Board's incremental costing theory." We are not persuaded that the Board's policy, in dealing with rate proposals in situations of directional traffic imbalance and underutilized capacity, "will lead to disastrous economic results." Rather we expect it to afford carriers an opportunity to explore new revenue-generating possibilities. In such circumstances, the Board

[1] Revisions to Tariff C.A.B. No. 50 issued by Air Tariffs Corp., Agent.

[2] The prevailing Brussels-New York SCR for this item is 81 cents per kg. with a minimum weight of 100 kgs.

[3] Order 77-8-76 dismissed Seaboard complaints against various westbound North Atlantic cargo rates proposed by KLM-Royal Dutch Airlines.

favors pricing policies that seek to exploit potential new sources of service demand, so long as such prices reflect the costs of the particular service provided. While we do not necessarily disagree with Seaboard that an inordinate volume of cargo traffic now moves at questionable specific commodity rates, that "problem" cannot be resolved in the one-at-a-time review of particular specific commodity rates. The considerations raised by Seaboard go to the overall level and structure of North Atlantic rates and must be resolved in that context.

Seaboard does not serve the market for which the rate is intended; therefore, its experience bears little relevance to the matters of directional imbalance and excess capacity. A review of the proponent's experience is more appropriate. Information published by the International Air Transport Association reveals that, during the first five months of 1977, Sabena's westbound cargo tonnage was 68 percent of that moving eastbound. While Sabena has, in fact, failed to present any generation estimate, the proposed rate nevertheless has the potential for improving the economics of the carrier's cargo operation by generating new revenues and utilizing otherwise unused westbound capacity.

Accordingly, *it is ordered* That: The complaint of Seaboard World Airlines, Inc., in Docket 31327 be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

All Members concurred.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-29924 Filed 10-12-77;8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL CANCER INSTITUTE—NATIONAL INSTITUTES OF HEALTH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00148. Applicant: National Cancer Institute, National Institutes of Health, Claims Review Section, Building 31, Room B1B-10, National Institutes of Health, Bethesda, Md. 20014. Article: Free Flow Electrophoresis, Model FF5. Manufacturer: Garching Instruments, West Germany. Intended use of article: The article is intended to be used in studies of human leukemic cells to determine the RNA tumor virus information present in these cells and to develop biological markers for effective diagnosis and prognosis of the disease.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is of unique design which provides free flow electrophoresis capable of achieving reproducible separations of large quantities of cells. The National Bureau of Standards advises in its memorandum dated September 15, 1977, that (1) the capabilities of the article as described above are pertinent to the applican't intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29881 Filed 10-12-77;8:45 am]

[3510-25]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00276. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 North Forbes Boulevard, Suite 100, Tuscon, Ariz. 85705. Article: Repair of Varian Klystron Type VRB2113A30 SN704414J6. Manufacturer: Varian Associates of Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 105-111 gigahertz frequency range with 75 milliwatts guaranteed minimum output power. The National Bureau of Standards (NBS) advises in its memorandum dated September 1, 1977, that (1) the capability of the article described above is pertinent to the applicant's research purposes, and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29879 Filed 10-12-77;8:45 am]

[3510-25]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00141. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes, Suite 100, Tucson, Ariz. 85705. Article: Klystron, Model VRT-2123A14 SN70320. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article will be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended

to be used, is being manufactured in the United States.

REASONS: The foreign article provides a 110–140 gigahertz frequency range with 50 milliwatts guaranteed minimum output power. The National Bureau of Standards (NBS) advises in its memorandum dated August 25, 1977 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29882 Filed 10-12-77;8:45 am]

[3510-25]

Office of Import Programs

ROCKFORD SCHOOL OF MEDICINE, UNIVERSITY OF ILLINOIS ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00227. Applicant: Rockford School of Medicine of the University of Illinois, 1601 Parkview Avenue, Rockford, Ill. 61101. Article: Electron Microscope, Model H-500 and Accessory. Manufacturer: Perkin-Elmer (Hitachi), Japan. Intended use of article: The article is intended to be used for studies of basic chemicals (i.e., Bence-Jones protein), viral particles and other organisms including bacteria, tissue being evaluated from research work on animals as well as from biopsy material obtained from humans. Specific projects to be conducted include the study of Bence-Jones protein, relationship of structure to clinical condition of patient and the evaluation of the fine structure of membrane alteration in the course of platelet aggregation. In addition, the article will be used for educational purposes in an electron microscopy course. Application received by Commissioner of Customs: May 5, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 10, 1977. Article ordered: September 15, 1976.

Docket Number: 77-00243. Applicant: Northern Regional Research Center, ARS-USDA, 1815 N. University Street, Peoria, Ill. 61604. Article: Electron Microscope, Model HU-12A and accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used in support of the following research: (1) Study of the prevalence of fungal viruses in agriculturally important fungi; (2) examination of insect tissue in researching alternative biological methods for controlling fest insect populations; (3) examination of spore wall ornamentation on all Actinomycetales in the Culture Collection (ca. 4,000 strains); (4) examination of two different aspects of yeast ultrastructures to clarify taxonomic and phylogenetic problems; and (5) study of the oval inclusion of the paraspore of *Bacillus thuringiensis*, to determine if the inclusion is structurally different or similar to the paraspore. Application received by Commissioner of Customs: May 12, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 11, 1977. Article ordered: August 13, 1976.

Docket Number: 77-00246. Applicant: Wayne State University, Detroit, Mich. 48202. Article: Electron Microscope, Model EM 301 with Resolution Stage and accessories. Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of the cytological fine structure of: (1) Gamete maturation in parasitic nematodes; (2) sperm/egg interaction prior to syngamy in nematodes; (3) membrane fusion events during (a) maturation of sperm, and (b) nematode fertilization of oocytes; (4) embryonic differentiation in amphibians; (5) hormone effects on cellular ultrastructure of receptor cells in teleosts and amphibians; (6) cellular architecture responsible for wide range of cellular and subcellular motility in both vertebrate and invertebrate species; (7) protein subunit identification of viral capsomeres; and (8) nucleic acid molecular structure following hybridization techniques. In addition, the article will be used to train doctorate researchers in critical high resolution work employing the latest biological techniques. Application received by Commissioner of Customs: May 23, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 11, 1977. Article ordered: May 12, 1977.

Docket Number: 77-00248. Applicant: The University of Oklahoma Health Sciences Center, Department of Anatomical Sciences, Biochemical Sciences Building, P.O. Box 26901, Oklahoma City, Okla. 73190. Article: Electron Microscope, Model Elmiskop 102 and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to study the ultrastructure of animal nervous tissue, endocrine glands, blood vessels, tumors, human carcinoma of the breast, and melanoma of the skin. The experiments to be conducted include testing of the cerebral vascular permeability (blood-brain barrier), changes in the endocrine secretion after various experimental modifications, atherosclerogenesis of the arteries including aorta, and pathogenesis of tumor formation in animals and humans. In addition, the article will be used to train graduate students to grasp the electron microscopic techniques and application, to interpret the electron micrographs, and to employ the knowledge and skill to attack the research problems. The courses will include: Advanced Cytology, Ultrastructure, Electron Microscopy, Research for Doctor's Dissertation, Anatomical Techniques, Advanced Histology, Advanced Embryology, Histochemistry, and Advanced Neuroanatomy. Application received by Commissioner of Customs: May 23, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 11, 1977. Article ordered: April 14, 1977.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The Department of Health, Education, and Welfare advises in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW advises that it knows of no domestic instrument which could provide the pertinent feature at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29832 Filed 10-12-77;8:45 am]

[3510-25]

THAT MAN MAY SEE, INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scien-

tific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00231. Applicant: That Man May See, Inc., 95 Kirkham Street, San Francisco, Calif. 94122. Article: Electron Microscope, JEM 100C/SEG with side entry goniometer, with eucentric goniometer stage and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used for studies of the following materials and phenomena: (i) Ocular tissues from clinical and experimental studies in order to elucidate the pathogenesis of such diseases as glaucoma, retinitis pigmentosa, viral infections, tumors, etc.; (ii) the nature of junctional complexes forming the various ocular barriers will be studied with special attention given to the subcellular components of such junctions; and (iii) ocular tissues afflicted with diseases of unknown cause will be studied at high magnification searching for viruses or other causative organisms, etc. The experiments to be conducted have a two-fold objective: determination of the pathogenesis of such diseases as glaucoma and determination of better modes of therapy. In addition, the article will be used for teaching electron microscopy techniques to investigators, ophthalmology residents, and medical students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the article was ordered June 22, 1976.

Reasons: The foreign article has a specified resolving capability 5 Angstroms with its eucentric side entry goniometer stage. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 10, 1977 that the resolving capability of the foreign article described above is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no domestic instrument which provides the pertinent feature of the article which was being manufactured in the United States at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29830 Filed 10-12-77;8:45 am]

[3510-25]

UNITED STATES MERCHANT MARINE ACADEMY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00213. Applicant: U.S. Department of Commerce, Maritime Administration, U.S. Merchant Marine Academy, Steamboat Road, Kings Point, N.Y. 11024. Article: TD-35 Varimax Test and Research Engine Rig and accessories. Manufacturer: Tecquipment Ltd., United Kingdom. Intended use of article: The article is intended to be used for instruction of Marine Engineering students in the courses Internal Combustion Engines E 464 and Internal Combustion Engines E 465.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 10, 1977).

Reasons: The foreign article provides variable valve adjustment and a variable engine compression ratio of at least 4.5:1 to 20:1 while the article is operating. The National Bureau of Standards advises in its memorandum dated September 12, 1977 that (1) the specifications of the article described above are pertinent to the applicant's intended educational purposes and (2) it knows of do domestic instrument or apparatus of equivalent scientific value to the foreign article which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domectic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29880 Filed 10-12-77;8:45 am]

[3510-25]

UNIVERSITY OF MINNESOTA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00158. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Electron Microscope, Model JEM-100C/SEG, Haskris Water Recirculator and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used for the following research purposes: BF-DF studies of phase distribution in metal alloys; lattice imaging high resolution defect studies of metal alloys; X-ray microanalysis of phases in minerals, metals, frozen microemulsion, frozen biological tissues for spatial distribution maps of elements (Z 11); crystal structure determination of fine second phases using micro diffraction; secondary electron imaging of fracture surfaces and catalytically poisoned surfaces; low dose STEM imaging of radiation sensitive polymer crystal and spherulites. The article will also be used in the courses Mat Sci 8520 Electron Microscopy and Diffraction and Mat Sci Electron Microscopy Laboratory in which students will be familiarized with techniques of use and interpretation in electron microscopy and the range of applications for transmission, scanning and scanning transmission electron microscopy and electron diffraction.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States, at the time the article was ordered (March 10, 1977).

Reasons: The description of the applicant's research and/or educational purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article

is intended to be used. We are advised by the National Bureau of Standards (NBS) in its memorandum dated August 19, 1977 that it knows of no conventional transmission electron microscope which was being manufactured in the United States at the time the foreign article was ordered. ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscopes" which were manufactured domestically at the time the article was ordered and are still being manufactured in the United States.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29831 Filed 10-12-77;8:45 am]

[3510-25]

UNIVERSITY OF TEXAS MEDICAL BRANCH, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00228. Applicant: University of Texas Medical Branch, Department of Physiology and Biophysics, Galveston, Tex. 77550. Article: Ultrotome, Model LKB 2128-010 UM IV and Knifemaker, Model LKB 7800B and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin sections of retinas (or part of them) which have been embedded in hardened epoxy resins such as Epon or Spurr media. The neuronal organizations in the vertebrate retinas are to be studied to correlate functions of retinal neurons with their structures. The article will also be used in a graduate program in neurophysiology in which students will be trained in the morphological (electron microscopic) functional identifications of neurons in the central nervous system. Application received by Commissioner of Customs: May 5, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 10, 1977.

Docket Number: 77-00229. Applicant: Auburn University, Department of Anatomy and Histology, School of Veterinary Medicine, Auburn, Ala. 36830. Article: Ultrotome III Ultramicrotome, Model LKB 800A and Knifemaker, Model LKB 7800B and Accessories. Manufacturer: LKB 8800A and Knifemaker, Model LKB use of article: The article is intended to be used for studies of normal tissues, organs, and organ structures of major species of domestic animals and selected species of laboratory animals and wildlife. Comparative studies will be focused on determining, at the subcellular level, morphologic features of organs which contribute to the establishment of blood-organ barriers. Among the areas in this category to be investigated are the blood-retinal barrier, blood-thymic barrier, and blood-brain barrier. The article will also be used for educational purposes in the following courses:

VM 326 Microscopic Anatomy I.—Microscopic anatomy of the form, structure, and characteristics of the basic tissues of animals.
VM 327 Microscopic Anatomy II.—Microscopic anatomy of the tissue, composition of organs and organ systems.
VM 328 Microscopic Anatomy III.—Microscopic anatomy of the reproductive organs.
VAH 570 Histological Techniques.—A detailed study of the techniques employed in the preparation of cytological and histological materials.
VAH 623 Neuroanatomy.—Structure of the central and peripheral nervous systems.
VAH 626 Anatomy of the Special Senses.—Study of taste, smell, sight, and hearing.
VAH 627 Advanced Histology of Domestic Animals.—A detailed study of the basic tissues.
VAH 628 Advanced Organology of Domestic Animals.—A detailed study of organs and organ systems, utilizing the light microscope and electron micrographs to interpret morphology.

Application received by Commissioner of Customs: May 6, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 10, 1977.

Docket Number: 77-00245. Applicant: East Texas Chest Hospital, P.O. Box 2003, 9 miles northeast on U.S. Highway 271, Tyler, Tex. 75710. Article: Ultramicrotome, Model LKB 8800A with Cryokit, 14800-1 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in preparing thin sections, from frozen and plastic embedded tissues required for the study of chest related diseases. These studies will include morphology of normal tissues as well as adaption of animal models of respiratory diseases. The objectives pursued in the course of the investigations will consist of defining the pathogenesis, at the ultrastructural level of respiratory diseases, and through these understandings, contribute insight with regard to subcellular susceptibility. Application received by Commissioner of Customs: May 23, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 11, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds equal to or greater than 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-29883 Filed 10-12-77;8:45 am]

[3510-25]

VIRGINIA POLYTECHNIC INSTITUTE, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00241. Applicant: Virginia Polytechnic Institute and State University, Biology Department, Derring Hall, Blacksburg, Va. 24061. Article: Electron Microscope, Model JEM-100C/SEG and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the following materials: (a) The gametophytic and sporophytic tissues of the fern Dawsonia; (b) the cultured callus tissue of Nicotiana tabacum (tobacco); and (c) Crystalline materials, mainly rock-forming silicates, especially those showing domain textures and exsolution. The article will also be used extensively in the following courses:

1. Introduction to Electron Microscopy—a graduate and advanced undergraduates level research course intended to acquaint potential investigators with the basic procedures of fixation, staining, embedding, sectioning, operation of a basic transmission microscope and ultrastructural interpretation.

2. General Cytology—an undergraduate/graduate course designed to familiarize biology students and those in other life sciences with basic cytological techniques.

3. Advanced Cytology—a graduate course concentrating on organelle structure and function.

4. Crystal Chemistry of the rock-forming Minerals; Crystallography and Crystal Structure Analysis—to teach methods of investigating atomic and unit-cell scale structures of crystalline matter, particularly rock-forming minerals and sulfides.

Application received by Commissioner of Customs: May 12, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 11, 1977. Article ordered: May 5, 1977.

Docket Number: 77-00242. Applicant: University of California, San Francisco, Department of Otolaryngology, Coleman Memorial Laboratory HSE-863, 3rd and Parnassus Streets, San Francisco, Calif. 94143. Article: Electron Microscope, Model JEM-100S with plate camera and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine biological material including mammalin cochlea, the organ of Corti and adjacent nucellar tissue in the spiral ganglion in order to study the interrelationship of cochlear hair cells and their neural projections. The article will also be used in an introductory course to biological electron microscopy for residents and research fellows in otolaryngology to teach techniques of specimen preparation and transmission electron microscope operation. Other students, postdoctoral fellows, and faculty will be trained on an informal basis. Application received by Commissioner of Customs: May 12, 1977. Advice submitted by the Department of Health, Education, and Welfare on: August 11, 1977. Article ordered: March 4, 1977.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used was being manufactured in the United States at the time the articles were ordered.

Reasons: Each article provides a eucentric goniometer stage with ±60 degree tilt and a guaranteed resolution of 7 Angstroms point to point. The Department of Health, Education, and Welfare (HEW) advises in the respectively cited memoranda, that the features described above are pertinent to the purposes for which each of the foreign articles to which these applications relate is intended to be used. HEW also advises that it knows of no domestic instrument which provided the pertinent features of each article at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPA,
Director, Special Import Programs Division.

[FR Doc.77-29833 Filed 10-12-77;8:45 am]

[3510-24]

Economic Development Administration

ROUND TWO OF THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Architect-Engineer Fees: Eligibility for Reimbursement When Performed by Force Account

Notice is hereby given, pursuant to authority contained in the Local Public Works Capital Development and Investment Act (Act), as amended (42 U.S.C. 6701), that certain architectural and engineering expenses incurred by recipients of grants under this program are eligible for reimbursement from grant funds even when performed directly by the recipient (that is, by "force account"). The Economic Development Administration (EDA) is publishing this notice because a number of questions have been raised on this matter. This notice announces EDA's formal position and previous documents inconsistent with this notice are no longer in effect.

As required by section 106(e) of the Act, no part of the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of any public works project for which a grant is made under Round II may be performed directly by any department, agency, or instrumentality of any State or local government. Any costs incurred by grantees for construction activities which were performed directly by the grantee (by force account) are not eligible for reimbursement.

The prohibition against the use of grant funds to reimburse expenses incurred by force account extends to all expenses incurred from "construction activities". Architectural and engineering work or related planning may be reimbursed from grant funds when performed by force account when the grantee had already undertaken architectural design or preliminary engineering or related work but was required to undertake additional architectural or engineering work or related planning in order to permit construction of the project. Such "additional" architectural and engineering (A/E) work which is necessary to update plans and specifications is not part of "construction activities" and is not, consequently, subject to the prohibition of force accounts set forth in 13 CFR 317.18(e). "Additional A/E work" includes A/E work performed after submission of an application under Round I of the Local Public Works program. "Additional A/E work" may also include work performed to update plans and specifications any time before the grantee accepts bids for construction of the project. After the grantee accepts bids, A/E work will be considered as "additional A/E work" only if the grantee has modified the project with

EDA's approval and must perform "additional" A/E work or related planning to permit construction of the project as modified.

Other A/E work, such as inspection fees and test borings, are "construction activities" and subject to the prohibition of force accounts and other relevant regulations. Such work may be reimbursed, but only if performed by contract in compliance with the regulations and grant agreement.

Dated: October 4, 1977.

ROBERT T. HALL,
Assistant Secretary for Economic Development.

[FR Doc.77-29834 Filed 10-12-77;8:45 am]

[3510-25]

Foreign-Trade Zones Board

[Docket No. 10-77]

FOREIGN-TRADE ZONE—SPARTANBURG COUNTY, SOUTH CAROLINA

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Carolina State Ports Authority, Charleston, S.C., requesting authority to establish a general-purpose foreign-trade zone within the Greenville-Spartanburg Customs Port of Entry. The proposed zone would be located on a 20 acre parcel situated on the south side of U.S. 29, one-half mile west of Interstate 85 in Spartanburg County, S.C. Some 9.5 miles from the City of Spartanburg's center, the site is bounded on the west by South Carolina Highway 63 and on the south by South Carolina Highway 316. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 3, 1977. The Ports Authority, an agency of the State of South Carolina, is authorized to make the application under Section 54-3-230 of the Code of Laws of South Carolina (1976).

The South Carolina Ports Authority is the sponsor of Foreign-Trade Zone No. 21, Dorchester County, S.C., approved in 1975, within the Charleston Customs port of entry. Owned by Carolina Trade Zone, Inc., (CTZ) the Charlestcn area facility is operated under contract with the Ports Authority. In response to interest expressed by the South Carolina Piedmont area's civic and business communities in providing zone services in that part of the State, the Ports Authority has engaged CTZ to operate a second zone facility on a site which the latter has under option to purchase near the City of Spartanburg. As with the State's original zone, the project is actively supported by the South Carolina State Development Board.

Plans call for the initial construction of 96,000 square feet in warehouse type facilities with expansion possibilities of up to 366,000 square feet. Well situated in terms of highway transportation connections and motor carrier service, the proposed zone site is also served by three trunk line railroads, with a rail spur of the Southern Railway already available at the site. The Greenville-Spartanburg Airport, with modern air cargo handling capabilities, is 10 miles from the proposed facility.

The application includes economic data and information concerning the need for zone services in the area. Several firms have indicated their intention to use the zone for storage, assembly, processing and distribution. Among the products involved are textile machinery and parts, textiles, electronic controls and measuring devices, tires and rubber, and electrical products.

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 Region IV, 7370 NW., 36th Street, Miami, Fla. 33166; and Colonel William W. Brown, District Engineer, U.S. Army Engineer District, Charleston, P.O. Box 919, Charleston, S.C. 29402.

In connection with its investigation of the proposal, the examiners committee will hold a public hearing on November 9, 1977, beginning at 2 p.m., in the East Courtroom, Spartanburg County Courthouse, Magnolia Street, Spartanburg, S.C. The purpose of the hearing is to help inform interested persons about the proposal, to provide them with an opportunity to express their views, and to obtain information useful to the committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should by November 2 notify the Board's executive secretary in writing at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted to the examiners committee, care of the executive secretary, at any time from the date of this notice through December 9, 1977. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Customs Service, Route 5, Greenville-Spartanburg Airport, Greer, S.C. 29651.

Office of the Executive Secretary, Foreign Trade Zones Board, U.S. Department of Commerce, Room 6886-B, Washington, D.C. 20230.

Dated: October 7, 1977.

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

[FR Doc.77-29884 Filed 10-12-77;8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL

Statement of Organization, Practices, and Procedures

Pursuant to section 302(f)(6) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices, and procedures. As required by the Act, the Caribbean Fishery Management Council has prepared and is hereby publishing its Statement of Organization, Practices, and Procedures.

Dated: October 7, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

CARIBBEAN FISHERY MANAGEMENT COUNCIL, SUITE 806, BANCO DE PONCE BUILDING, HATO REY, P.R. 00918

STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES

1. *Name of Council:* Caribbean Fishery Management Council.

2. *Location:* The permanent offices of the Council are located at Suite 806, Banco de Ponce Building, Hato Rey, P.R. 00918. Postal address: P.O. 1001, Hato Rey, P.R. 00919. Telephones: FTS 753-4926, 753-4927, 753-4928; Commercial 753-6910.

3. *Council Legal Authority:* The legal authority or basis for the existence of the Caribbean Fishery Management Council is Pub. L. 94-265, otherwise known as Fishery Conservation and Management Act of 1976. Specifically, Section 302(a)(4) of the Act establishes the Caribbean Council as one of eight Regional Fishery Management Councils.

4. *Purpose:* The purpose of the Caribbean Fishery Management Council is to exercise its responsibilities and functions in accordance with the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265:16 USC1801), and any other applicable law.

5. *Council Composition:* The caribbean Fishery Management Council shall consist of the Territory of the United States Virgin Islands and the Commonwealth of Puerto Rico, and shall have authority over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of such States.

The Caribbean Council shall have 7 voting members, including 4 appointed by the Secretary of Commerce pursuant to Section 302, Subsection (b)(1) (at least one of whom shall be appointed from each such State[1]).

The non-voting members of the Council shall be those established on Section 302(a)(A)(B)(D) of Pub. L. 94-265.

6. *Officers and Term of Office.* A Chairman and a Vice-Chairman are elected from the voting mmebers of the Caribbean Council. Both officers serve for a period of one year

[1] Wherever the term "State" is used in this document it shall be interpreted as defined by Pub. L. 94-265, under Section 3, Definitions (21).

They may succeed themselves if elected. Elections will be held at the first Council meeting after new members take office in August.

7. *Staff.* The voting members of the Caribbean Fishery Management Council will hire an Executive Director and other support staff as deemed necessary, for carrying out the decisions and desires of the Council.

A. *Functions—Executive Director:* The Executive Director directs the organizational and administrative aspects of Council operations, including hiring and supervising of support staff. Serves as the Chief Liaison Officer for the Council in contacts with government and private agencies. He is responsible for the implementation of Council policies and decisions. Under Council supervision, he accounts for and controls resources allocated to the Council. He is responsible for developing agenda for Council and public meetings, and for the preparation of reports. Represents the Council before public or official groups when required, and coordinates incoming and outgoing communications with all Council members.

B *Functions—Other Staff:* To be provided.

C *Experts and Consultants:* The Council may contract with experts, consultants, and other personnel, as needed, to provide technical assistance.

D *Details of Government Employees:* The Council may request the head of any Federal agency to detail to the Council, on a Reimbursable basis, any personnel of such agency to assist the Council in the performance of its functions under the Act.

The length of such details shall be mutually determined by the Council, the Federal employee, and his or her agency. Federal employees so detailed retain all benefits, rights and status as they are entitled to their regular employment. The Council may negotiate arrangements with States or local government to utilize employees of those governments.

The Executive Director shall negotiate and the Council shall approve any such agreement.

E. *Employment Practices:*

(1) Nondiscrimination.—All activities supported in whole or in part by Federal funds must operate under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness, competence, and qualifications. Employment actions shall be free from discrimination based on race, religion, color, national origin, sex, age, or physical handicap.

(2) Personnel Actions.—Subject to these instructions, and within budgetary constraints, the Council may establish positions, recruit, hire, compensate and dismiss personnel. Involuntary separation shall be for cause alone, with reasonable advance notice given to the employee.

(3) Salary and Wage Administration.—In setting rates to pay for Council staff, the principle of equal pay for substantially equal work should be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

Overtime payment shall be in accordance to the Federal Labor Standards Act.

The duties of any new position shall be contained in a brief description to be submitted to the NOAA Personnel Office servicing NMFS Regional Office assigned to the Council prior to the submission of a budget in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position. The Council may fill the position at any salary level within that range. However, it shall be the policy of the Council to pay persons so hired at the beginning rate; Provided, that exceptionally qualified individuals may be considered for a higher salary, at the discretion of the Council. The annual pay for any staff position may not exceed the equivalent of the top step of GS-15 of the Federal General Schedule at any time. After a position has been filled, the employee may be promoted annually and recognized for superior performance within the specific salary ranges in accordance with Council policies.

(4) Leave.—Paid annual leave shall be granted to Council staff members at the same rate used by the Federal Government for its employees. For leave purposes only, credit shall be given to prior State, Federal or military service, not to exceed a total of twelve (12) years.

(5) Holidays—The following official holidays will be observed by the Council.

(a) New Year's Day (January 1)
(b) Three Kings Day (January 6)
(c) Good Friday.
(d) Washington's Birthday (February).
(e) Memorial Day (last Monday in May).
(f) Independence Day (July 4).
(g) Puerto Rican Constitution Day (July 25).
(h) Labor Day (first Monday in September).
(i) Columbus Day (second Monday in October).
(j) Veteran's Day (fourth Monday in October).
(k) Puerto Rican Election Day (November 7).
(l) Thanksgiving Day (fourth Thursday in November).
(m) Christmas Day (December 25).

(In addition to recognized federal holidays, the above holidays account for days on which the Council's staff will not have access to its offices because of standard office building management procedures in the location of the Council's offices. However, if such a local holiday should fall during a Council meeting it shall not be observed as an official holiday of the Council.)

In addition to the above, the Executive Director is authorized to grant administrative leave to the Council staff on any local holiday when normal routine would make performance of staff functions impracticable, if such is consistent with the current workload of the staff.

Business will be conducted from 8 a.m. to 4:30 p.m.

(6) Employee Benefits.—The Council shall provide its employees the opportunity to participate in group medical insurance, life insurance and retirement plans and pay a reasonable proportion of the cost of such plans.

(7) Standards of Conduct.—The Council is responsible for maintaining high standards of ethical conduct among themselves and their staff. Such standards include the following principles:

No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county or municipal elective office.

No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Council.

No employee of the Council shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

No Council member or employee of the Council shall use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment which has not been made available to the general public.

No Council member or employee of the Council shall engage in criminal, infamous, dishonest, notoriously immoral or disgraceful conduct prejudicial to the Council.

No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

(8) Personnel Files.—A file for each Council member containing appointment papers, security reports, biographical data and other official papers will be centrally maintained at Council Headquarters under security and safeguard conditions required of files subject to the Privacy Act. This file will be available to the member, and to other persons only pursuant to the Privacy Act.

(9) Security Investigations.—When it is anticipated that security classified information will be kept or handled in the Council offices, certain employees shall be designated by the Executive Director to be permitted access to the information in accordance with Federal standards and shall receive appropriate security clearance from the Office of Investigations and Security of the Department of Commerce.

F. *Line Authority:* Council members must submit all requests for task performance that they desire to be carried out by the Executive Director or his Staff to the Council Chairman for his approval and transmittal. The Chairman of the Council, or the Vice-Chairman in his absence, are the only ones so designated to exercise line supervision over the Executive Director.

Similarly, the other members of the Executive Staff receive their line supervision solely from the Executive Director. Council members needing assistance from the Staff in the performance of their duties, should clear the availability of personnel and services with the Executive Director.

a. *Standing Committees of Council Member:*

A. *Names:* The Caribbean Fishery Management Council shall establish the following Standing Committees:

(1) Finance Committee.
(2) Grievance Committee.

B. *Composition:*

(1) The Standing Committee on Finance shall be composed of three voting members; provided that Council Chairman shall automatically be a member of this Committee. The remaining two members of said Committee shall be selected by Council vote.

(2) The Grievance Committee shall be composed of three members of the Council (voting and/or non-voting) who shall be selected by vote of the Council.

C. *Functions:* The functions of the above Standing Committees are as follows:

(1) Finance Committee.—In general, the Finance Committee is to exercise a planning and control function over Council expenditures and the budget. This responsibility extends to the establishment and monitoring of appropriate procedures in the areas of contract award and administration, procurement procedures, property management, and accounting and budgetary control. A report

shall be given by the Finance Committee to the Council quarterly.

(2) Grievance Committee.—In general, to hear grievances from public, members, and staff in all matters pertaining to Council functions.

9. *Meetings:*

A. *General:*

(1) The Council shall meet at least quarterly at the call of the Chairman of the Council or upon request of a majority of the voting members.

(2) Advisory bodies will meet with the approval of the Council.

(3) The Council shall comply with all the requirements of Pub. L. 92-463 (Federal Advisory Committee Act) and regulations issued by the Secretary of Commerce with respect to the conduct of meeting.

B. *Frequency and Duration:* The Council shall meet in a plenary session at least quarterly, or as needed. The workload of the Council will determine the duration of the Council meeting. Normally, a Council meeting will begin on the third Tuesday of the month at 9:00 a.m.; and end at noon on the following Thursday. However, Council members will be expected to arrive at the location of the meeting on the day before it begins to participate in Committee meetings to review materials for the meeting prepared by the staff.

The Chairman, Vice-Chairman, and other members of the Advisory Panel, and the Scientific and Statistical Committee, as designated by the Council Chairman may attend each plenary meeting.

C. *Location:* The meeting place of the Council should be large enough to accomodate the anticipated public attendance and be easily accessible to those interested in attending. It is desirable that any meeting or hearing conducted under the authority of the Council be held in the particular area of interest within the Council's jurisdiction, consistent with budgetary constraints.

D. *Agenda:* Suggested agenda for all Council meetings should be drawn up by the Executive Director and approved by the Chairman. The Chairman will be assisted in the task by the Vice-Chairman, the Executive Staff, and members of the Council who wish to contribute. The final agenda and supporting documents shall be distributed to the Council members for their review on the day before the meeting begins.

E. *Minutes of Meeting* Detailed minutes of each meeting must be kept and their accuracy certified by the Executive Director. Suggested minimum contents of such minutes are listed below:

(1) The time and place of meeting;

(2) A list of Council or Advisory Panel members, Staff, and others present;

(3) A complete and informative summary of matters discussed and conclusions reached;

(4) A listing with copies of all reports and papers received, issued, or approved by the Council or Advisory Panel;

(5) An accounting of any portions of the meeting which were closed to the public;

(6) The names of members of the public who attend, the number or an estimate where a register is impractical or the members of the public decline to be identified;

(7) An explanation of the extent of public participation including a list of those presenting written or oral statements; and

(8) A copy of the agenda.

F. *Authority of the Chair:* All formal meetings will be conducted in accordance with *Robert's Rules of Order.*

10. A. *Scientific and Statistical Committee:*

(1) General —The Caribbean Fishery Management Council is required to establish and maintain, and appoint the members of a Scientific and Statistical Committee to assist the Council in the development, collection, and evaluation of statistical, biological, economic, social and other scientific information as is relevant to the Council's development or amendment of any fishery management plan.

(2) Committee name.—Scientific and Statistical Committee of the Caribbean Fishery Management Council.

(3) Composition.—The Committee is a multidisciplinary body composed of scientists knowledgeable in the fisheries to be managed. The members of the Committee and a Chairman and Vice-Chairman are appointed by the Council.

(4) Function.—The Scientific and Statistical Committee provides expert scientific and technical advice to the Council on the development of fishery management policy, on the preparation of fishery management plans, and on the effectiveness of such plans once in operation. The Committee aids the Council in identifying scientific resources available for the development of plans, in establishing the objectives of plans, in establishing criteria for judging plan effectiveness, and in the review of plans.

B. Advisory Panel:

(1) General.—The Caribbean Fishery Management Council is required to establish such advisory panels as are necessary or appropriate to assist the Council in carrying out the functions of the Act. The Secretary of Commerce is authorized to pay the actual expenses of members of such panels while engaged in the performance of Council business.

(2) Panel Names.—The Caribbean Fishery Management Council has, to date, established one General Advisory Panel.

(3) Composition —The composition of the above Advisory Panel is as follows: Sports fishermen, commercial fishermen, divers and fish dealers, and other interested individuals and is established to provide advice to the Council for each Fishery Management Plan developed by the Council or by the Secretary of Commerce. The Advisory Panel is geographically and functionally representative (including consumer representation) of the affected commercial industry and of the recreational sector of the fishery. These individuals shold be knowledgeable of, and interested in the conservation and management of the applicable fishery. Panel should be sufficient in number to permit a balance representation of interests.

(4) Function.—The following functions are identified for the Advisory Panel:

(a) The General Advisory Panel provides advice and guidance to the Council The Panel aid the Council in establishing the goals, objectives, and procedures of the plan during its preparation and review; assists the Council and its other appointed committees and panels in generating the necessary data for the plan via their linkage to the fishing community; assists the Council in developing criteria for judging plan effectiveness; and serves as a communication link between the fishing community and the Council during the monitoring of plan effectiveness.

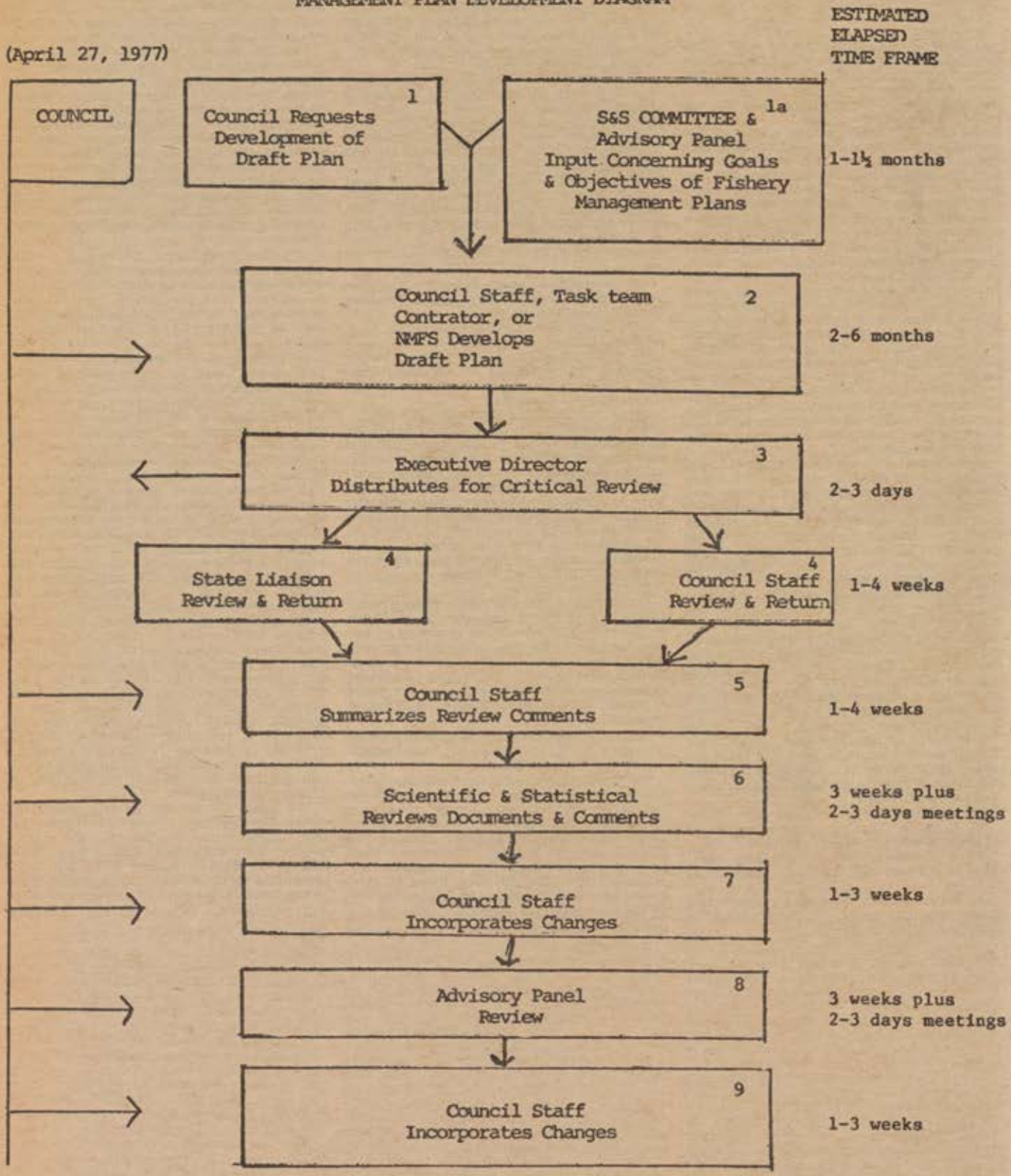
(b) The panel meets in the area encompassed by the Council's constituent States as deemed necessary by the Council. No staff is assigned to these panels, but the staff support may be requested from the Chairman of the Council or the Executive Director.

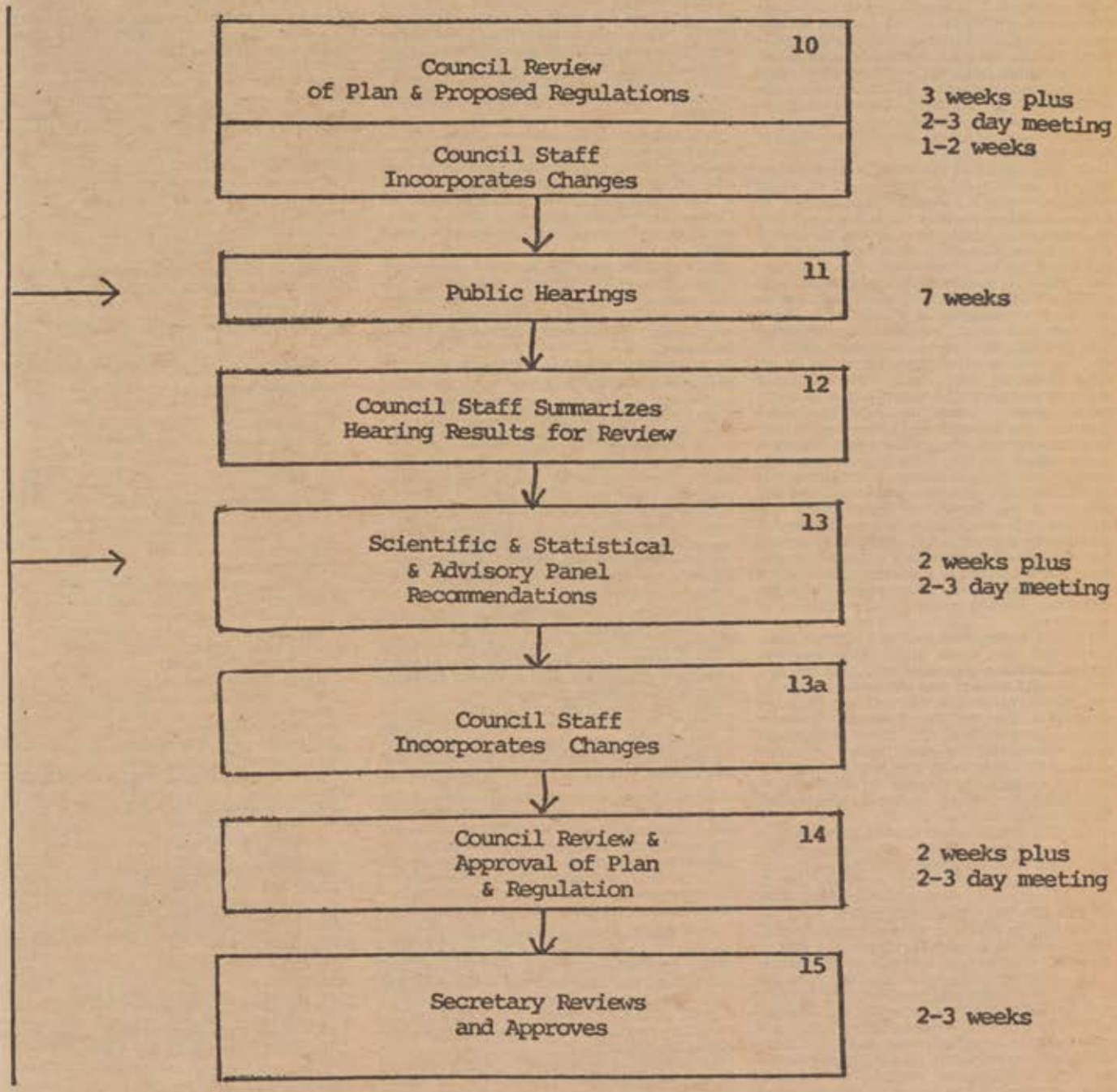
11. *Organization of Management Plan Development Teams:* Management plan teams will be organized for each fishery management unit identified by the Council Team members will be selected from State and Federal conservation agencies, universities, and private institutions or individuals known to possess specific knowledge or expertise considered desirable in the preparation of management plans. The Scientific and Statistical Committee will submit to the Council a list of recommended members, participating agencies or institutions, and suggest a lead agency to direct the plan preparation. The Council will confirm the composition of a team and identify the lead agency, individual, or organization Following formation of the management team and guidance from the Council concerning the general objectives and scheduling of plan preparation, the team will organize the plan and its contents in accordance with a standard outline. Scientific inputs to the plan will be drawn from published reports and papers of participating State and Federal agencies, universities and any other relevant data source, including information derived from oral testimonies. It will be the responsibility of the team leader to insure that the best available data is analyzed and use in drawing up draft plans.

The Team Leader will be responsible for scheduling meetings, typing and reproducing preliminary drafts, coordinating the activities of the team, and distributing tasks among its team members After the team presents a Draft Fishery Management Plan to the Council, the plan development process will proceed as outlined in the following diagram and explanation.

MANAGEMENT PLAN DEVELOPMENT DIAGRAM

(April 27, 1977)




10
Council Review
of Plan & Proposed Regulations
Council Staff
Incorporates Changes
3 weeks plus
2-3 day meeting
1-2 weeks
11
Public Hearings
7 weeks
12
Council Staff Summarizes
Hearing Results for Review
13
Scientific & Statistical
& Advisory Panel
Recommendations
2 weeks plus
2-3 day meeting
13a
Council Staff
Incorporates Changes
14
Council Review &
Approval of Plan
& Regulation
2 weeks plus
2-3 day meeting
15
Secretary Reviews
and Approves
2-3 weeks

MANAGEMENT PLAN DEVELOPMENT PROCEDURE

(1) The Council initiates a request for a management plan through the Executive Director. The Council staff prepares detailed documentation on the information requirements of a management plan for each management unit and sets of optional, tentative goals and objectives which are submitted to the Scientific and Statistical Committee and Advisory Panel for review and comment to the Council. The Scientific and Statistical Committee comments to the Council on the data requirements and makes recommendations on the agencies, institutions, or other entities which have the expertise to develop the draft management plan and recommends methods of preparation. The Council reviews, revises and adopts a set of goals and objectives and selects the group who will develop the draft.

(2) The Council authorizes its staff to begin negotiations for a contractual or other agreement with a person or organization to either prepare a plan, or to lead a task team in preparation of the plan. If the task team approach has been designated by the Council, upon the recommendation of the staff, the staff will also recommend a person or organization to act as team leader. A team leader will then recommend to the Council names of other individuals to serve on the team. The Council will have ultimate approval of any contract or other agreement, and of all team members. Consistent with applicable regulations, contracts may be let to individual team members for consulting services. In some fisheries, the Council staff may be utilized to prepare a draft plan. The contractor, Staff, or Task Team develops a draft management plan according to requirements of P.L. 94-265, pertinent regulations and the goals and objectives as approved by the Council. This should include a draft environmental assessment, which should be in the form of a draft Environmental Impact Statement. Development of a set of proposed management regulations with optional alternatives may be requested by the Council as appropriate.

(3) The contractor, staff or group(s) completes the plan draft using the format required by the regulations and that for Environmental Impact Statement, and forwards the document to the Council through the Executive Director. The Executive Director distributes copies to the Council Management Committee for each fishery plan, the Council technical staff, and to the state liaison officers with the request for a critical review of the document. Copies are distributed to Council members.

(4) The reviewers are allowed three to four weeks for critical review of the document. The state liaison officers provide particular review emphasis on management applicability and omission of available technical data as well as a general critical review. Staff reviews applicability to requirements of P.L. 94-265 and the interim regulations as well as a general critical review of scientific content.

(5) Review comments are returned to Council staff who summarize them by reference page number and by source. Important omissions and possible errors noted are forwarded to contractor (if any) for comment and clarification. The plan may be revised to include this omitted information and the correction of errors by Council staff. Summarized comments and copies of the plan are forwarded to Scientific and Statistical Committee members three weeks prior to their scheduled meeting. The summarized comments are intended as a time-saving device to aid Scientific and Statistical Committee members in their own review.

(6) Scientific and Statistical Committee reviews draft plan and provides comment to Council. Representatives from the appropriate Advisory Panel may be invited to participate in the meeting as requested by the staff, the Council, or the Scientific and Statistical Committee.

(7) The Council staff in cooperation with contractor, if any, the Scientific and Statistical Committee members and possibly specific consultants revise the plan considering Scientific and Statistical Committee's comments. The revised document now contains the best available scientific knowledge and is transmitted to members of the Advisory Panel at least three weeks prior to their scheduled meeting along with summarized lists of comments and changes. Council Management Committee reviews document changes.

(8) Advisory Panel reviews document, as amended, and provides comments. Representatives from the Scientific and Statistical Committee may also be invited to participate in the meeting as requested by the staff, the Council or the Advisory Panel. Council Management Committee participates in discussions.

(9) Council staff prepares document for Council review and provides sets of alternative regulations, summarizes all comments and areas of disagreement on scientific or operational aspects and adds draft EIS, if necessary.

(10) Chairman of the Scientific and Statistical Committee and the Advisory Panel advise Council on their review of document content. Council reviews and adopts a revised document and adopts proposed regulations if appropriate Council staff revises the amended document according to the directives of the Council for public hearings. Appropriate distribution of the revised document will be made for the public hearings.

(11) Public hearings are duly held in appropriate locations. Management Committee members or other Council members designated by the Council Chairman, chair these public hearings.

(12) Council staff forwards a summry of the public hearing results to Scientific and Statistical Committee and Advisory Panels and the Council the weeks prior to scheduled meetings. Copies are also provided to Management Committee members.

(13) The Scientific and Statistical Committee and the Advisory Panel meet jointly, in whole or in part, as directed by the Council Chairman to review public comments and recommend changes in plan or regulations.

NOTE.—If the public hearing comments are such that a review and the development of recommendations by either or both of the Scientific and Statistical Committee and the Advisory Panel are not necessary, then the Council Chairman may direct that some or all members of these bodies meet with the Council and eliminate procedure step 13.

(14) The Council reviews the public comments and recommendations by the Advisory Panel and Scientific and Statistical Committee and instructs staff in revision of the plan. The approved revised plan is transmitted to the Secretary by the staff on instruction by the Council along with proposed regulations, if any.

12. *Financial Management System:* A financial management system will be maintained which follows the requirements of Office of Management and Budget Circular No. A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations: Uniform Administrative Regulations."

(1) Standards for code of employment conduct in contract awards and administration will be those in effect in the Federal Government.

(2) Procurement procedures are presented as Appendix "A".

(3) Property Management procedures will conform to Federal standards.

(4) Accounting and budgetary control procedures.

(a) Budgetary procedures will follow those prescribed in the Council Operations Handbook (Appendix D-1) and OMB and NMFS supplemental instructions.

(b) Accounting procedures will conform generally to those specified in Attachment F to OMB Circular A-110 and to the Model Accounting System suggested by the NMFS. The Council will strive to simplify and modify the accounting system as experience dictates such need, keeping in mind that it must include careful recording of transactions in a manner which will provide a clear track for audit both internally and by the Government.

13. *Amendment:* This statement of Organization, Practices and Procedures shall be adopted by a majority vote of the Council. Any amendment will go into effect upon publication in the FEDERAL REGISTER.

CARIBBEAN FISHERY MANAGEMENT COUNCIL, SUITE 806, BANCO DE PONCE BUILDING, HATO REY, P. R. 00918

STATEMENT OF ORGANIZATION, PRACTICES, AND PROCEDURES

Appendix "A" Procurement Procedures

I. *General Provisions:*
.01 *Definitions:*
(1) Business
(2) Change Order
(3) Construction
(4) Contract
(5) Conspicuously
(6) Confidential Information
(7) Contract Modification
(8) Contractor
(9) Debarment
(10) Employee
(11) Financial Interest
(12) Gratuity
(13) Immediate Family
(14) Person
(15) Procurement
(16) Purchase Request
(17) Subcontractor
(18) Suspension
(19) Supplies
.02 *Competition*
.03 *Purchasing Procedures*
.04 *Sources of Supply*
.05 *Procurement from Government Sources*
.06 *Determination of Need*
.07 *Lease vs. Purchase*
.08 *Specifications*
.09 *Award*
.10 *Non-Competitive Practices*
II. *Formal Advertising:*
.01 *Use of Formal Advertising*
.02 *Formal Advertising Defined*
.03 *Late Bids, Modification of Bids, or Withdrawal of Bids*
.04 *Mistakes on Bids*
.05 *Rejection of Bids*
.06 *Content of Invitation for Bids*
.07 *Basis of Selection*
.08 *Adequacy of Competition*
.09 *Lists and Sources of Supply and Services*
.10 *Price Analysis*
.11 *Cost Principles and Procedures*
.12 *Preaward Surveys*
III. *Sole Source Procurements:*
.01 *Review by Executive Director or his Designee*
.02 *Factors*
.03 *Approval by NOAA*
IV. *Award:*
.01 *Responsiveness of Bidder*
.02 *Responsible Bidder*

.01 Definitions. The words and terms defined in this section shall have the meanings set forth below, unless (i) the context in which they are used clearly requires a different meaning, or (ii) a different definition is prescribed for a particular Section or portion thereof.

(1) *Business* means any corporation, partnership, joint stock company, joint venture, or any legal entity through which goods or services are provided.

(2) *Change Order* means a written order signed by the Executive Director directing the contractor to make changes, which the Changes clause of the contract authorizes the Executive Director to order without the consent of the contractor.

(3) *Construction* means the erection, alteration, or repair of a building, structure, or other improvement to real property.

(4) *Contract* means all types of agreements and orders for the procurement, or disposal, or supplies, services, construction, or any other item. It includes awards and notices of award; contracts of a fixed price, cost, cost-plus-a-fixed-fee, or incentive types; letter contracts, and purchase orders. It also includes supplemental agreements with respect to any of the foregoing.

(5) *Conspicuously* means written in such special or distinctive format, print, or manner that a reasonable person against whom it is to operate ought to have noticed it.

(6) *Confidential Information* means any which is available to an employee only because of his status as an employee and is not a matter of public knowledge or available to the public on request.

(7) *Contract Modification* means any written alteration on the specification, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing contract.

(8) *Contractor* shall mean any person having a contract with the Council.

(9) *Debarment* means the disqualification of a person to receive invitations to bid or requests for proposals, or the award of a contract by the Council for a specified period of time.

(10) *Employee* includes any individual drawing a salary from the Council and any nonsalaried or governmental employee performing services for the Council, and members of the Council's Scientific and Statistical Committee and Advisory Panel.

(11) *Financial Interest* shall mean:

(a) Ownership of any interest or involvement in any relationship from or as a result of which the owner has, within the past three years, received or is presently or in the future entitled to receive more that $500.00 per year, or

(b) Ownership of more than a 1 percent interest in any business, or

(c) Holding a position in a business such as an officer, director, trustee, partner, employee or the like or holding any position of management.

(12) *Gratuity* means a payment, loan, subscription, advance, deposit of money, services, offer of employment, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

(13) *Immediate Family* means a spouse, children, grandchildren, parents, and brothers, sisters, and in-laws.

(14) *Person* means any business, individual, union, committee, club or other organization or group of people.

(15) *Procurement* includes purchasing, renting, leasing or otherwise obtaining supplies or services. It also includes all functions that pertain to the obtaining of such supplies, services, and items, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

(16) *Purchase Request* means a document requesting that a contract be obtained for a described item.

(17) *Subcontractor* means any business which holds an agreement or purchase order to perform any part of the work or to make or furnish any article or service required for the performance of a Council-funded contract, or subcontract thereunder.

(18) *Suspension* means the disqualification of any person to receive invitations for bid or requests for proposals, or to be awarded a contract by the Council for a temporary period pending the completion of an investigation, and any legal proceedings that may ensue.

(19) *Supplies* includes all property except land or interest in land.

.02 Competition. All purchases and contracts except purchases from federal sources shall be made on a competitive basis to the maximum practicable extent. Purchases from non-federal sources shall be made by formal advertising or by negotiation.

.03 Purchasing Procedures. The following procedures are used by the Council for all procurements:

(1) Procurements Over $2,500.—For procurements of $2,500 or more the Administrative Officer shall solicit a sufficient number of prospective bidders in accordance with Section II so as to elicit adequate competitive bids, open them simultaneously, and recommend award to the Executive Director of the responsible bidder whose bid is most advantageous to the Council, price and other factors considered.

(2) Procurements Less Than $2,500.—For procurements ranging in value of less than $2,500, but of $500 or more, the Executive Director or his designee shall obtain quotations from at least two vendors and select the vendor whose quotation is most advantageous to the Council, price and other factors considered.

(3) Procurements of Less Than $500.—Procurements of less than $500 in value may be made directly by the Executive Director or his designee without quotations or bids.

(4) Records.—A record of all formal and informal quotations on bids shall be maintained by the Executive Director.

.04 Sources of Supply. Irrespective of whether the procurement of supplies or services from nonfederal sources is to be effected by formal advertising or negotiation, competitive proposals ("bids" in the case of procurement by formal advertising, "proposals" in the case of procurement by negotiation) shall be solicited from all such qualified sources as are deemed necessary by the Executive Director or his designee to assure such full and free competition as is consistent with procurement of types of supplies and services necessary to meet the requirements of the Council.

.05 Procurement From Government Sources. Prior to the award of any contract for the purchase of supplies, federal sources which are available to the Council shall be considered and when such sources are most advantageous to the Council's needs, price and other factors considered, the procurement shall be made from federal supply sources. Competitive bids or letters are not required when the procurement list established by the federal sources is based upon a competitive bid procedure.

.06 Determination of Need. When considering the necessity for a procurement, (either goods or services) the Executive Director or his designee shall:

(1) Certify the requirement with respect to need and extent.

(2) Ensure that the procurement is not duplicating work already undertaken by another Council or governmental agency.

(3) Be certain that the task cannot be accomplished by Council personnel.

(4) Determine that the requirement cannot be fulfilled using other available sources.

.07 Lease vs. Purchase. Leasing will be used where it is in the Council's interest. The criteria to be considered in deciding to lease rather than purchase include the following:

(1) The Council requirement is of a short duration, and purchase would be more costly than leasing.

(2) The probability that the equipment will become obsolete and that replacement within a short period will be necessary; and

(3) The equipment is special or technical, and the lessor will provide the equipment, as well as maintenance and repair services, at a lower cost than would otherwise be available to the Council.

Lease versus purchase decisions are based on an economic analysis and the Council's files shall be documented to support the final decision.

.08 Specifications. The work "specification" is a clear and accurate description of the technical requirements for material, product, or service, including the procedure by which it will be determined that the requirements have been met. Specifications for items or materials contain also preservation, packing, and marking requirements.

(1) Use of Federal Specifications. In all purchases of property by the Council, specifi-

cations promulgated by the General Services Administration or the United States Department of Commerce shall be used unless the Executive Director or his designee determines that such specifications are inappropriate for Council purposes.

(2) Use of Council Specifications. In the purchase of services such as consultants or technical advice the Council shall device specifications. Such specifications may be prepared by Council staff, which may seek the recommendations of Advisory Panel, Scientific and Statistical Committee, or other sources selected by the Council.

.09 Award. Unless all bids are rejected, award may be made by the Executive Director or his designee by written notice, within the time for acceptance specified in the bid, to that responsible bidder whose bid on the judgment of the Executive Director, confirms to the invitation for bids and will be most advantageous to the Council, price and other factors considered. Award shall be made by miling or otherwise furnishing to the successful bidder a properly executed award document or notice of award. All provisions of the invitation for bids, including any acceptable changes or additions made by the bidder in the bid, shall be clearly and accurately set forth in the award document.

.10 Non-Competitive Practices. Non-competitive practices such as possible anti-trust violations and identical bids shall be reported by the Executive Director or his designee according to the procedures set out in Title 41 Code of Federal Regulations, Federal Procurement Regulations; Subpart 1-1.9 and 1-1.16.

II. *Formal Advertising:*

.01 Use of Formal Advertising. Contract for property and services are made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. Formal advertising is not required when government sources of supply are used, provided the procurement list established by the government source is based upon a competitive bid procedure.

.02 Formal Advertising Defined. Formal advertising means procurement by competitive bids and award. It involves the following basic steps:

(1) Preparation of the Invitation for Bids.—Preparation of the invitation for bids, describing the requirements of the Council clearly, accurately, and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related documents furnished prospective bidders for the purpose of bidding.

(2) Publicizing the Invitation for Bids.—In procurement activities using formal advertising the Executive Director or his designee will select the means which will make information available to potential suppliers. Such means may include but are not limited to publication in local trade newspapers and journals and publications in the "Daily Journal of Commerce." When notice is given by publication, the Executive Director or his designee will publish the notice at least 10 days before the issuance of the invitation for bids or requests for proposals.

(3) Receipt and Opening of Bids.—

(a) Receipt. All bids received prior to the time set for opening shall be kept unopened in a locked receptacle. If a bid is opened by mistake, the person who opens the bid will immediately sign the envelope and deliver it to the Administrative Officer. The Administrative Officer shall immediately write on the envelope an explanation of the opening, the date and time opened, and sign the statement. No information shall be disclosed prior to the public bid opening.

(b) Opening. The Administrative Officer shall decide when the set time for bid opening has arrived and shall so declare to those present. All bids received prior to the time set for opening shall then be publicly opened, recorded and when practicable, read aloud to the persons present. If impracticable to read the whole bid, the total amount bid shall be read. Bids may be examined by interested persons but original bids may not be allowed to pass out of the hands of Council employees.

(4) *Awarding the Contract.* After bids are publicly opened, they shall be tabulated and evaluated by the Administrative Officer and a recommendation shall be made to the Executive Director for award. Award shall be made to that responsible bidder whose bid conforms to the invitation for bids and will be not advantageous to the Council, price and other factors considered and notwithstanding any other provision hereof. However, all contracts for Fishery Management Plan preparation are subject to prior approval by the Council.

.03 Late Bids, Modification of Bids, or Withdrawal of Bids.

(1) Any bid received at the place designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and either:

(a) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for the receipt of bids; or

(b) It was sent by mail or telegram (if authorized) and it is determined by the Executive Director or his designee that the late receipt was due solely to mishandling by the Council staff after receipt in the designated place.

(2) Modification or withdrawal of bids are subject to the same conditions as set out in (a) above.

.04 Mistakes in Bids. Mistakes in bids shall be handled according to the provisions of Title 41, Code of Federal Regulations; Federal Procurement Regulations; part 1-2 S 1-2.406.

.05 Rejection of Bids. Bids may be rejected by the Executive Director or his designee as follows:

(1) Nonconforming Bids.—Any bid which fails to conform to the essential requirements of the invitation for bids shall be rejected as non-responsive.

(2) Debarred or Ineligible Bidders.—Bids received from any person or concern debarred or ineligible shall be rejected.

(3) Rejection of All Bids.—The Executive Director or his designee may reject any and all bids. Each bidder shall be notified of the reason why all bids were rejected.

.06 Content of Invitation for Bids. For supply and service contracts, invitations for bids shall contain the following information if applicable to the procurement involved.

(1) Name and address of Council
(2) Date of issuance
(3) Date, hour, and place of opening
(4) Number of pages
(5) A description of supplies or services to be furnished in sufficient detail to permit full and free competition
(6) The time of delivery or performance
(7) A statement in the invitation that "Bids must set forth full, accurate, and complete information as required by this Invitation for Bids (including attachments)."
(8) Bid guarantee, performance and payment bond requirements, if any
(9) A requirement that all bids must allow a period for acceptance by the Executive Director or his designee of not less than a minimum period stipulated in the invitation for bids and that bids offering less than the minimum stipulated acceptance period will be rejected.
(10) In the cases where bidders are required to have special technical qualifications due to the complexity of the equipment or service being procured, a statement of such qualification.
(11) Directions for obtaining copies of any documents, such as plans, drawings, and specifications which have been incorporated by reference.
(12) A statement of Council Policy regarding late bids, modification of bids, and withdrawal of bids.

.07 Basis of Selection. Records of formal advertised procurements will reflect the following as a basis of selection.

(1) Adequacy of Competition
(2) Responsiveness of Bidder
(3) Responsibility of Bidder

.08 Adequacy of Competition. Two or more capable sources must be available to assure full and free competition. Two sources are not adequate when there are more sources fully qualified to compete in the area.

.09 Lists and Sources of Supply and Services. Lists of bidders and sources of supply will be maintained by the Council and consulted prior to solicitations. Consideration will be given to the source lists available from the Small Business Administration under their 8-A Minority Set-Aside Program as well as the directories of minority business establishments published by the Department of Commerce, Office of Minority Business Enterprise.

.10 Price Analysis. When bids are received, the Council will conduct price analysis to determine the reasonableness of the bid price. The price analysis consists of an examination and evaluation of the prospective price without evaluating the separate cost elements such as labor, materials, overhead, etc., and proposed profit. Methods of price analysis include:

(1) The comparison of the price quotations submitted when the number of bids is adequate;
(2) The comparison of prior quotations and contract prices with current quotations for the same or similar items or services;
(3) The use of rough yardsticks (such as dollars per man years are specified) to point up apparent gross inconsistencies which should be subjected to greater pricing inquiry;
(4) The comparison of prices in published price lists issued on a competitive basis; and
(5) The comparison of proposed prices with estimates of cost independently developed by Council staff.

.11 Cost Principles and Procedures. Title 41 Code of Federal Regulations; Federal Procurement Regulations; Part 15, serves as a guide for contract cost principles and procedures.

.12 Preaward Surveys. A preaward survey is an evaluation of a prospective contractor's performance capability under the terms of a proposed contract. Such evaluation is used by the Council as an aid in determining responsibility.

The evaluation is accomplished by use of:

(1) Data on hand,
(2) Data from another purchaser such as State and Federal agencies,
(3) On site inspections of facilities to be used for performance of the proposed contract, or
(4) Any other means deemed advisable by the Council.

III. *Sole Source Procurements:*

.01 Review by Executive Director or his Designee: When a procurement will be non-competitive (i.e., sole source), the Executive Director or his designee shall review the proposed action for assurance that competitive procurement is not feasible. This action includes both examination of the reasons for the procurement being non-competitive

and steps to foster competitive conditions for subsequent procurements.

.02 Factors. Factors considered in approving a sole source procurement include but are not limited to:

(1) What capability does the proposed contractor have that is important to the specific effort and makes him clearly unique in comparison to another contractor in the same general field?

(2) What prior experience of a highly specialized nature does the proposed contractor have that is vital to the proposed effort?

(3) What facilities and equipment does the proposed contractor have that is specialized and vital to the effort?

(4) Does the proposed contractor have a substantial investment of some kind that would have to be duplicated at the Council's expense by another source entering the field?

(5) If schedules are involved, why are they critical and why can the proposed contractor best meet them?

(6) If lack of drawings or specifications is a guiding factor, why is the proposed contractor best able to perform under those conditions? Why are drawings and specifications lacking? What is the leadtime required to get drawings and specifications suitable for completion?

(7) Is the effort to be a continuation of a previous effort performed by the proposed contractor?

(8) Is competition precluded because of the existence of patent rights, copyrights, or secret processes?

(9) Are parts or components being procured as replacement parts in support of equipment especially designed by a manufacturer? Is the data vailable adequate to assure that another contractor's components will perform the same function in the equipment as those components being replaced?

.03 Approval by NOAA. Prior to the award of a sole source contract in excess of $5,000, the Executive Director or his designee shall forward this review and justification to the appropriate NOAA Grants Officer for approval as required by OMB Circular A-110.

IV. *Award:*

.01 Responsiveness of Bidder. To be responsive, a bid should comply in all materal respects with the invitation for bids, both as to the method and timeliness of submission and as to the substance of any resulting contract. If the offeror's bid is not in conformance with the invitation for bids, the deficiencies will be documented and the offeror's bid rejected. The determination will reflect the fact.

.02 Responsible Bidder. A determination will be made and documented prior to award as to the responsibility of the bidder. This will be included in the procurement file.

A bidder is considered responsible when it has been established that he has the technical capability, financial capacity and manpower required to perform as he has bid. To be responsible an offeror should:

(1) Have adequate financial resources, or the ability to obtain such resources as required during performance of the contract;

(2) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments;

(3) Have a satisfactory record of performance;

(4) Have a satisfactory record of integrity and business ethics;

(5) Be otherwise qualified and eligible to receive an award under applicable public policy laws and regulations.

.03 Sources of Information Regarding Responsibility of Prospective Contractor. Examples of sources of information which may be used by the Council staff to determine responsibility include:

(1) Lists of debarred, suspended, or ineligible concerns or individuals;

(2) Representations and other information contained in or attached to bids and proposals; replies to questionnaires; financial data such as balance sheets, profit and loss statements, cash forecasts, and financial histories of the contractor and affiliated concerns; current and past production records; personnel records; lists of tools, equipment, and facilities; written statements or commitments concerning financial assistance and subcontracting arrangements; and analysis of operational control procedures. Where it is considered necessary, the Council staff may require prospective contractors to submit statements concerning their ability to meet any of the minimum standards;

(3) Other information existing within the Council's organization, including records on file and knowledge or personnel within the organization;

(4) Other sources such as suppliers, subcontractors, and customers of the prospective contractor; banks and financing institutions; commercial credit agencies; state and Federal Government agencies; purchasing and trade associations; better business bureaus and chambers of commerce; and

(5) The conduct of a preaward survey.

V. *Contract Types:*

.01 Scope of Section. This section prescribes policies and general principles for determining contract types to be used by the Council. It will serve as a guide for determining the type of contract appropriate for the particular procurement.

.02 Cost-Plus-Percent-Of-Cost Contracts. The cost plus a percentage of cost contract is prohibited by federal law and will not be used by the Council.

.03 Fixed Price Contracts. Fixed price contracts include the firm fixed price contract; the fixed price contract with escalation; and the fixed price contract with incentive. Only the firm fixed price contract and the fixed price contract with escalation can be used as a result of formal advertising. They may also be used in contracts achieved through negotiation where competition is adequate or a state or quasi-public agency is involved.

(1) Firm Fixed Price Contract.—The firm fixed price contract is the type of contract that results from either public advertising procurements with sealed bids or negotiated procurements which have had adequate competition or consideration for the work to be performed by the state or quasi-public agency. The fixed price contract is particularly suitable for construction and for procurements of standard commercial items, modified commercial items, or for items when specifications are reasonably definite. Price competition should exist, and costs should be predictable with reasonable certainty when this type of contract is used.

(2) Fixed Price Contract with Escalation.—When delivery or performance extends over a period of time, a contractor may seek to protect himself against unusual risk by listing a number of circumstances under which his offered price may need adjustment. This type of contract is used in the procurement of items that are directly affected by industry-wide wage rates for example.

(3) Fixed Price Incentive Contract.—An incentive contract is aimed at motivating the contractor to increase his efficiency and reduce his costs while producing the best possible item. A fixed price incentive contract will provide for establishment of the final contract price by application of an agreed upon formula relating profit to total actual contract costs. This type of contract should not be used where there is insufficient cost experience with the item or services being produced and where insufficient competition exists to ensure competitive pricing.

.04 Cost Reimbursement Type Contracts. The cost reimbursement type of contract provides for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of obligation of funds, and a ceiling reflected by the funds actually obligated which the contractor may not exceed (except at his own risk) without prior approval or subsequent ratification of the buyer. The use of cost-reimbursement type contracts should be documented by a determination that such a method of contracting is likely to be less costly than other methods; or that it is impractical to secure property or services of the kind or quality required without the use of such type of contract.

(1) Cost Contract.—This is the simplest of the cost reimbursement type of contract. Under this type of contract, the contractor receives no fee but the buyer agrees to reimburse the contractor for allowable costs. Cost contracts are usually entered into for work done by educational and other nonprofit institutions and would include established indirect costs as determined acceptable for other federal contracts for each such entity.

(2) Cost-Plus-Fixed-Fee Contract.—The cost plus fixed fee contract is a cost reimbursement type of contract which provides for the payment of a fixed fee to the contractor. The fixed fee, once negotiated, does not vary with actual costs, but may be adjusted as a result of any subsequent changes in the work or services to be performed under the contract. This type of contract is appropriate when there is insufficient cost data upon which to base a fixed price.

(3) Cost-Plus-Incentive-Fee Contract.—This contract like the cost-plus-fixed-fee contract, provides for reimbursement of the contractor's allowable costs. But the cost incentive fee contract establishes a fee formula that rewards the contractor for cost underruns and penalizes for cost overruns of the target cost. A target cost, a target fee, a minimum and maximum fee and a fee adjustment formula are set forth in the contract. The target cost is the best estimate of the cost of completing the work. If the contractor's actual costs are less than the target cost, he receives a fee larger than the target fee; if his costs are greater than the target cost, his fee is adjusted downward.

(4) Cost-Plus-Award-Fee Contract.—This is a variation of the Cost-Plus-Incentive-Fee contract and is used in the procurement of technical services such as design, architecture, programing, and engineering when the work to be performed can be defined with sufficient detail at the outset to permit objective grading of the contractor's performance after completion. This type of contract closely resembles the CPIF in function in that each has a minimum and maximum fee between which the contractor receives a return based upon the level of performance achieved.

(5) Variations of Cost, Cost-Plus-Fixed Contracts.—Contracts may be considered by introducing Special Provisions. These provisions include:

(a) A limitation-of-cost provision to protect the Council from the contractor spending more money than authorized by the Contract. Ceilings on maximum contractor cost—at some percentage over the established cost, insuring a limit on the money that the contractor may spend and be reimbursed—could be used to indicate the maximum value of the project to the Council.

(b) A ceiling on overhead rates. Establishing a ceiling on a contractor's overhead, in a cost-reimbursement contract, is considered only after discerning that conditions prevail which warrant such an inclusion in a contract. For example:

(i) a contractor who is just starting and has not yet established an overhead rate;

(ii) an established contractor who has not previously been

All requirements for a particular item or service, however, must be filled during the life of the contract for the ordering activities shown in the contract. Requirements contracts are used for commercial or modified commercial items which have a recurring demand. The advantages of this type of contract are:

(i) Flexibility of quantity and delivery schedule;

(ii) orders are placed only after needs arise;

(iii) production lead time is not a factor, since the contractor anticipates demand and stocks the produce in anticipation of calls;

(iv) savings may be realized because of reduction in number of individual purchase actions; and

(v) prompt availability of items from the vendor permit low-level stockage by the procuring organization.

.07 Indefinite Quantity Contract. This type of contract follows the same form as the previous two types and is used for the same categories of items. In this type contract, the buyer guarantees that he will order an agreed minimum quantity of the product or service during the contract period. In addition, there is a stated maximum quantity that will not be exceeded. Individual orders authorized under the contract may also be limited as to the maximum and minimum quantities.

.08 Letter Contracts. A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of manufacture of supplies, or performance of service, including but not limited to, planning and the procurement of necessary materials. This type of contract is intended to service one essential purpose—to get the contractor started without delay, for in emergencies time may not permit negotiation of a definitive contract.

To protect the buyer's interest, letter contracts normally include agreement:

(1) That the contractor will commence work without delay;

(2) As to the extent and method of payment in case of contract termination for convenience or default;

(3) That the contractor will not incur monetary obligations in excess of the limit set for them in the letter contract;

(4) As to the anticipated type of definitive contract to be entered into at a later date;

(5) As to certain definitive contract clauses;

(6) That the contractor will be obligated to provide price and cost information that can be reasonably expected by the buyer within one month; and

(7) That the contractor will enter into negotiations promptly and in good faith to arrive at a definitive contract with the buyer.

.09 Purchase Orders. Purchase orders are a simplified form of a definitive contract that normally contains preprinted contractual provisions. They are normally used when supplies or services are bought on a fixed-price basis, and the price does not exceed $2,500.

VI. *Contract Administration:*

.01 Responsibility. Contract administration is the responsibility of the Executive Director or his designee. The Executive Director may act for the Council to award, amend or modify a contract or take any action to change a contractual commitment on behalf of the Council. The Executive Director and the Council staff see that administrative functions are performed to achieve the desired results and to protect the Council's interest. The Executive Director is also responsible for maintaining a complete file of documentation related to each contract. The Executive Director shall designate a member of the Council staff to act as Contract Monitor upon the award of a contract.

.02 Council Staff. The Council staff is responsible for the technical and project managerial aspects of contract administration. They ensure compliance with the technical requirements of the contract, determine the degree and acceptability of progress by the contractor, and when appropriate, certify to such progress by the contractor. All correspondence between the contract monitor and the contractor should be coordinated with the Executive Director and a copy provided for the contract file. Duties of a staff member assigned to monitor a contract include:

(a) Familiarization with the terms and conditions of the contract in order to assure compliance with the provisions thereof.

(b) After award, the holding of discussions with the contractor to arrive at a common understanding of individual responsibilities and working arrangements. Such discussions should occur immediately after award and as required throughout the period of the contract performance. Such meetings are not meant to be negotiations of tasks to be performed. Tasks and their scope must be decided during formal contract negotiations prior to award.

(c) The arrangement of a schedule of operation in accordance with the contract requirements and certification, when appropriate, of satisfactory accomplishment on the contractor requests for progress and final payments. Performance reports should show work actually accomplished. The Executive Director should be promptly informed of delays in progress of work and of any problems encountered that may require contract amendments or other administrative action.

(d) Recommending to the Executive Director any proposed changes in specifications, extra work extensions in contract time or any other technical matter arising under the contract.

(e) The initiation and acquisition of approvals that may be necessary for changes in the statement of work requirements which would require a contract modification.

(f) Monitoring to assure that no work authorizations or orders to the contract, either oral or written, are issued unless authorized according to Council policy.

(g) The furnishing of Council material to the contractor as may be provided in the contract and authorized by the Executive Director.

(h) Obtaining and evaluating all technical and progress reports from the contractor required by the contract.

(i) Evaluating contractor progress.

(j) Reviewing the contract at least 90 days prior to schedules completion date to determine any need for modification or renewal of the contract or extension of performance time. The Executive Director should be notified at least 60 days prior to scheduled completion of a contract if any extension of the contract period will be required or if a need for additional work under the contract is anticipated. The Executive Director should also be notified upon satisfactory completion of work under a contract.

(k) Recommending the disposition of any problems which might arise in the areas of rights in data, patents, Council property, and other subjects addressed in the contract provisions.

(l) Representing the best interests of the Council in all dealings with contractor.

.03 Post-Award Orientation.

(1) Before performance of the contract begins, the Contract Monitor designated by the Executive Director shall call a post-award conference to ensure that the contractor fully understands every contractual provision. Subjects discussed should include as appropriate:

(a) The statement of work content to ensure proper interpretation.

(b) The specifications, when applicable.

(c) The contractor's plan for the conduct of the contract.

(d) The contractor's performance reports, content, and dates of submittal.

(e) The contract provisions which are germane, for example, the key personnel clause, progress payments, etc.

(f) Council furnished property.

(2) In less complex contracts, a post-award letter may be sufficient. When used, the letter is to identify the Contract Monitor and call attention to the reporting requirements.

.04 Contractor Performance Reports and Requests for Payment. The Contract Monitor should evaluate the contractor's performance at each interval when progress payments or performance reports are due. If the performance has been poor, or the contractor non-responsive, the Contract Monitor should arrange a discussion, in detail, with the contractor concerning performance shortcomings and proposed corrective action. Where contract requirements are not adequately met, final payment should be withheld until corrective action has been taken to the satisfaction of the Executive Director

.05 Acceptance of Contract Deliverables. It is the Contract Monitor's responsibility to determine that the work is complete and conforms with the technical requirements of the contract. Once formal acceptance has been accomplished, the contractor is normally excused from further performance or correction of unsatisfactory work. The Contract Monitor should provide written notification to the Executive Director when the contract work has been judged complete and technically acceptable.

.06 Delinquencies. When a delinquency appears imminent, prompt action must be taken to protect the Council's rights. In administering a delinquent contract, Council staff should do nothing that might waive the Council's rights to terminate for default.

In the event of a delinquency not of a minor nature, the Executive Director may take one of the following actions:

(1) Extend the contract delivery schedule.

(2) Terminate the contract for default.

(3) Terminate the contract for the convenience of the Council.

(4) Terminate the contract on the basis of agreement for a no-cost settlement.

(5) Obtain a written agreement from the Contractor that the Council's consent to continued performance will not operate as a waiver of either its rights to terminate for the existing default, or any other of its rights.

.07 Contract Modification. A contract modification is considered to be any written alteration of contract provisions, i.e., work statement, specification, period of performance, time and rate of delivery, quantity, price, cost, fee, or other provisions of an existing contract whether accomplished in accordance with a contract provision or by mutual actions of the parties to the contract.

.08 Approval Authority. Only the Executive Director has the authority to approve a contract modification.

.09 Processing Contract Modifications. The Contract Monitor is responsible for monitoring the contract and recommending changes in existing contracts. In such capacity, he will generally be responsible for initiating the necessary documents involving technical changes. In preparing the documents, he shall review the statement of work and the applicable specification and then delineate the proposed changes there. The Contract Monitor should also evaluate

whether these proposed changes are within the general scope of the contract or are considered new procurement and set forth the rationale supporting his position. If the Contract Monitor believes the changes to be in the general scope, the proposed changes, recommendations, and rationale are forwarded to the Executive Director for concurrence.

If the modification is adjudged to be "new work" then the minimum standards for competition must be met as set forth in these regulations. New work cannot be added on to existing contracts without the appropriate considerations of procuring through competitive means.

.10 Construction Changes. A construction change occurs when a contractor is caused to react in a manner other than that which the contract requires. For example, a contractor may have painted all of a product blue since no color was specified. The Contract Monitor states that they should be red. The Contractor could claim the cost of the added materials and labor to comply with the directions of the Contract Monitor.

.11 Contract Termination.

(1) Types:

(a) Completion. Most contracts are in force until satisfactory completion, or in the case of cost reimbursement contracts, until other satisfactory results are achieved or the funds allocated for their performance have been exhausted.

(b) Termination for Convenience. The Executive Director may terminate for the convenience of the Council at any time during performance even though the contractor is performing properly; the Contractor assumes this risk under the contract terms, whenever he does business with a federal grantee. When the Council makes use of this right, however, it compensates the contractor for his cost and earned fee or profit for his preparations and for any completed and accepted work that relates to the terminated part of the contract. Termination for convenience would be used in cases where the Council has a change in requirements or a change in funding priority of projects. Other examples would be loss of key contractor scientific or engineering personnel; unsatisfactory progress; or changes in emphasis by the Council.

(c) Termination for Default. The Council may terminate for default when the contractor fails to perform his part of the bargain properly.

(2) Procedures.—Generally, the provisions of the contract will govern procedures to be followed in termination. It is the duty of the Contract Monitor to recommend the termination of a contract to the Executive Director. The Executive Director shall instruct the Contract Monitor in the settlement process with the contractor.

.12 Closing Contracts. Upon completion of the contract work, the Council shall close out the contract as rapidly and as effectively as possible and make final payment to the contractor. To this end, the Executive Director shall ensure that all work is promptly inspected to the extent necessary to determine acceptability. The Executive Director should also call upon the Contract Monitor to determine that the work is complete and conforms with the technical requirements of the contract, and that all items contractually required have been submitted and are acceptable.

VII. *Protests, Contract Disputes and Appeals:*

.01 Applicability of this Section. This section applies to claims arising out of contracts entered into the Council after the adoption of these rules.

.02 Authority of the Executive Director. The Executive Director is authorized to settle, compromise, pay or otherwise adjust any claim by or against, or any controversy with, a contractor or bidder relating to a contract entered into by the Council, including a claim or controversy initiated after award of a contract, based on breach of contract, mistake, misrepresentation or other cause for contract modification or recision. In the event a settlement or compromise involves or could involve adjustments and/or payments aggregating $10,000 or more, then the Executive Director shall prepare written justification and obtain approval in advance, from the full Council and its legal advisor. When a claim cannot be resolved by mutual agreement, the Executive Director shall promptly issue a decision in writing. A copy of that decision shall be mailed or otherwise furnished to the contractor and shall state the reasons for the action taken on the claim, and shall inform the contractor of his right to administrative relief as provided in this section. The decision of the Executive Director is final and shall be conclusive unless fraudulent, or the contractor appeals to the Council. If the Executive Director does not issue a written decision within one hundred and twenty (120) days after receipt of a claim, or within such longer period as might be established by the parties to the contract in writing, then the contractor may proceed as if an adverse decision has been received.

.03 Authority of the Administrative Officer. The Administrative Officer is authorized subject to the approval of the Executive Director of any settlement, to negotiate with contractors in order to settle any claim which may arise under a contract entered into by the Council.

.04 Appeal to the Council. The Council has jurisdiction over each controversy arising under, or in connection with, the interpretation, performance or payment of a contract of the Council provided That:

(a) The contractor has not instituted action over such controversy in court, and

(b) The contractor has mailed notice to the Council of his election to appeal within 90 days of his receipt of the decision from the Executive Director, or at the contractor's election, within a reasonable time after the Executive Director fails or refuses to issue a decision.

.05 Hearing Before Council. The Council shall hold appeal hearings to the fullest extent possible in an informal, expeditious, and inexpensive manner and shall issue a decision in writing or take other appropriate action on each appeal submitted and shall provide a copy of the decision to the contractor and the Executive Director to be included in the contract file.

.06 Bid Protests. The Council shall have authority to determine protests and other controversies of prospective bidders, bidders or contractors in connection with the solicitation or selection for award of a contract.

.07 Filing of Protest. Any prospective bidder, bidder or contractor who is aggrieved in connection with the solicitation of selection for award of a contract may file a protest with the Council. The protest or notice of other controversy must be filed promptly and in any event within two calendar weeks after such aggrieved person knows or should have known of the facts giving rise thereto. All protests or notices of other controversy must be in writing.

.08 Decision. The Council shall promptly issue a decision in writing and in no event more than thirty (30) calendar days after receipt of such protest or notice of other controversy, unless the parties agree in writing to a longer period. A copy of that decision shall be mailed or otherwise furnished to the aggrieved party and shall state the reasons for the action taken.

.09 Effect of Decision. The decision by the Council shall be final and conclusive.

VIII. *Procurement Code of Conduct:*

.01 Statement of Policy. It is the policy of the Caribbean Fishery Management Council to purchase goods and services needed by the Council in a fair and impartial manner.

Employees and Council members shall discharge their duties and responsibilities in a manner which will inspire confidence in the integrity of the Council. Any effort to realize personal gain through Council activities or employment beyond remuneration provided by the Council, is a violation of a public trust, as is any conduct which would create a justifiable impression in the public that such trust is being violated.

.02 Conflict of Interest. It shall be improper for any employee or Council member to participate directly or indirectly through decision, approval, disapproval, recommendations, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or otherwise, in any:

(1) Proceeding or application;

(2) Request for ruling or other determination;

(3) Claim or controversy; or

(4) Other matter pertaining to any contracts, grant, subcontract, or subgrant, and any solicitation or proposal therefor, where to his knowledge there is a financial interest possessed by:

(a) Himself or his immediate family;

(b) A business other than a public agency in which he or a member of his immediate family serves as an officer, director, trustee, partner, or employee; or

(c) Any person or business with whom he or a member of his immediate family is negotiating or has an arrangement concerning prospective employment. Notice of this prohibition shall be conspicuously set forth in every contract, and solicitations therefor.

.03 Employees and Council Members Not to Benefit.—(1) *Disclosure of Benefits Received from Contracts.* Any employee or Council member who has or obtains any benefit from any contract with a business in which the employee or Council member has a financial interest, shall report such benefit to the full Council. In the event that such employee or Council member knows or should have known of such benefit, and fails to report such benefit to the full Council, he shall be in violation of the ethical standards of this section. However, this provision shall not apply to a contract with a business where the employee's or Council's interest in the business has been placed in an independently managed trust.

(2) *Notice.* Notice of this prohibition shall be conspicuously set forth in every contract or solicitation therefor.

.04 Gratuities and Kickbacks Illegal.—(1) *Gratuities.*—It is improper for any person to offer, give or agree to give to any employee or Council member or for any employee or Council member to solicit, demand, accept or agree to accept from another person, anything of a pecuniary value for or because of:

(a) An official action taken or to be taken, or which could be taken; or

(b) A legal duty violated or to be violated, or which could be violated by such employee or former employee.

(2) *Kickbacks.* It is improper for any payment, gratuity, or benefit to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith as an inducement for the award of a subcontract or order.

(3) *Notice.* The prohibition against gratuities and kickbacks shall be conspicuously set forth in every contract, and solicitations therefor.

.05 Covenant Relating to Contingent Fees.—(1) *Representation of Contractor.* Every person, before being awarded a contract with this Council, shall represent that

he has not retained a person to solicit or secure the contract with this Council upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting for bona fide employees or bona fide established commercial, selling agencies maintained by the person so representing for the purpose of securing business or an attorney rendering professional legal services, employed, consistent with applicable canons of ethics.

(2) *Intentional Violation Unlawful.* The intentional violation of the representation specified in Subparagraph (a) above is cause for termination of a contract.

(3) *Notice.* The representation prescribed in Subparagraph (a) shall be conspicuously set forth in all contracts, and solicitations therefor.

.06 Restriction on Employment of Present and Former Council Employees.

(1) *Contemporaneous Employment Prohibited.* It shall be improper for any Council employee or member to become or be an employee of a party contracting with the Council, while in the service of the Council. Notice of this provision shall be conspicuously set forth in every contract, and solicitations therefor. This provision may be waived by the Council to allow a member of the Scientific and Statistical Committee or the Advisory Panel to participate as an individual consultant on a task team preparing a draft Fishery Management Plan.

(b) *Disqualification of Former Employees in Matters Connected with Former Duties.*—(1) *Permanent Disqualification of Former Employees.* For a period of two years after Council employment, it shall be improper for a former employee to knowlingly act as agent or attorney for anyone other than the Council in connection with any judicial or other proceeding, application, request for a ruling, or other determination, contract, grant, claim, controversy, charge, or other particular matter involving a contract where the Council is a party or has a direct and substantial interest and in which he participated personally and substantially as an employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise while so employed.

(2) *Post-Employment Restriction on Representation.* It shall be improper for a person having been an employee of the Council, within one year after his employment has ceased, to appear personally before the Council or its committees or membership in connection with any proceeding application, claim, request or other particular matter involving a contract where the Council is a party or directly and substantially interested and which was under his official responsibility as an employee, or member of the Council at any time within a period of one year prior to the termination of such responsibility.

The term "Official responsibility" as used herein, means the direct administrative or operating authority whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinate to approve, disapprove, or otherwise direct Council actions.

(3) *Disqualification of Partners.* It shall be unlawful for a person, being a partner of an employee, Council member, former employee or former Council member, to act as agent or attorney for anyone other than the Council, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, grant, claim, controversy, charge, or other particular matter involving a contract where the Council is a party or has a direct substantial interest and in which such employee or Council member participates or has participated personally and substantially as a Council employee or member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is or was the subject of his official responsibility.

.07 Use of Confidential Information.—It shall be improper for any employee, Council member, former employee, or former Council member of this Council to use confidential information for his actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

IX. *Negotiated Procurements:*

Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the Council through the Executive Director if:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm (sole-source);

(3) The aggregate amount does not exceed $10,000;

(4) The contract is for personal or professional services or for any service to be rendered by a state or quasi-public agency including a university, college, or other educational institution;

(5) The material or services are to be procured and used outside the limits of the United States and its possessions;

(6) No acceptable bids have been received after formal advertising;

(7) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental, or research work, for supplies purchased for authorized resale, or for technical or specialized supplies requiring substantial initial investment for manufacture; or

(8) The procurements are otherwise authorized by law, rules, or regulations.

Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable.

[FR Doc.77-29940 Filed 10-12-77;8:45 am]

[3510-12]

SEA GRANT REVIEW PANEL

Partially Closed Meeting

The Sea Grant Review Panel will meet on October 26 and 27, 1977 from 9 a.m. to 5 p.m. each day, in the I.G.P.P. Conference Room, Scripps Institution of Oceanography, University of California at San Diego, La Jolla, Calif.

The Panel was established in December 1976 under Section 209 of the National Sea Grant Program Act (Public Law 94-461), and advises the Secretary of Commerce with respect to:

(a) Applications or proposals for, and performance under, grants and contracts awarded under Sections 205 and 206 of the Act;

(b) The Sea Grant Fellowship Program, established under Section 208 of the Act;

(c) The designation and operation of Sea Grant Colleges and Sea Grant Regional Consortia, (which are provided for in Section 207 of the act) and the operation of Sea Grant programs;

(d) The formulation and application of the planning guidelines and priorities established by the Secretary under Section 204(2) of the Act and applied by the Director in accordance with Section 204(c)(1); and

(e) Such other matters as the Secretary refers to the Panel for review and advice.

The Panel's meeting agenda is as follows:

OCTOBER 26, 1977: (9 A.M. TO 5 P.M.)

9 a.m. Preliminary Remarks and Discussion of Agenda.

9:15 a.m. A. Presentation by University of California.

11 a.m. B. Institutional and Coherent Area Program Discussion. University of Georgia, University of Alaska, University of Maryland, Virginia Institute of Marine Science, University of Maine/University of New Hampshire, State University System of Florida, Mississippi-Alabama Sea Grant Consortium, University of Washington, University of North Carolina, State University of New York/Cornell.

C. Sea Grant College Candidates Discussion. The following universities are eligible on the basis of time to be considered for designation as Sea Grant Colleges: University of Southern California, Louisiana State University, University of Georgia.

4 p.m. D. Closed Session Discussion regarding Agenda Items B and C.

5 p.m. Recess.

OCTOBER 27, 1977: (9 A.M. TO 5 P.M.)

9 a.m. E. Discussion of guidelines and plans respecting National Projects, International Projects and Fellowships.

F. Discussion of two-year grant cycle, steps taken to implement, and proposed method of operation.

G. Sea Grant record and future role with respect to Equal Employment Opportunity.

H. Discussion with Sea Grant Directors.

5 p.m. Adjourn.

All agenda items will be open to public attendance, except for Agenda Item D, a one hour portion at the end of the discussion of all institutions under Agenda Items B and C, in accordance with 5 U.S.C. 552b(c)(6), as determined by the Assistant Secretary for Administration, pursuant to subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463) as amended. Approximately twenty seats will be available to the public on a first-come, first-served basis. If time permits before the scheduled adjournment, the Chairman will solicit oral comments by the attendees. Written statements may be submitted at any time before or after the meeting.

Minutes of the meeting will be available 30 days thereafter on written request addressed to the National Sea Grant Program, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Dr. Hugh J. McLellan, Acting Associate Director for Programs, at above address. Telephone 202-634-4019.

Dated: October 7, 1977.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.77-29865 Filed 10-12-77;8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM MEXICO

Increasing Import Restraint Levels

OCTOBER 7, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the levels of restraint applicable to Category 225 (body supporting garments) and Category 2338 (trousers, not knit) to account for unused carryforward granted during the agreement year which began on May 1, 1976.

SUMMARY: Paragraph 7(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico provides for the application of carryforward to certain specific category ceilings. Carryforward is an amount borrowed from the level of restraint applicable to the affected category in the succeeding agreement year and is deducted from that year's level. The purpose of this notice is to advise that the levels of restraint established for Categories 225 and 238 during the agreement year which began on May 1, 1977 are being increased by increments of carryforward granted in those categories last year, but not used. The current year levels for both categories reflect reductions for the full amount of the carryforward.

EFFECTIVE DATE: October 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5423).

SUPPLEMENTARY INFORMATION: On April 27, 1977, a letter, dated April 22, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (42 FR 21506), which established the levels of restraint applicable to certain specific categories of man-made fiber textile products, produced or manufactured in Mexico and exported to the United States during the twelve-month period which began on May 1, 1977 and extends through April 30, 1978.

The notice which accompanied the letter, also dated April 22, 1977, stated that the levels of restraint established for Categories 225 and 238 had been reduced to account for carry-forward applied to those categories during the agreement year which began on May 1, 1976.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint established for Categories 225 and 238 to the designated amounts.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

OCTOBER 7, 1977.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On April 22, 1977, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of man-made fiber textile products in certain specified categories, produced or manufactured in Mexico and exported to the United Stated during the agreement year which began on May 1, 1977 in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, and in accordance with the provisions of Executive Order 11651 of March 5, 1972, you are directed to amend, effective on October 7, 1977, the levels of restraint established in the directive of April 22, 1977 for man-made fiber textile products in Categories 225 and 238 to the following amounts:

Category:		*Amended 12-mo level of restraint*[1]
225	dozen	2,200,787
238	do	958,495

[1] The levels of restraint have not been adjusted to reflect any entries after April 30, 1977.

The actions taken with respect to the Government of Mexico and with respect to imports of man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.77-29878 Filed 10-12-77;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Wool and Man-Made Fiber Textile Agreement of May 12, 1975 as amended between the Governments of the United States and Mexico, which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels of restraints may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting: National Advisory Committee for the Flammable Fabrics Act.

SUMMARY: This notice announces a meeting of the National Advisory Committee on Monday, October 31, 1977 from 10:30 a.m. to 4 p.m., and Tuesday, November 1, 1977 from 9:30 a.m. to 4 p.m. The meeting on October 31 will be held at the National Bureau of Standards (NBS) in Gathersburg, Maryland. On November 1, the meeting will be held in the 3rd Floor Conference Room, 1111 18th Street NW., Washington, D.C.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Dee Wilson, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207 (202-634-7700).

SUPPLEMENTARY INFORMATION: The National Advisory Committee provides advice and recommendations on Commission proposals and plans to reduce the frequency and severity of burn injuries involving flammable fabrics.

The meeting on Monday, October 31 will be devoted to an orientation session primarily for the benefit of new committee members combined with a tour of the NBS fire facilities with emphasis on textile flammability. On Tuesday, November 1, the following topics are scheduled for discussion: options for CPSC activities in the collection of fire/burn injury data; proposed amendments to children's sleepwear standard; and possible revisions in the draft upholstered furniture standard.

The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the National Advisory Commit-

tee should notify the Office of the Secretary (see address above) by October 24, 1977. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the committee may be allowed by the presiding officer.

Dated: October 7, 1977.

SADYE E. DUNN,
Deputy Secretary.

[FR Doc.77-29874 Filed 10-12-77;8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Change

SEPTEMBER 30, 1977.

The Scientific Advisory Board Meeting scheduled for October 11-12, 1977 as published in FR Vol. 42, No. 179, 26749, September 15, 1977 contains an incorrect reference to Title 5 of the United States Code. The reference should read Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information contact the Scientific Advisory Board 202-697-4648.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-29821 Filed 10-12-77;8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 30, 1977.

The USAF Scientific Advisory Board Science and Technology Advisory Group, Air Force Systems Command, will hold meetings on November 1, 1977, from 9 a.m. to 5 p.m. and on November 2, 1977, from 9 a.m. to 12 p.m. at the Air Force Aero Propulsion Laboratory, Wright-Patterson AFB Ohio in the Main Conference Room, Building 18, Area B.

The Group will deliberate on Compressor Research Facility organization, operation and utilization.

The meeting will be unclassified and is open to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-29822 Filed 10-12-77;8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Partially Closed Meeting

In accordance with Section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), the following meeting is announced:

Name of committee: Army Scientific Advisory Panel.
Date: October 31-November 1, 1977.
Place: The U.S. Army Armament Research and Development Command, Picatinny Arsenal, N.J.

MONDAY, OCTOBER 31, 1977

Agenda:
(0830-0900 hours) Open session. Chairman's welcome, Commander's welcome and Command briefing.
(0840-1700) Closed session. Presentation and discussions on "Combat Developments."

TUESDAY, NOVEMBER 1, 1977

(0830-0900) Open session. Systems Engineering presentation and discussion.
(0900-1500 hours) Closed session.
Panel Meeting: Ad Hoc Group Chairmen reports with Panel discussions on electronic warfare/intelligence, command and control, nuclear protection, and technology.

The presentations and discussions scheduled for 0900-1500 hours, October 31, will cover combat development activities which are classified in the interest of national defense. The 0900-1500 hours, November 1, panel meeting is for receiving and discussing reports containing classified material, inseparable portions of which are also classified in the interest of national defense. Therefore, under the provisions of exemptions contained in Section 552b(c)(1), Title 5, U.S.C., these portions are closed to the public.

The 0830-0900, October 31, and November 1, portions of the meeting will be open to the public. Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C. 20310, (202) 695-1447.

MARVIN E. LASSER,
Executive Director.

[FR Doc.77-29901 Filed 10-12-77;8:45 am]

[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON NATIONAL/TACTICAL INTERFACE

Advisory Committee Meeting

The Defense Science Board Task Force on National/Tactical Interface will meet in closed session on November 3 and 4, 1977 in the Office of the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence), Directorate of Surveillance and Warning Systems, at the Pentagon.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the major issues concerning the interface between national and tactical intelligence systems and their potential for satisfying the requirements of tactical/theater military commanders and those of national authorities and agencies.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 7, 1977.

[FR Doc.77-29893 Filed 10-12-77;8:45 am]

[6170-01]

DEPARTMENT OF ENERGY

FUEL OIL MARKETING ADVISORY COMMITTEE SUBCOMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that an ad hoc subcommittee of the Fuel Oil Marketing Advisory Committee will hold meetings in accordance with the schedule set forth below.

Concern has been expressed that a problem exists in the heating oil jobber trade which currently manifests itself in a growing number of bankruptcies and other terminations of these businesses. The effect may be particularly acute among the smaller heating oil jobbers/retailers. The objective of the subcommittee is to conduct a study and make recommendations to the parent Committee concerning the relative competitive viability of marketers of heating oil. Some of the matters the subcommittee will be analyzing are: number of heating oil jobbers/retailers; the attrition rate of jobbers/retailers; and the factors that have caused problems concerning discounts, cash flow, and supplier jobber/retailer relationships.

Meetings will be held as follows:

Monday, October 17, 1977, 1:30 p.m., Room 2105, 2000 M Street NW., Washington, D.C.
Tuesday, November 1, 1977, 10 a.m., Cottonwood Room, Hyatt Regency, 1200 Louisiana Avenue, Houston, Tex.

Friday, November 18, 1977, 10 a.m., Room 2105, 2000 M Street NW., Washington, D.C.
Tuesday, November 29, 1977, 10 a.m., Studio 6, Barbizon Plaza Hotel, 106 Central Park, South, New York, N.Y.
Sunday, December 4, 1977, 1:30 p.m., Green Room, Fairmont Hotel, Atop Nob Hill, San Francisco, Calif.

It is imperative that a study of the situation be completed prior to the onset of the peak heating season. Accordingly, less than the normal 15-day notice is being given for the initial subcommittee meeting due to the urgency of completing the study in time to make recommendations to the parent Committee at their December 5, 1977 meeting and to submit the final report to the Deputy Secretary, Department of Energy, by December 20, 1977.

The meetings are open to the public. The Chairman is empowered to conduct the meetings 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 subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform Georgia Hildreth, Advisory Committee Management Office (202) 566-9996 and reasonable provision will be made for their appearance on the agenda.

The transcripts of the meetings will be available for public review and copying 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 October 7, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc.77-29919 Filed 10-12-77;8:45 am]

[6170-01]

Economic Regulatory Administration

[FPC Doc. No. CP74-160, et al.]

PACIFIC INDONESIA LNG CO., ET AL.

Oral Argument and Intent To Act on Proposal to Import Liquefied Natural Gas Into United States From Indonesia

On November 30, 1973, Pacific Indonesia LNG Co. (Pac Indonesia), filed with the Federal Power Commission (the FPC), an application pursuant to Section 3 of the Natural Gas Act for authority to import liquefied natural gas (LNG) into the United States from the Republic of Indonesia. Subsequently, Pac Indonesia, Western LNG Terminal Associates (Terminal Associates) and related companies filed various applications with the Commission, pursuant to Section 7 of the Natural Gas Act, to construct, own, and operate facilities for the receipt, storage, and regasification of the LNG at Oxnard, Point Conception and/or Los Angeles on the coast of California and to deliver the resulting volumes of natural gas to customers within the State of California.

The FPC consolidated all of these various proceedings and allowed intervenors in any one of them to intervene in the consolidated proceeding. Hearings began on December 16, 1975, and were concluded on February 25, 1977. Judge Samuel Z. Gordon issued an initial decision on July 22, 1977, in which he approved, subject to conditions, the applications as amended of Pac Indonesia and Terminal Associates under Section 3 of the Natural Gas Act. All briefs on exceptions and opposing exceptions to the initial decision were filed with the FPC by September 16, 1977, so that as of October 1, 1977, the case was ripe for final action.

On October 1, however, the Department of Energy (DOE) was activated pursuant to Executive Order No. 12009, September 13, 1977 (42 FR 46267) and the function to approve natural gas importation under Section 3 of the Natural Gas Act was automatically transferred to and vested in the Secretary of Energy pursuant to sections 301 and 402(f) of the Department of Energy Organization Act (Pub. L. 95-91) (the Act). The Secretary immediately delegated to the Federal Energy Regulatory Commission (FERC) the authority to carry out this function with respect to pending cases assigned to FERC by rule (DOE Delegation Order No. 0204-1, para. 11, October 1, 1977). By a DOE Final Rule issued October 1, 1977, entitled "Transfer of Proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission," this proceeding was to continue in effect under FERC jurisdiction until the forwarding of the record to the Secretary. The Final Rule requires FERC to forward the record of certain named proceedings, including PAC Indonesia, after the timely filing of all briefs on and opposing exceptions to the initial decision of the presiding Administrative Law Judge. On October 5, 1977, the record was forwarded in compliance with the Final Rule. Pursuant to paragraph 6 of DOE Delegation Order No. 0204-4, issued Octboer 1, 1977, the Secretary has delegated the authority to issue a final order in this proceeding to the Administrator of the Economic Regulatory Administration (ERA).

The ERA is aware that the natural gas proceedings, including PAC Indonesia, and Pertamina, the state-owned oil and gas company of the Republic of Indonesia, contains provisions allowing termination or renegotiation of the contract if appropriate U.S. import authorizations are not obtained by October 6, 1977. However, in view of the recent transfers and delegations just detailed, the size and complexity of the record (there are more than 4,500 transcript pages and 200 exhibits), and the importance of the issues involved and their relation to national energy policy, additional time beyond October 6 is necessary and required by the public interest to issue a final order in this proceeding. It is my intention to issue such a final order in this proceeding, including pending motions, thirty (30) days from the conclusion of the oral argument next discussed.

I hereby give notice that the ERA will hear oral argument in this proceeding, to be held at Room 323, U.S. Courthouse, 312 North Spring Street, Los Angeles, Calif., on October 20, 1977, commencing at 9 a.m., and to continue the following day at the same time and location if necessary. All parties to this proceeding are invited to participate, and may present argument on any issue in this proceeding. The Administrator is particularly interested in argument on the following issues:

(1) The legal and practical relationship of Federal responsibilities over LNG terminal facility siting under the Natural Gas Act to State responsibilities in this area; and

(2) Whether it would be appropriate to achieve a coordinated Federal-State decision on the site-specific issue pursuant to the joint board procedure contained in Section 17 of the Natural Gas Act or some analogous procedure.

Persons who wish to participate in the oral argument must send or bring notice thereof to the Office of the Executive Secretariat, Department of Energy, Box No. QA, Room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, on or before October 14, 1977. This notice should indicate the issues which will be addressed, the argument time desired, and a person (with address and phone number) to accept ERA notification of the grant of argument time and the allotted time for argument. ERA will provide this notification by October 19, 1977.

ERA reserves the right to restrict the number of persons to be heard and to establish the procedures governing the conduct of the argument. Argument may be limited, based on the number of persons requesting argument time and the amount of time sought. The Administrator of ERA will be the presiding official at this argument and will determine, and announce at the commencement of the argument, further procedural rules. A transcript of the argument will be made and may be purchased from the official reporter.

For further information concerning procedures for oral argument, contact Robert C. Gillette, 2000 M Street NW., Room 2214B, Washington, D.C. 20461, or telephone 202-254-5201.

DAVID J. BARDIN,
Acting Administrator, Economic Regulatory Administration.

OCTOBER 6, 1977.

[FR Doc.77-29910 Filed 10-12-77;8:45 am]

[6170–01]

PERUSAHAAN PERTAMBANGAN MINYAK DAN GAS BUMI NEGARA

Petition For Declaratory Order Authorizing Importation of Natural Gas

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice.

FURTHER INFORMATION:

Robert C. Gillette, 2000 M Street NW., Room 2214B, Washington, D.C. 20461. (202–254–5201).

Notice is hereby given that on October 5, 1977, Perusahaan Pertambangan Minyak Dan Gas Bumi Negara ("Pertamina"), an instrumentality of the Government of Indonesia, filed a Petition for Declaratory Order Authorizing Importation of Natural Gas with the Economic Regulatory Administration of the Department of Energy.

In its Petition, Pertamina indicates that it can make available to United States purchasers seven to nine billion cubic feet of liquefied natural gas ("LNG") at a cost of $3.88 per MMBtu. The LNG would be delivered this winter to appropriate facilities on the East Coast. Pertamina further indicates that standby arrangements have been made for the delivery of four such tanker loads of LNG with deliveries tentatively scheduled for December 1977 and January and March 1978. The Pertamina Petition states however that no actual arrangements for the receipt or distribution of the LNG involved have been made with any East Coast terminal operator, importer or purchaser. Pertamina requests authorization to import the LNG in question so that further steps may then be taken by those firms that wish to acquire the product.

Pertamina specifically requests immediate authorization to import one shipload of LNG in December 1977, authorization by October 27, 1977 to import one shipload of LNG in January 1978, and authorization by November 4, 1977 to import two shiploads of LNG in March 1978.

Any person who wishes to comment on the Pertamina Petition or to request that a hearing be convened in connection with the matter should file an appropriate submission with the Office of Administrative Review of the Economic Regulatory Administration, Room 8002, 2000 M Street NW., Washington, D.C. 20461. All such submissions should be filed on or before October 21, 1977.

Comments are specifically requested as to the following issues: (i) Whether the LNG which Pertamina proposes to export to the United States is needed to satisfy current or future supply requirements; (ii) whether particular terminal operators, marketers, distributors or wholesale purchasers exist who would be willing to purchase the LNG involved under the terms and conditions that are outlined in the Pertamina petition; (iii) whether the price for the LNG as specified in the Pertamina petition should be approved as consistent with the public interest; and (iv) the precedential implications involved in the approval of the type of submission which Pertamina has filed in this matter. Copies of the Pertamina Petition (Case No. DEX–0001) are available in the Public Docket Room of the Office of Administrative Review, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays.

Issued in Washington, D.C., October 6, 1977.

DAVID J. BARDIN,
Acting Administrator, Economic Regulatory Administration.

[FR Doc.77-29941 Filed 10-12-77;8:45 am]

[6560–01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 804–2]

POLYBROMINATED BIPHENYLS (PBBs)

Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent; notice of public meeting.

SUMMARY: A Work Group is being formed, chaired by EPA, with interagency participation to investigate the control of PBBs. A public meeting is scheduled for December 1, 1977, in Lansing, Mich. to solicit comments and information from industry, environmentalists, and the public on PBBs.

DATE: The Public Meeting will be held on December 1, 1977, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Olds Plaza Hotel, 125 West Michigan, Lansing, Mich. Persons who wish to make a presentation at the meeting should write or call: Joni T. Respasch, U.S. Environmental Protection Agency, Office of Toxic Substances WH–557, 401 M Street SW., Washington, D.C. 20460. Phone 202–426–9000 or 755–5482.

FOR FURTHER INFORMATION CONTACT:

Larry C. Dorsey, U.S. Environmental Protection Agency, Office of Toxic Substances WH–557, 401 M Street SW., Washington, D.C. 20460. Phone 202–426–9000 or 755–5482.

SUPPLEMENTARY INFORMATION: The following offices have been invited to participate on the Work Group:

Office of Toxic Substances, Lead Office, EPA Chairman, George F. Wirth

Office of Air and Waste Management, EPA Air Quality Planning and Standards

Office of Water and Hazardous Materials, EPA Solid Waste Program

Office of Water and Hazardous Materials, EPA Office of Water Planning and Standards

Office Research and Development, EPA Health and Ecological Effects

Office of Enforcement, EPA Toxic Substances Branch

Office of Planning and Management, EPA Planning and Evaluation

Office of General Counsel, EPA

Office of Regional and Intergovernmental Operations, EPA

Regional Representatives, EPA—Region II and V

Occupational Safety and Health Administration

Consumer Product Safety Commission

National Institute of Occupational Safety and Health

Center for Disease Control

Food and Drug Administration

The major issues, identified to date, concerning the possible need to control PBBs are listed below. Participants in the public meeting are encouraged to address and comment on these issues:

1. Should PBBs be used in any form or should we restrict specific uses of PBBs?
2. If PBBs are not allowed to be used in the U.S., should we allow PBBs to be manufactured for export?
3. What is the appropriate form of control? Should control be a regulation restricting production, end uses, etc?
4. What will be the impact on existing State laws?
5. What type of controls, if any, should be placed on articles containing PBBs?
6. What type of controls, if any, should be placed on disposal of PBBs?

Tentative schedule

First work group meeting	Oct. 4, 1977.
Work group meetings	Oct. 11, 1977.[1]
First public participation meeting, EPA region V, to be held in Lansing, Mich.	Dec. 1, 1977.
Second public participation meeting, EPA region II.	Feb. 3, 1978.
Draft of regulation to Assistant Administrator for Office of Toxic Substances.	Mar. 1, 1978.
Proposed PBB regulation to EPA Steering Committee.	Apr. 4, 1978.
Proposed PBB regulation to EPA Administrator.	Apr. 24, 1978.
Proposed PBB regulation published in the FEDERAL REGISTER and draft environmental impact statement to the Council on Environmental Quality.	May 1, 1978.
Informal hearing on proposed PBB regulation.	July —, 1978.
Promulgation of final regulation.	Sept. —, 1978.

[1] Every following Tuesday.

Dated: October 6, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-29939 Filed 10-12-77;8:45 am]

[1505–01]

[FRL 800–2; OPP–210010]

PUBLIC HEARINGS ON TOXICOLOGY DATA AUDITING PROGRAM

Correction

In FR Doc. 77–28921, appearing at page 53660, in the issue for Monday, October 3, 1977, in the third column,

the hearing location for the Environmental Protection Agency reading "401 N Street SW", should read "401 M Street SW".

[6712–01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I–391]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio, Applications Accepted for Filing

SEPTEMBER 26, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

CORRECTIONS

644–DSE–MP–77, report No. 385 9–6–77 Florida Central East Coast Educational Television, Inc. The location should have been: Orlando, Fla.

684–DSE–P/L–77, report No. 389 9–19–77 Teleprompter Corp., Bradenton, Fla. The coordinates should have been: Lat. 27°28'–15" N. Long. 82°34'29" W.

626–DSE–ML–77, report No. 388 9–12–77 International Telemeter Corp., & Columbia Cablevision, d.b.a. ATCO Missouri Earth Station, a Joint Venture, Columbia, Mo. Entry should have read: Mod license to permit the reception of signals from the Christian Broadcasting Network and the Madison Square Garden Events.

643–DSE–P/L–77, report No. 385 9–6–77 Liberty Communications, Inc., Port Neches, Tex. The name of the applicant should have been: Liberty TV Cable, Inc.

AMENDMENT

587–DSE–P/L–77 Clearview Cablevision Associates, Surfside Beach, S.C. Application hereby amended to change type and size antenna to a 5 meter Scientific-Atlanta antenna.

NJ, SSA–14–77 Western Union Telegraph Co. (WB20), Glenwood, N.J. Request for Special Temporary Authority to conduct Developmental Digital Radio Transmission Tests from the Glenwood, N.J. (WB20) earth station to four Receive-only small aperture terminals.

PR, SSA–15–77 RCA American Communications, Inc., Cerromar Beach Hotel, San Juan, P.R. Request for Special Temporary Authority to originate transmissions of audio and data from its facility at 60 Broad Street, New York, N.Y. on behalf of the Associated Press & United Press International. The transmissions will be relayed to the RCA Vernon Valley, N.J. earth station via the existing licensed microwave system for relay via RCA Satcom II satellite to a receive-only earth station to be located at the Cerromar Beach Hotel, San Juan, P.R. RCA proposes to set up and conduct these demonstrations during 10–6 through 10–13–77.

AZ, 687–DSE–P/L–77 Mesa Community Cable Television, Inc., Mesa, Ariz. For authority to construct, own and operate a domestic communications receive-only earth station at this location. Lat. 33°22'–49" N. Long. 111° 53'25" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 5 meter antenna.

NE, 688–DSE–P/L–77 Added Attractions, Inc., McCook, Nebr. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 40°12'32" N. Long. 100°39'37" W. Rec. freq: 3700–4200 MHz. 36000F9. With a 6 meter antenna.

FL, 689–DSE–P/L–77 Warner–CCC, Inc., Niceville, Fla. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 30°30'00" N. Long. 86°–26'35" W. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 6 meter antenna.

WY, 690–DSE–ML–77 Frontier Broadcasting Co. d.b.a. Cable TV (KB61), Cheyenne, Wyo. Modification of license to permit the reception of signals from Micro-Cable Communications Corp. which has agreed to furnish the programming of the Madison Square Gardens Events to Frontier.

MS, 691–DSE–ML–77 American Television & Communications Corp. (WB46), Jackson, Miss. Modification of license to permit the reception of signals from the Madison Square Garden Event.

TX, 692–DSE–ML–77 Valley Cable TV, Inc. (KD33), Pharr, Tex. Modification of license to permit the reception of signals of the Christian Broadcasting Network and WYAH–TV, Ch. 27, Portsmouth, Va.

LA, 693–DSE–ML–77 American Television & Communications Corp. (KD50), West Monroe, La. Modification of license to permit the reception of signals from the Madison Square Garden Events.

FL, 694–DSE–ML–77 American Video Corp. (WB65), Pompano Beach, Fla. Modification of license to permit the reception of signals from the Madison Square Garden Events.

OK, 695–DSE–ML–77 Tulsa Cable Television, Inc. (KB49), Tulsa, Okla. Modification of license to permit the reception of signals from the Madison Square Garden Events.

[FR Doc.77–29898 Filed 10–12–77;8:45 am]

[6712–01]

[Report No. 878]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

OCTOBER 3, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC MOBILE RADIO SERVICE

22207–CD–P–(3)–77 Otis L. Hale d.b.a. Mobilfone Communications (KLB500) C.P. to change antenna system operating on 152.21 MHz at Loc. No. 2 and to change antenna system, replace transmitter and relocate facilities operating on 152.09 MHz, base and 459.05 MHz, repeater, from Loc. No. 2: Shinall Mountain, 9 miles WNW of Little Rock, Ariz.

22208–CD–P–(3)–77 Jim Mayfield (KLB–710) C.P. for additional facilities to operate on 152.06 MHz, base and 454.05 MHz, repeater at a new site described as Loc. No. 2: Atop Sierra Grande Mountain, 42.49 miles NW of Clayton, NM; and for additional facilities to operate on 459.025 MHz, control to be located at a new site described as Loc. No. 3: 420 South First Street, Clayton, N. Mex.

22209–CD–AL–(2)–77 Paging, Inc. Consent to Assignment of License from Paging, Inc., assignor to Radio Call Co. of Va., Inc., assignee. Stations: KU0626, Bristol, VA and KU0570, Bristol, Tenn.

22210–CD–P–77 Empire Paging Corp. (KRS–674) C.P. for additional facilities to operate on 454.150 MHz to be located at a new site described as Loc. No. 22: 0.55 mile West of Milmay, N.J.

22218–CD–P–77 Answer, Inc. of San Antonio (KKG559) C.P. to change antenna system and relocate facilities operating on 454.250 MHz from Loc. No. 1: 411 E. Durango, San Antonio, Tex. to Loc. No. 3: 7711 Louis Pasteur Drive, San Antonio, Tex.

22219–CD–P–77 Airsignal of Nevada, Inc. (KWT989) C.P. to relocate facilities operating on 35.22 MHz at Loc. No. 1 to be located at Cambridge Towers, 3890 South Swenson, Las Vagas, Nev.

22220–CD–MP–(5)–77 Airsignal of Nevada, Inc. (KOK334) M.P. to relocate facilities operating on 152.09, 152.12, 152.15, 152.18

and 152.21 MHz at Loc. No. 4 to be located at Loc. No. 3: Cambridge Towers, 3890 South Swenson, Las Vegas, Nev.

22221-CD-P-77 Airsignal of Nevada, Inc. (KOK334) C.P. to relocate facilities operating on 454.100 MHz at Loc. No. 3 to be located at Cambridge Towers, 3890 South Swenson, Las Vegas, Nev.

RURAL RADIO SERVICE

61402-CR-P/L-77 Wyoming Telephone Co., Inc. (new) C.P. and License for a new rural subscriber station to operate on 157.80 and 157.92 MHz to be located at Sublette, Wyo.,

61403-CR-P/L-77 Wyoming Telephone Co., Inc. (new) C.P. and License for a new rural subscriber station to operate on 157.80 and 157.92 MHz to be located at Sublette, Wyo.

POINT TO POINT MICROWAVE RADIO SERVICE

TX, 3803-CF-P-77 Southwestern Bell Telephone Company (new) 608 Ave. E Cisco, Tex. Dat. 32°23'19" N., Long. 98°58'52" W. C.P. for a new station on frequency 11035V MHz toward Harpersville, Tex. on azimuth 5.4°.

TX, 3804-CF-P-77 Same (new) Harpersville 13 miles South of Breckenridge, Tex Lat. 32°34'40" N., Long.: 98°57'36" W. C.P. for a new station on frequencies 11485V MHz toward Cisco, Texas on azimuth 185.4° and 113225V MHz toward Breckenridge, Tex. on azimuth 15.4°.

TX, 3805-CF-P-77 Same (new) 220 N. Breckenridge, Breckenridge, Tex. Lat. 32°-45'25" N., Long. 98°54'06" W. C.P. for a new station on frequency 10875V MHz toward Harpersville, Tex. on azimuth 195.4°.

NY, 3806-CF-P-77 RCA Global Communications, Inc. (WAH584) NY CTO 60 Broad St., New York, N.Y. Lat. 40°42'19" N., Long. 74°00'44" W. C.P. to add a new point of communication on frequency 2178.2V MHz toward Warren, N.J. on azimuth 257.7°.

NJ, 3807-CF-P-77 Same (new) Warren 204A Mount Horeb Rd., Warren Township, N.J. Lat. 40°37'17" N., Long. 74°30'15" W. C.P. for a new station on 2124.6V MHz toward Piscataway on azimuth 176.8° and 2128.2V MHz toward NY CTO on azimuth 77.4°.

NJ, 3808-CW-P-77 Same (new) 201 Centennial Avenue Piscataway, N J. Lat. 40°32' 39" N., Long. 74°29'48" W. C.P. for a new station on frequency 2174.6V MHz toward Warren, N.J. on azimuth 356.8°

WY, 3809-CF-P-77 The Mountain State Telephone and Telegraph Co., (KXR 20) 1326 Sheridan Ave., Cody, Wyo Lat. 44°31' 33" N., Long. 109°03'38"W. C.P. to add a new point of communication on frequency 11115V MHz toward Cody PR1, Wyoming 99.2° and from passive reflector to Sunlight PR on azimuth 312.2° from Sunlight PR to Sunlight on azimuth 288.3°

WY, 3810-CF-P-77 Same (new) Sunlight 24.9 miles Northwest of Cody, Wyo. Lat 44°46'04" N., Long. 109°26'06" W. C.P. to add a new point of communication on frequency 11565V MHz toward Sunlight PR on azimuth 108.2° from passive reflector to Cody PR1 on azimuth 131.9° and from Cody PR1 to Cody on azimuth 279.2°.

KS, 3817-CF-P-77 Southwestern Bell Telephone Co. (KAY74) 605 First St., Dodge City, Kans. Lat. 37°45'13" N., Long. 100°-01'04" W. C.P. to increase structure height, correct coordinate and change frequencies 11285V to 11265V; 11365H to 11585V and 11445V to 11505V MHz toward Ensign, Kansas replace transmitters move and replace antenna.

KS, 3818-CF-P-77 Southwestern Bell Telephone Co. (KAY75) .45 mile South of RR Station Ensign, Kans. Lat. 37°38'51" N. Long. 100°14'01" W. C.P. to change frequencies 10755H to 11055V; 10835V to 10895V; 10915H to 10815V MHz toward Dodge City and 10715H to 11055V; 10795V to 10895V; 10875H to 10815V MHz toward Montezuma. Replace transmitters, move and replace antenna.

KS, 3819-CF-P-77 Same (KAY76) 2.5 miles NW of Montezuma, Kans. Lat. 37°38'04" N. Long. 100°27'49" W. C.P. to change location, increase structure height, a new point of communication on frequencies 11265V 11585V MHz toward Pierceville, Kans. on azimuth 319.6°, change frequencies 11285H to 11265V; 11365V to 11585V MHz toward Copeland, Kans. on azimuth 238.5° and 11245V to 11265V; 11325H to 11585V; 11405V to 11505V MHz toward Ensign, Kans. on azimuth 85.9°. Replace transmitters, move and replace antenna.

KS, 3820-CF-P-77 Same (KAY77) .65 mile N of RR Station Copeland, Kans. Lat. 37°-33'10" N. Long. 100°37'51" W. C.P. to increase structure height, change frequencies 10755V to 11055V; 10835H to 10895V MHz toward Montezuma on azimuth 66.1° 10715V to 11055V; 10795H to 10895V MHz toward Sublette, Kans. on azimuth 246.2°. Replace transmitters, move and replace antenna.

KS, 3821-CF-P-77 Same (KAY78) 1.0 mile SW of Sublette, Kans. Lat. 37°28'28" N. Long. 100°51'11" W. C.P. to change location, increase height, change frequencies 11245H to 11265V; 11325V to 11585V MHz toward Copeland on azimuth 66.1° and 11365H to 11265V; 11445V to 11585V MHz toward Satanta on azimuth 250.3°. Replace transmitter, move and replace antenna.

KS, 3822-CF-P-77 Same (KAY79) .42 mile ST of RR Station Satanta, Kans. Lat. 37°-26'18" N. Long. 100°58'46" W. C.P. to change frequencies 10755H to 11055V; 10915H to 10895V MHz toward Sublette, Kans. and 10715H to 11055V; 10875H to 10895V MHz toward Liberal Jct. Replace transmitters, move and replace antenna.

KS, 3823-CF-P-77 Same (KAY80) Liberal Jct. 10.5 miles SE of Moscow, Kans. Lat. 37°14'29" N. Long. 101°02'55" W. C.P. to change frequencies 11245V to 11265V; 11485H to 11585V MHz toward Hugoton, 11325H to 11265V; 11405V to 11585V MHz toward Satanta and 11285H to 11265V; 11365V to 11585V MHz toward Liberal. Replace transmitter, move and replace antenna.

KS, 3824-CF-P-77 Same (KAY82) 4th and Washington Liberal, Kans. Lat. 37°02'28" N. Long. 100°55'16" W. C.P. to increase structure height, change frequencies 10755V to 11055V; 10835H to 10895V MHz toward Liberal Jct. on azimuth 333.0°. Replace transmitters, move and replace antenna.

KS, 3825-CF-P-77 Same (KAY81) 1.16 miles ESE of RR Station, Hugoton, Kans. Lat. 37°10'40" N. Long. 101°20'04" W. C.P. to change frequencies 10795V to 11055V; 11035H to 10895V MHz toward Liberal Jct. Replace transmitters, move and replace antenna.

MO, 3869-CF-P-77 Southwestern Bell Telephone Co. (KCM90) 216 E. Washington St. Lat. 40°11'39" N. Long. 92°34'52" W. C.P. to add a new point of communication on frequencies 2112.0V MHz toward Martinstown on azimuth 326.7° and 2115.2H 2121.6 H 2128.0H MHz toward Willmthsvil on azimuth 45.9° and correct coordinates.

MO, 3870-CF-P-77 Same (new) .02 miles E of Martinstown, Missouri Lat. 40°24'32" N. Long. 92°45'58" W. C.P. for a new station on frequency 2162.0V MHz toward Kirksville on azimuth 146.6°.

MO, 3871-CF-P-77 Same (new) Corner Jct. RT A&J Willmathsville, Missouri Lat. 40° 19'36" N. Long. 92°24'14" W. C.P. for a new station on frequencies 2165.2H 2171.6 H 2178.0H MHz toward Kirksville on azimuth 226.1° and 2162.0V 2168.4V 2174.8V MHz toward Memphis on azimuth 49.7°.

MO, 3872-CF-P-77 Same (new) ¾ mile NW of Memphis, Missouri Lat. 40°28'13" N. Long. 92°10'56" W. C.P. for a new station on frequencies 2112.0V 2118.4V 2124.8V MHz toward Willmthsvil, Missouri on azimuth 229.8°.

NY, 3873-CF-P-77 New York Telephone Co. (new) Milton Avenue, Highland, N.Y. Lat. 41°43'03" N. Long. 73°57'53" W. C.P. for a new station on frequencies 10875H 10875V MHz toward Illinois Mt., New York on azimuth 274.78°.

NY, 3874-CF-P-77 Same (WCG283) 1.5 miles West of Highland, New York Lat. 41°43'10" N. Long. 73°59'45" W. C.P. to add a new point of communication on frequencies 11325V 11325H MHz toward Highland, N.Y. on azimuth 94.76°.

MD, 3875-CF-P-77 Radio Communications, Inc. (new) 206 Main Street, Prince Frederick, Md. Lat. 38°32'15" N. Long. 76°34' 45" W. C.P. for a new station on frequency 2165.6V MHz toward Cambridge, Md. on azimuth 263.4°.

MD, 3876-CF-P-77 Same (new) N.E. Corner of Bay and Queen Anne, Cambridge, Md. Lat. 38°35'02" N. Long. 76°04'56" W. C.P. for a new station on frequency 2115.6V MHz toward Prince Frederick, Md. on azimuth 83.1°.

KS, 3826-CF-P-77 Southwestern Bell Telephone Co. (new) 5 miles SSE of Pierceville, Kans. Lat. 37°48'36" N. Long. 100°39'07" W. C.P. for a new station on frequencies 11055V 10895V MHz toward Montezuma on azimuth 139.5° and 11055V 10895V MHz toward Garden City, Kans. on azimuth 312.3°.

KS, 3827-CF-P-77 Same (new) 407 N 7th Garden City, Kans. Lat. 37°58'05" N. Long. 100°52'17" W. C.P. for a new station on frequencies 11265V 11585V MHz toward Pierceville, Kans. on azimuth 132.2°.

IN, 3833-CF-P-77 United Telephone Co. of Ind., Inc. (KSL93) 1 mile SSE of Plymouth, Ind. Lat. 41°19'28" N. Long. 86°17'56" W. C.P. to change frequencies 6234.3H 6412.2H to 6330.7V MHz toward Knox, Ind., replace transmitters and antenna.

IN, 3834-CF-P-77 Same (KSL92) 103 South Pearl Knox, Ind. Lat. 41°17'46" N. Long. 86°37'20" W. C.P. to change frequencies 5982.3H 6160.2H to 6049.0V MHz toward Plymouth and 5937.8H 6115.7H to 6137.9V MHz toward Winamac, replace transmitters and antenna.

IN, 3835-CF-P-77 Same (KSJ61) 114 North Monticello Winamac, Ind. Lat. 41°03'07" N. Long. 86°36'10" W. C.P. to change frequencies 6189.8H 6367.7H to 6271.4V MHz toward Knox, replace transmitters and antenna.

WY, 3868-CF-P/ML-77 Chugwater Telephone Co. (WQQ55) Section Street Chugwater, Wyo. Lat. 41°45'23" N. Long. 104° 49'23" W. C.P. and Mod of Lic to reinstate license on frequency 2170.0V MHz toward Chugwater Junction., Wyo. on azimuth 26.5°.

MN, 3629-CF-P-77 First Television Corp. (WBA 976) Maple Lake, 3 miles West of Route 25 on Route 106, Monticello, Minn. (Lat. 45°16'02" N. Long. 93°54'04" W.): Construction permit to add 11385V MHz toward St. Cloud, Minn. via power split, on azimuth 317.3°.

MN, 3630-CF-P-77 First Television Corp. (WBA 977) Rockford, Minn. (Lat. 45°02'21" N. Long 93°42'55" W.): Construction permit to add 10875V MHz toward IDS Building, Minn. on azimuth 109.7°.

TX, 3669-CF-MP-77 Cablecom General, Inc. (WHT 90) 1 mile ESE of Sinton, Tex. (Lat. 28°01'28" N. Long. 97°29'21" W.): Construction permit to change receive sta-

tion location—6271.4H MHz toward Corpus Christi and 6390H MHz toward Corpus Christi and Tel-Corpus, both in Texas, via power split, on azimuths 164.7° and 158.5° respectively.

TX, 3670-CF-P-77 Cablecom General, Inc. (WHT 89) 4.5 miles NNW of Beeville, Tex. (Lat. 28°27'46" N. Long. 97°46'49" W.): Construction permit to change antenna system and to change receive station location—6019.3V and 6137.9V MHz toward Sinton, Tex., on azimuth 149.5°.

TX, 3671-CF-P-77 Cablecom General, Inc. (WHT 88) 1.5 mile SW of Karnes City, Tex. (Lat. 28°51'39" N. Long. 97°54'19" W.): Construction permit to change antenna system and to change receive station location—6271.4H and 6390.H MHz toward Beeville, Tex., in azimuth 164.5°.

MI, 3690-CF-P-77 Satellite Communications Carrier Corp., (new) Vining Road, Romulus, Mich. (Lat. 42°13'30" N. Long. 83°22'11" W.): Construction Permit for new station—11645V MHz toward Park Site, Mich., on azimuth 243.8°.

NY, 3797-CF-P-77 Eastern Microwave, Inc. (KEA 27) SW Corner of Swartz & Twonline Roads, Springwater, N.Y. (Lat. 42°38'21" N. Long. 77°39'34" W.): Construction permit to add 6226.9H MHz toward Rochester, N.Y., via power split, on azimuth 3.1°.

TF, 3798-CF-P/ML-77 American Telephone & Telegraph Co. (KEF 72) developmental Temporary fixed within the territory of the grantee. Construction permit and modification of license to add transmitter(s) on frequency bands 2110-2130, 2160-2180, 3700-4200 and 5925-6425 MHz.

MAJOR AMENDMENT

TX, 2991-CF-P-77 Grayson Enterprises, Inc. (KLV 73) 317 E. Third St., Amarillo, Tex. (Lat. 35°12'38" N. Long. 101°49'57" W.): Construction permit application amended to change frequency to 6301H MHz toward Canyon, Tex. on azimuth 202.6°.

CORRECTIONS

MN, 3723-CF-P-77 First Television Corp. (WBA 976) Maple Lake, Minn. (Lat. 45°-16'02"N. Long. 93°54'04"W.): Construction permit to add 11035V MHz toward IDS Building, Minneapolis, Minn., on azimuth 123°. (This replaces entry on Public Notice of September 26, 1977.)

MN, 3724-CF-P-77 First Television Corp. (WBA 978) IDS Building, Minneapolis, Minn. (Lat. 44°58'32"N. Long. 93°16'18" W.): Construction permit to add 11545H MHz toward Fridley, Minnesota, on azimuth 50 seconds. (This replaces entry of Public Notice of September 26, 1977.)

2097-CF-P-77 Hargray Telephone Co., Inc. (WQQ45) Daufuskie Island 8 miles South of Bluffton, S.C. Lat. 30°06'59"N. Long. 80°44'06"W. C.P. to replace transmitter of authorized frequency 2162.4H MHz toward transmitting to Hilton Head Island, S.C. (WQQ45) and to increase the antenna structure height. (PN Dated 4/18/77, Report No. 854).

2098-CF-P-77 Same (WQQ44) Highway 278 Hilton Head Island, S.C. Lat. 32°10'27"N. Long. 80°44'06"W. C.P. to replace transmitter on authorized frequency 2112.4H MHz transmitting to Daufuskie Island, S.C.

[FR Doc.77-29899 Filed 10-12-78;8:45 am]

[6712-01]

[Docket Nos. 21414, 21415; File Nos. 8-A-RL-67, 186-A-L-67]

INLAND AIR LINES, INC. AND RAMP 66, INC.

Designating Applications for Consolidated Hearing on Stated Issues; Order

Adopted: October 6, 1977.
Released: October 7, 1977.

In re application of Inland Air Lines, Inc., North Myrtle Beach, South Carolina, Docket No. 21414, File No. 8-A-RL-67: Ramp 66, Inc., North Myrtle Beach South Carolina, Docket No. 21415, File No. 186-A-L-67; for an Aeronautical Advisory Station to serve Grand Strand Airport, North Myrtle Beach, S.C.

1. Inland Air Lines (hereinafter called Inland) and Ramp 66, Inc. (hereinafter called Ramp 66) have filed an application for authority to operate an aeronautical advisory station at the same airport. Inland seeks renewal of its current station license while Ramp 66 has filed for a new station authorization. In that § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing: *It is ordered*, That pursuant to the provisions of Section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations;

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators;

(b) To determine the manner in which Inland has operated aeronautical advisory station KBF6 at Grand Strand Airport; and

(c) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) where the burdens are on Inland and issue (c) which is conclusory.

4. *It is further ordered*, That to avail themselves of an opportunity to be heard, Inland and Ramp 66, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-29897 Filed 10-12-77;8:45 am]

FEDERAL ENERGY REGULATORY COMMISSION

[6740-02]

[Docket No. ER76-819]

CENTRAL ILLINOIS LIGHT CO.

Settlement Conference

OCTOBER 6, 1977.

Take notice that a settlement conference concerning the proceedings in the above-noted docket will be held, without the presence of the Presiding Administrative Law Judge, on October 17, 1977, 11 a.m., 941 North Capitol Street, NE., Washington, D.C., 20426, Room 3200.

KENNETH B. PLUMB,
Secretary.

[FR Doc.77-29843 Filed 10-12-77;8:45 am]

[6740-02]

[Docket Nos. ER76-229, ER76-633, ER76-661]

CENTRAL LOUISIANA ELECTRIC CO.

Compliance Filing

OCTOBER 6, 1977.

Take notice that on September 27, 1977, Central Louisiana Electric Co. tendered for filing, pursuant to Ordering Paragraph (B) of the Commission's Order Approving Settlement Agreement issued September 15, 1977, in this proceeding, its revised Rate Schedule WR-1,

which is applicable to wholesale service for resale rendered by Central Louisiana Electric Co. (CLECO) on and after June 1, 1977.

CLECO also tendered for filing pursuant to that order a revised Service Schedule C-Supplemental Power, to the Electric System Interconnection Agreement between CLECO and Cajun Electric Power Cooperative, Inc. dated April 27, 1976.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. on or before October 20, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29844 Filed 10-12-77;8:45 am]

[6740-02]

[Docket No. RI77-136]

CHEVRON U.S.A. INC.

Petition for Order Authorizing Refund Payment Plan

OCTOBER 6, 1977.

Take notice that on September 26, 1977, Chevron U.S.A. Inc. (Chevron), filed a petition requesting the Commission to issue an order authorizing a plan for the payment of refunds owed by Chevron under Opinion No. 598. As provided in Opinion No. 598, which established just and reasonable rates for sales of gas from the Southern Louisiana Area, Chevron had elected to discharge its refund obligation by the commitment of gas reserves to the interstate market. Chevron states that it has not discharged entirely its refund obligation, and as of October 1, 1977, Chevron estimates that it will owe to interstate pipelines approximately $21 million in refunds under Opinion No. 598.

In its petition Chevron proposes to make cash refunds on October 31, 1977 to seven interstate pipelines amounting to $11,765,602. Chevron proposes to use the balance of the refunds owing, approximately $9,673,555 owed to Tennessee Gas Pipeline Co. (Tennessee), to explore for and develop new gas reserves for sale to Tennessee in accordance with the provision of an agreement with Tennessee dated July 7, 1977. According to Chevron this agreement provides that Chevron will spend a total amount of money equal to 250 percent of its finally determined refund obligation to Tennessee to explore for and develop gas reserves. Forty percent of this amount will derive from the refunds owned to Tennessee by Chevron; the balance of the funds will be contributed by Chevron. If such funds are not expended by December 31, 1981, Chevron will refund to Tennessee an amount equal to Chevron's refund obligation to Tennessee, less forty percent of the total amount spent by Chevron prior to December 31, 1981. Tennessee has the right to purchase the gas reserves found by Chevron on the leases.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 28, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29845 Filed 10-12-77;8:45 am]

[6740-02]

[Project No. 2763]

CITY OF GOLDEN, COLO. AND VIDLER TUNNEL CO.

Meeting

OCTOBER 5, 1977.

Public notice is hereby given that a meeting will be held on October 18, 1977, at 10 a.m., at the Federal Energy Regulatory Commission in Room 5200, 825 North Capitol Street, Washington, D.C., respecting the application for preliminary permit for Project No. 2763, known as the Sheephorn Project, filed by the City of Golden, Colo. and the Vidler Tunnel Co. All parties have been notified of the meeting.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29836 Filed 10-12-77;8:45 am]

[6740-02]

[Project No. 2765]

JEAN LARA AND MICHAEL HANAGAN

Application of Minor License

OCTOBER 5, 1977.

Public notice is hereby given that an application was filed under the Federal Power Act, 16 U.S.C. §§ 791a-825r, on June 7, 1976, and revised on July 1, 1977, by Jean Lara and Michael Hanagan (Correspondence to: Mr. Harvey A. Katz, 294 New London Turnpike, Glastonbury, Conn. 06033) for a minor license for Project No. 2765 known as the Shafer Holdings Project. Project No. 2765 is located on the Scantic River in the Town of Somersville, Tolland County, Conn.

The Shafer Holdings Project, originally constructed in 1820, consists of: (1) a stone and concrete dam 15-feet high and 92-feet long which forms a pond with a storage capacity of 125 acre-feet; (2) a 7-foot deep by 12-foot wide canal 270-feet long from an intake at the dam to the turbine; (3) one 140kW generator located in the basement of a small industrial building adjacent to the dam; and (4) an outlet canal from the turbine to the Scantic River. The project is operated as run-of-the-river. The project supplies electricity during the winter months for heating an industrial building where motorcycle parts are manufactured.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1977, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29837 Filed 10-12-77;8:45 am]

[6740-02]

[Docket Nos. CP76-492, CP77-644]

NATIONAL FUEL GAS SUPPLY CORP.

Application and Consolidation

OCTOBER 5, 1977.

Take notice that on September 27, 1977, National Fuel Gas Supply Corp. (NFG), 308 Seneca Street, Oil City, Pa., 16301, filed in Docket No. CP77-644 an application pursuant to Sections 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity. Said application seeks authorization to construct and operate facilities, to abandon certain other facilities, and to transport gas through Potter and Cameron Counties, Pa., all as more fully set forth in the application on file with the Commission and open to public inspection.

NFG proposes to construct two segments of pipepline and a related 2,000 Hp compressor facility in order to replace the existing pipeline between Costello and Roulette, Pa., and in order to connect NFG's Storage Corp.'s East Independence-Ellisburg pipeline (as proposed in Docket No. CP76-492) with the facilities of Columbia Gas Transmission Corp. (Columbia) and Transcontinental Gas Pipe Line Corp. (Transco).

The proposed "North" pipeline segment would be approximately 25 miles long and 16 inches in diameter. Said segment, it is stated, would be used to transport gas formerly transported through the Costello-Roulette line which is proposed to be abandoned, and, to transport

gas for customers of NFG's Storage Corp. whose gas is being transported by Columbia or Transco.

The proposed "South" segment would be approximately 6 miles long and 12 inches in diameter and would connect existing facilities of Columbia with two proposed 1,000 Hp compressors to be installed at a new facility near Wharton, Pa.

Construction is planned to begin in June, 1978, and completed by October of the same year. The estimated total cost is $9,153,378 and will be financed by sales of short-term securities in early calendar year 1978 and by later refinancing with long-term securities.

Applicant also proposes the short-term use of a 1,000 Hp compressor to supplement capacity on its existing 8" Roulette-Hebron line for the period April 1, 1978, to October 31, 1978. Said compressor, it is proposed, will be mounted on skids for easy removal and located sufficiently distant from existing residences to avoid noise disturbance.

NFG proposes to abandon in place 16 miles of 12-inch pipeline running between Costello and Roulette, Pa. It is stated that the pipeline was constructed nearly 30 years ago of reconditioned pipe and that its salvage value is not sufficient to warrant such an operation.

Rates for the proposed service, it is said, have been established through allocations of cost of service based on annual and peak day volumes to be used by NFG and customers of NFG's Storage Corp. It is proposed that the customers served through Transco will be charged 5.80 cents per Mcf for transportation in each direction in accordance with Rate Schedule T-2 of NFG. For those customers served through Columbia, a charge of 10.50 cents per Mcf will be charged for like service in accordance with Rate Schedule T-3. Several variations in rates for limited periods during two years beginning April 1, 1978, are also said to be necessary.

NFG additionally proposes to provide service to NFG's Storage Corp. during the period of construction through August of 1978. NFG requests authority to transport gas for Storage Corp. from Ellisburg, Pa., to the storage facilities in East and West Independence, Allegany County, N.Y. Transportation would flow through NFG's existing Penn-York line and the gas would be available to Storage Corp.'s customers at a cost of 12.94 cents per Mcf payable by Storage Corp. to NFG.

It also appears that the instant application may involve common questions of law and fact with the on-going proceeding in Docket No. CP76-492 and thus should be consolidated for hearing pursuant to our authority granted by Section 3.5(a)(6) of the Commission's Rules and Regulations.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 30 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should file on or before October 20, 1977, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (8 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act, (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in the hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed in Docket No. CP76-492, et al., need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29838 Filed 10-12-77;8:45 am]

[6740-02]

[Docket No. CP77-641]

NATURAL GAS PIPELINE CO. OF AMERICA

Pipeline Application

OCTOBER 6, 1977.

Take notice that on September 26, 1977, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP77-641 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Sea Robin Pipeline Co. (Sea Robin) and to exchange gas with United Gas Pipe Line Co. (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement dated September 2, 1977, between Applicant and Sea Robin, Applicant proposes to transport for Sea Robin quantities of gas Sea Robin is entitled to purchase in the Eugene Island Block 305 Field area of offshore Louisiana. Applicant will transport Sea Robin's gas through its proposed 16-inch gathering pipeline [1] from Eugene Island Block 305 to a point of connection with Sea Robin's existing offshore facilities in Eugene Island Block 295.

Applicant will charge Sea Robin an initial monthly rate of $5,493 for all gas transported.

Applicant further states that pursuant to an exchange agreement dated August 16, 1977, between Applicant and United, Applicant will cause Sea Robin to deliver to United for Applicant's account near Erath, La., gas Applicant will purchase in the South Marsh Block 142, 143 area, the Eugene Island Block 333 area and the Eugene Island Block 305 area, offshore Louisiana. United will redeliver to Applicant equivalent volumes of gas at an existing delivery point between the parties in Vermilion Parish, La., and when required at an existing alternate delivery point in Cameron Parish, La.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 28, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29846 Filed 10-12-77;8:45 am]

[1] Said pipeline is the subject of an application filed at Docket No. CP77-384.

[6740-02]

[Docket No. ER77-619]

NORTHERN STATES POWER CO.

Cancellation

OCTOBER 5, 1977.

Take notice that Northern States Power Co. (Northern States), on September 28, 1977, tendered for filing notice of cancellation of FPC Rate Schedule No. 165, a Municipal Service Agreement dated February 20, 1964, as supplemented, between the City of Marshall, Minn., and Northern States. Northern States proposes an effective date of October 21, 1977, and therefore requests waiver of the Commission's notice requirements.

Northern States indicates that copies of this filing have been sent to the City of Marshall.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington,

D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29839 Filed 10-12-77;8:45 am]

[6740-02]

[Docket No. ES77-63]

PACIFIC POWER AND LIGHT CO.

Application

OCTOBER 5, 1977.

Take notice that on September 30, 1977, Pacific Power & Light Co. (Applicant), a corporation organized under the laws of the state of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to Section 204 of thet Federal Power Act, seeking an order authorizing it to enter into a Financing Agreement (Financing Agreement) with the County of Sweetwater, Wyoming (County), pursuant to which Applicant will incur the obligation to make payments equal to the required payment of the principal, premium, if any, and interest on Pollution Control Revenue Bonds (Bonds) not to exceed $55,000,000 in aggregate principal amount, to be issued by the County, pursuant to an Indenture of Trust (the Indenture) to be entered into between the County and a bank to be selected to act as Trustee (Trustee).

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 27, 1977, file with the Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protests parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29840 Filed 10-12-77;8:45 am]

[6740-02]

[Docket No. CP77-626]

SEA ROBIN PIPELINE CO.

Pipeline Application

OCTOBER 6, 1977.

Take notice that on September 21, 1977 Sea Robin Pipeline Co. (Sea Robin) filed an application in Docket No. CP77-626 pursuant to Section 7(c) of the Natural Gas Act, as amended, for a temporary and permanent certificate of public convenience and necessity authorizing the increase in delivery capacity to Columbia Gas Transmission Co., (Columbia) at Erath, Vermilion Parish, La.

Sea Robin states that prior to expiration of the current year it may be required to deliver a quantity of gas to Columbia in excess of its present capacity and requests authorization to increase the delivery capacity of its metering facilities serving Columbia from 100,000 Mcf per day to 200,000 Mcf per day. Sea Robin states that anticipated deliveries to Columbia's account and for the accounts of others will require the replacement of two existing 10-inch meter tubes with 12-inch meter tubes at metering facilities located at the terminus of Sea Robin's offshore transmission system near Erath. The cost of facilities required is estimated at $27,100, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 25, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29847 Filed 10-12-77;8:45 am]

[6740-02]

[Docket No. CP73-339; CI75-45, *et al.*]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Pipeline Application

OCTOBER 5, 1977.

Take notice that on September 28, 1977 Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP73-339 an application to amend the order issued in said docket on March 7, 1977, by requesting authorization to add two additional delivery points to the transportation service authorized therein for Continental Oil Co. (Continental). The two proposed delivery points are at the outlet side of Continental's Egan Plant, located in Acadia Parish, La. and the point of intersection of Continental's and Tennessee's facilities located in Calcasieu Parish, La.

Continental will install minor facilities at the facilities at the proposed points. There will be no change in the rate per Mcf per 100 miles to be charged Continental for this transportation service.

Tennessee states that it has entered into an amendment with Continental, dated May 17, 1977, to an existing Gas Transportation Agreement, dated November 14, 1972. Tennessee states that the proposed service will not effect Tennessee's ability to serve its existing customers.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 19, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no pe-

tition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29841 Filed 10-12-77;8:45 am]

[6740-02]

[Docket No. CP77-627]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC., COLUMBIA GULF TRANSMISSION CO.

Pipeline Application

OCTOBER 5, 1977.

Take notice that on September 22, 1977 Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee) and Columbia Gulf Transmission Co. (Columbia Gulf) filed a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation by Tennessee and Columbia Gulf of compression and related facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Tennessee and Columbia Gulf request authorization to construct, operate, and own an undivided ⅔ and ⅓ interest, respectively, in a 1,310 horsepower compressor unit and related facilities to be situated on the existing producer platform in East Cameron Block 33, Offshore Louisiana, which platform is jointly owned by Continental Oil Co. (Continental), Cities Service Oil Co. (Cities), and Getty Oil Co. (Getty) and operated by Continental.

Tennessee and Columbia Gulf state that Continental, Cities, and Getty each own a one-third leasehold interest in the Block 33 reserves; that Continental's and Cities' reserves are committed to Tennessee and Getty's reserves are committed to Columbia Gas Transmission Co. (Columbia Gas) under Gas Purchase and Sales Agreements; that such agreements provide for Tennessee and Columbia Gas to furnish any compression facilities necessary for the delivery of such reserves; and that Tennessee and Columbia Gulf and Continental, as operator, have determined that compression on the Block 33 platform would be required to enable gas from Block 33 to enter Applicants' systems.

Tennessee and Columbia Gulf state that Tennessee's share of the direct cost of the compressor facilities will be $694,000 and Columbia Gulf's share will be $347,000.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 19, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-28842 Filed 10-12-77;8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

In addition, notice is also given that the following operators * have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of Section 204 of the Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01330	Shell Tankers (U.K.) Ltd.: *Erinna.*
01423	Charente Steamship Co. Ltd.: *Adviser.*
01428	Ocean Transport & Trading Ltd.: *Memnon.*
01610	C. F. Industries: *CF 202.*
01641	The Bank Line Ltd.: *Nessbank.*
01890	A/S Billabong: *Star Abadan.*
02039	Gryf Deep Sea Fishing Co.: *Parma.*
02040	Odra-Swinoujscie: *Kolias.*
02129	Ore Carriers, Ltd.: *Orenda.*
02200	Flota Mercante Grancolombiana S.A.: *Rio Guayas.*
02266	Marina Mercante Nicaraguense S.A.: *Carla.*
02429	G & C Towing Inc.: *Wisconsin, Chotin #967, CT-830, Eau Claire, Chippewa, Tennessee, Arkansas, SB-40, AOR-223, NBC-902.*
02470	La Crosse Dredging Corp.: *BD-1.*
03474	Pacific Towboat & Salvage Co.: *PT & S #36.*
02715	Allied Towing Corp.: *Stymo 92.*
02721	Healy Tibbitts Construction Co.: *Barge No. 44.*
02441	Quebec and Ontario Transportation Co. Ltd.: *Baie Comeau II.*
02975	Venture Shipping (Managers) Ltd.: *Lagos Venture.*
03273	Dunlap Towing Co.: *ZB 204.*
03321	Marunouchi Kisen Kabushiki Kaisha: *Weipa Maru.*
03355	Sea Merchant Shipping Co.: *Eairness.*
03645	Tidewater Morgan City Inc.: *Tide Mar 21.*
03690	The Harbor Tug & Barge Co.: *Isla Del Sol, C-44, 10, 21, 7.*
03893	Skaarup Shipping Corp.: *Industry Trader.*
04050	A/S Uglands Rederi: *Sirena.*
04289	Dixie Carriers Inc.: *Ett 124, C 1201, C 1603, C 1604, C 1602, C 1601, C 1605, C 1202, C 1203, C 1902, C 1901, C 901.*
04398	Hapag-Lloyd Aktiengesellschaft: *Stuttgart Express.*
04404	Lar Rej Johansen: *Johot.*
04422	Hai Shang Navigation Corp.: *Grand West.*
04462	Empresa Nacional Elcano de la Marina Mercante S.A.: *Castillo de Tamarit.*
04601	American Tunaboat Association: *Day Island.*
05042	State of Alaska: *Aurora.*
05098	Esso Tankers Inc.: *Esso Atlantic.*
05520	Union Carbide Corp.: *USL-138, USL-140, USL-149.*
05578	Baltic Shipping Co.: *Khudozhnik Pakhomov.*
05704	Murmansk Shipping Co.: *Kapitan Dubinin.*
05764	Cerrahogullari Umumi Nakliyat Vapurculuk ve Ticaret T A S: *M. Istanbul K.*
05926	Maritime Services G.m.b.H.: *Scilla, Nordbalt.*
05995	Association of Maryland Pilots: *Maryland.*
05998	Navarino Shipping & Transport Co. Ltd.: *Fraternity.*
06052	Marukyo Suisan Kabushiki Kaisha: *Nadayoshi Maru No. 10, Nadayoshi Maru No. 15.*
06071	Instituto de Fomento Industrial and/or Alcalis de Colombia Alco Ltda: *Planta de Mamonal, Planta de Betania, Salinas de Manaure, Julio Caro, Luis Angel Arango.*
06092	John W Stone Oil Distributor Inc.: *S-6.*

Certificate No.	Owner/operator and vessels
06248---	Commercial Corp. "Sovrybflot": *Surazh, Selets, Stolin, Sokolovka.*
06566---	Occidental Petroleum Corp.: *NMS–1467.*
06675---	Cobrecaf: *Sahara.*
06818---	Globus Reederei G.m.b.H, Hamburg: *Sable.*
07366---	Compagnie Maritime des Chargeurs Reunis: *Cap Camarat, Seatrain Concord.*
08048---	Andros Trading Ltd.: *Pelineon.*
08617---	Fairmont Enterprises Ltd.: *Olive Ace, Fiona I, Friendship.*
08884---	Arctic Shipping Singapore (PTE) Ltd.: *Tema.*
09315---	Kaigai Gyogyo K.K.: *Kaisei Maru No. 1, Seishu Maru No. 3.*
09498---	Veba Chemie AG: *Egmond, Faust, Clavigo, Bayern.*
09760---	Amoco Transport Co.: *Amoco Challenger.*
09763---	Atlas Maritime Co. S.A.: *Star Olympian.*
09984---	Munster Shipping Co. Ltd.: *Nissos Rhodos.*
10299---	Productos Alimenticios del Mar S.A.: *Delfin Azul.*
10303---	Almare Societa di Navigazione S.P.A.: *Almare Sesta.*
10857---	Sedco Inc.: *Sedco 472, Sedco 445.*
10945---	Alaska Bulk Carriers Inc.: *Glacier Bay.*
10696---	K.G.G. Co. S.A.: *Sea Bird No. 31.*
10997---	Spanocean Line Ltd.: *Scottish Wasa.*
11680---	Murton Shipping Corp.: *Diligence.*
11987---	Carigulf Ltd.: *Cari Trader.*
12380---	Alabama River Towing Co. Inc.: *Mary, Maggie, Roman.*
12651---	Pepper Industries Inc.: *Barge No. 2, Barge No. 4, Barge No. 5.*
12705---	Kerkyra Shipping Corp.: *Camellia B.*
02796---	Teo Shipping Corp.: *Blue Wave.*
12811---	OHG Vineta Seereederei G.m.b.h. & Co.: *Maritime Trader.*
12870---	Aurora Reederei G.m.b.h. & Co. KG MS Maretania: *Maretania.*
12900---	Bergemia Shipping Co. Ltd.: *Aliakmon Leader.*
12910---	INO Compania Naviera S.A.: *Chantal.*
12939---	Pesquera Costa de la Luz S.A.: *Capitan Emilio.*
12948---	Consolidated Mariners S.A.: *Crowna.*
12955---	United Tanker Corp.: *Eagle Charger, Eagle Leader.*
12974---	Kriti Shipping Corp.: *KRITI.*
12976---	Evangelistria Shipping Co. Ltd.: *Yannis Nikolos.*
12986---	Veha-Reederei G.m.b.h. & Co. KG: *Libra.*
12989---	Llane Navigation Co. Inc.: *Global Maritime.*
12990---	Gemini Maritime Corp.: *Gemini Trader.*
12991---	Cremorne Bay Shipping Co. Ltd.: *United Concord.*
12992---	Pacific Tanker Transport Inc.: *Oriental Peace.*
12993---	Lu's Brother Co. S.A.: *Andy Lu.*
12995---	Wakashio Suisan Kabushiki Kaisha: *Wakashio Maru No. 58.*
12997---	Pilio Shipping Corp.: *Pilio.*
12998---	Ventura Navigation Inc.: *Stolt Avance.*
12999---	Silverdee Shipping Ltd.: *Silveravon.*
13000---	Natalie Tankships Corp.: *Overseas Natalie.*
13002---	Golden Fortune Steamship Inc.: *Golden Fortune.*
13003---	Atlantic Tanker Transport Inc.: *Oriental Unity.*
13004---	Chesmea Maritime Corp.: *Fotini.*
13005---	Garber Bros. Inc.: *Blue Shark.*
13006---	Golden Tennyo Steamship Inc.: *Golden Tennyo.*
13007---	Litra Shipping Corp.: *Plotinos.*
13008---	Epacris Shipping Corp.: *St. George.*
13010---	Han Sung Enterprise Co. Ltd.: *No. –21 Hansung.*
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13012---	Gasiland Ltd.: *Caribe I.*
13013---	Earl Compania Naviera S.A.: *Constantino.*
13015---	Baronet Compania Naviera S.A.: *Sklerion.*
13017---	Cormorant Marine Corp.: *Red Arrow.*
13019---	Honam Tanker Co. Ltd.: *Honam Jade, Honam Pearl, King Star, New Star.*
13021---	Ivikos Maritime Corp. S.A.: *Trias III.*
13022---	Zea Shipping Co. S.A.: *Angela-Mary.*
13024---	Echo Shipping and Navigation Co. Ltd.: *Green Echo.*
13026---	Tiger Ltd.: *Monique S.*
13027---	Lethe Shipping Co.: *Lethe.*
13028---	Schiffahrtsgesellschaft MS Siggen MBH: *Siggen.*
13030---	Societe Italo Congolaise D'Armement et Peche: *Loango.*
13031---	Green Bright Line S.A.: *Green Bright.*
13032---	Barcurea Compania Naviera S.A.: *Little Nicos.*
13033---	Mr. Masaetsu Takamatsu: *Shoichi Maru No. 87.*
13035---	Jason Tanker Navigation Ltd.: *Margarita.*
13036---	Fairplay Caribe Ltd. S.A.: *Albert Friesecke.*
13037---	Ino Shipping Co. S.A.: *Ino.*
13038---	Barba Maritime Corp.: *Argonaut II.*
13039---	Luhr Bros Inc.: *Tallahatchie, Elco, L 1001 B.*
13041---	Mr. Kiyoshi Futagawa: *Ise Maru No. 21.*
13042---	Pesquerias Gades S.A.: *Manuel Gallardo Montesinos.*
13044---	Partrederiet Thermopylae: *Thermopylae.*
13045---	Asian Crusser Co. Inc.: *Ocean VIP.*
13046---	Stock Marine Co. Ltd.: *Asian Hawk.*
13047---	Marine Land Air Transportation S.A.: *Shin Shien.*
13049---	Adriana Shipping Co. Ltd.: *Anadria.*
13050---	International Tankship Corp.: *Intermar Prosperity.*
99002---	Intercontinental Bulktank Corp.:* *Overseas Alaska, Overseas Alice.*
99003---	Overseas Bulktank Corp.* *Overseas Arctic, Overseas Valdez, Overseas Juneau.*
99004---	First Shipmor Associates:* *Overseas Chicago.*
99005---	Natalie Tankships Corp.* *Overseas Natalie.*
99006---	Sun Transport Inc.:* *America Sun, Pennsylvania Sun.*
99007---	Exxon Corp.:* *Exxon San Francisco, Exxon Baton Rouge, Exxon Philadelphia, Exxon Houston, Exxon New Orleans, Exxon Baltimore, Exxon Boston, Exxon Washington, Exxon Jamestown, Exxon Lexington, Exxon Newark, Exxon Florence.*
99008---	American Trading Transportation Co. Inc.:* *Washington Trader.*
99009---	Mathiasen's Tanker Industries Inc.:* *Sohio Resolute, Sohio Intrepid.*
99010---	Aquila Shipping Co. Inc.:* *Aquila.*
99011---	Globe Seaways Inc.:* *Overseas Anchorage.*
99012---	Interocean Management Corp.:* *Massachusetts, New York, Maryland, Bradford Island.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-29885 Filed 10-12-77;8:45 am]

[6750–01]

FEDERAL TRADE COMMISSION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication; Correction

In FR Doc. 77–27339, appearing in FEDERAL REGISTER issue for Tuesday, September 20, 1977, pages 47403 through 47423, inclusive, the Federal Trade Commission published its Systems of Records under the Privacy Act of 1974. The following corrections are required.

Page 47403, column 2, paragraph 8 (FTC–35), line 14 should read "news media and special interest (*i.e.*, organizations to be reached".

Page 47410, column 2, under FTC–17, lines 7 through 10: Categories of individuals covered by the system should read: "Individuals who have requested publications from the Los Angeles Regional Office, and individuals who receive local Call for Comment."

Page 47410, column 2, under FTC–17, lines 17 and 18: "call for comment" should read "Call for Comment".

Page 47417, column 1, under FTC–34, lines 11 and 12: the words "comoleted" and "comonay" should read "completed" and "company", respectively.

Page 47417, column 2, line 4: the word "oersonnel" should read "personnel."

Page 47417, column 2, lines 6 and 7 which read "Referral to experts, when considered appropriate by Commission staff" should be deleted.

Page 47420, column 1, under FTC–42, line 34: delete the asterik (*) after the word "Commission" and beneath the line "Federal Trade Commission" insert "6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580."

Page 47422, column 1, under FTC–49, line 1: the last word in the line "Appeal" should read "Appeals".

Page 47423, column 1, under FTC–52, line 3: insert after "Optimum Systems, Inc.," the address "5615 Fishers Lane".

Dated: October 3, 1977.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-29902 Filed 10-12-77;8:45 am]

[6820–25]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.: Temporary Reg. E–47, Supp. 3]

TELEPROCESSING SERVICES PROGRAM

OCTOBER 3, 1977.

1. *Purpose.* This supplement extends the mandatory provisions of the Teleprocessing Services Program (TSP) to September 30, 1978.

2. *Effective date.* This regulation is effective on October 13, 1977.

3. *Expiration date.* This regulation expires on September 30, 1978, unless sooner superseded or revised.

4. *Explanation.* The expiration date for TSP was September 30, 1977. Its mandatory provisions have been effective only since August 1, 1977, in accordance with Supplement 2 to E–47. Additional time is required to complete development of certain evolving features of TSP and to clarify existing procedures for the program before publishing a permanent regulation.

5. *Effect on other issuances.* Supplement 2 to FPMR Temporary regulation E–47 is canceled.

Dated: October 3, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-29971 Filed 10-12-77;8:45 am]

[6820–23]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 133]

DESECHEO ISLAND, MONO PASSAGE, AGUADILLA, PUERTO RICO, W–PR–446A

Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, New York, N.Y. Regional Office, dated November 17, 1976, approximately 360 acres of land improved with one building, identified as Desecheo Island, Mono Passage, Aguadilla, Puerto Rico, were transferred to the Department of the Interior for use by the Fish and Wildlife Service.

2. The above described property was conveyed for use as a migratory bird refuge in accordance with the provisions of Section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended by Public Law 92–432.

Dated: October 4, 1977.

JAMES B. SHEA, Jr.,
Commissioner,
Public Buildings Service.

[FR Doc.77-29936 Filed 10-12-77;8:45 am]

[4110–02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Schedule

AGENCY: The National Advisory Council on Indian Education.

ACTION: Notice.

SUMMARY: The notice sets forth the schedule and proposed agenda of the forthcoming meeting of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Full Council Meeting: November 4–5, 1977, 9 a.m. to 5 p.m., and November 6, 1977, 9 a.m. to 3 p.m. Executive Committee Meeting: November 3, 1977, 7 p.m. to 10 p.m. Subcommittee Meetings: November 4–5, 1977, 7 p.m. to 10 p.m.

ADDRESS: Radisson St. Paul Hotel, 11 East Kellogg Blvd., St. Paul, Minnesota 55101.

FOR FURTHER INFORMATION CONTACT:

Stuart A. Tonemah, Executive Director, Office of the National Advisory Council on Indian Education, Suite 326, 425 13th Street NW., Washington, D.C. 20004 (202–376–8882).

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 1221g).

The Council is directed to:

(1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations.

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–875) as added by Title IV, Part A, of Pub. L. 92–318; and

(7) Submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on November 3–6, 1977, will be open to the public. This meeting will be held at the Radisson St. Paul Hotel, St. Paul, Minn.

The proposed agenda includes: (1) Executive Director's Report; (2) action on previous meeting minutes; (3) committee reports and discussion; (4) special reports; (5) review the NACIE fiscal year 1978 budget; (6) plans for future NACIE activities; (7) regular council business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Dated: October 5, 1977.

STUART A. TONEMAH,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.77-29848 Filed 10-12-77;8:45 am]

[1505–01]

Social Security Administration

AREEMENTS WITH STATES FOR COVERAGE OF STATE OR LOCAL EMPLOYEES UNDER TITLE II OF THE SOCIAL SECURITY ACT, AS AMENDED

Redelegation of Authority

Correction

In FR Doc. 28623 appearing on page 51667 in the issue of Thursday, September 29, 1977, on page 51668, in the 3rd column in paragraph "G. AUTHORITY" the citation should read, ". . . subsections (q)(4)(A) and (r)(2)(A) of section 218.".

[4210–01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing, Federal Housing Commissioner

[Docket No. N–77–803]

THERMAL INSULATION, UREA-BASED, FOAMED IN PLACE

Use of Materials Bulletin No. 74

AGENCY: Department of Housing and Urban Development, Office of Assistant Secretary for Housing, Federal Housing Commissioner.

ACTION: Notice.

SUMMARY: This Notice promulgates HUD's new Use of Materials Bulletin No. 74, which sets forth the conditions for acceptance of foamed urea-based insulation, and stipulates certain limitations for its use. The current shortage of conventional building insulation has stimulated a demand for foamed urea-based

insulation whose reliability and performance has been controversial.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald K. Baxter, Chief Materials Acceptance Branch, Architecture and Engineering Division, Office of Technical Support, Department of Housing and Urban Development, Washington, D.C. 20410 (202-755-5929).

SUPPLEMENTARY INFORMATION:

1. Purpose.—HUD Use of Materials Bulletin No. 74, dated September 15, 1977, is being issued to provide HUD field offices with a basis for accepting urea-based, foamed in place thermal insulation.

2. Scope.—The Bulletin sets forth the physical properties, test methods, installation guidelines, and labeling requirements for urea based foam insulation, and stipulates that such insulation is limited for us only in enclosed building cavities such as walls, partitions and floors.

3. Background.—The recent demand for thermal insulating materials has strained the existing manufacturing facilities for conventional thermal insulations such as fibrous glass, mineral wood and cellulosic insulations. Meanwhile, problems with foamed in place insulations have caused insulating contractors and the general public to become wary of job-applied foam insulations. Complaints included odors, excessive shrinkage, deterioration and collapse, corrosion of adjoining materials, and hazards to health.

4. Development.—The bulletin was developed in cooperation with the urea foam industry, the Canadian government and the National Bureau of Standards. As experience is gained the requirements may be revised. When a suitable industry standard or a Federal Specification becomes available, the bulletin will be withdrawn.

5. Requirements.—The detailed requirements of the bulletin are attached.

Issued at Washington, D.C., on October 7, 1977.

PAUL WILLIAMS,
Acting Assistant Secretary, Housing—Federal Housing Commissioner.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

Use of Materials Bulletin No. 74, Thermal Insulation, Urea-Based, Foamed in Place

Subject to good workmanship, compliance with local codes, and the methods of application listed herein, the materials described in the bulletin may be considered suitable for HUD Housing programs.

The eligibility of a property under these programs is determined on the property as an entity and involves the consideration of underwriting and other factors not indicated herein. Thus, compliance with this bulletin should not be construed as qualifying the property as a whole, or any part thereof, as to its eligibility.

The methods of application for the materials listed herein are to be considered as part of the HUD Minimum Property Standards and shall remain effective until this bulletin is cancelled or superseded.

1. SCOPE

1.1 This is a provisional bulletin and applies to urea-based thermal insulation for use in walls in building constructions. This bulletin sets forth conditions of acceptance, which include material properties, test methods, installation guidelines, and material, application and labeling requirements for the use of foamed-in-place urea-based resin insulation. The material is accepted for use only in enclosed building cavities such as walls, partitions, and floors.

1.2 For more information on uses, see par. 7.3.

1.3 This provisional bulletin is prepared in S.I. units of measurement, often referred to as the metric system. The approximate equivalents in customary units are given in parenthesis. For assistance in converting between the two systems of measurement, the reader is referred to ASTM E 380.

2. APPLICABLE PUBLICATIONS

2.1 The following publications are applicable to this provisional bulletin.

2.1.1 American Society for Testing and Materials (ASTM).

C 177—Steady-State Thermal Transmission Properties by Means of the Guarded Hot Plate.

C 236—Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box.

C 518—Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter.

D 257—D-C Resistance or Conductance of Insulating Materials.

D 1622—Apparent Density of Rigid Cellular Plastics.

E 84—Surface Burning Characteristics of Building Materials.

E 119—Fire Tests of Building Construction and Materials.

E 380—Metric Practice Guide.

2.1.2 National Fire Protection Association (NFPA).

89M—Heat Producing Appliance Clearances.

3. GENERAL REQUIREMENTS (ADDITIONAL REQUIREMENTS ARE GIVEN IN PAR. 7)

3.1 Acceptable material shall be urea-based thermosetting foam, suitable for filling closed cavities through small holes and suitable also for filling open cavities by trowelling during foaming prior to enclosure.

3.2 Manufacturers of the material shall provide to their distributors or applicators its effective thermal resistance values (par. 7.3.3).

3.3 Where urea-based foam is used to insulate the exterior walls of new construction, the interior face of the wall shall be covered with gypsum wallboard complying with and mechanically fastened in accordance with the requirements of the Minimum Property Standards (MPS). The gypsum wallboard shall have a minimum thickness of 12.7mm (½ in.). Other suitable materials having a finish rating of 15 minutes (minimum) per ASTM E-119 may be used in lieu of gypsum wallboard.

Exterior walls of new construction, multi-story housing shall be firestopped at each flood level and at the ceiling of the uppermost story.

The urea-based insulation shall be installed with no portion exposed at the completion of construction or in existing construction. This requirement includes attention to architectural detailing at the base and ceiling, around doors and windows, and around openings penetrating the wall cavity for utilities or other purposes.

3.4 Adequate clearance between the insulation and heat sources shall be provided. Consult NFPA 90B. Warm Air Heating and Air Conditioning Systems Protection of insulation at penetrations (heat sources) is critical.

3.5 To assure quality control each manufacturer shall ship the resin in a pre-mixed liquid state in sealed containers to their distributors or applicators.

4. DETAIL REQUIREMENTS

4.1 Resin properties.

4.1.1 Free aldehyde content.—When tested as specified in par 6.2.1, the free aldehyde content shall not exceed 1.0 percent.

4.2 Curing properties.

4.2.1 Setting time.—When tested as specified in par. 6.2.2, the foam shall set in not less than 20 s and not more than 60 s for application in closed cavities, and not less than 10 s and not more than 60 s for application in open cavities. At the setting time, the surface of the foam at the fracture shall be smooth and homogeneous.

4.2.2 Volume resistivity of fresh foam.—When tested as specified in par. 6.2.3, the volume resistance shall not be less than 5 kΩ-cm (5,000 ohms—centimeter).

4.2.3 Water drainage.—When tested as specified in par. 6.2.4, no water shall leak from the cavity.

4.2.4 Shrinkage during curing.—When tested as specified in par. 6.2.5, the linear shrinkage in any direction shall not be more than 4.0 percent.

4.2.5 Fungi growth inhibition.—When tested as specified in par. 6.2.6, the area of fungi growth in the test frame containing the foam specimen shall not be greater than 10 percent of that in the control test frame, and there shall be no fungi growth on the foam itself.

4.3 Dry foam properties.

4.3.1 Density.—When tested as specified in par. 6.1.4, the density of the dry foam shall be within the range of 10.4–15 kg/m³ (0.7–0.9 lb/ft³).

4.3.2 Thermal resistance.—When tested as specified in par. 6.2.7, the thermal resistance shall not be less than 2.2 m² °C/W (12 ft²h F/Btu).

4.3.3 Corrosiveness.—The material shall be tested as specified in par. 6.2.8. For aluminum, copper, and steel there shall not be any perforations when the metal specimens are observed over a chrome reflected 40 W appliance light bulb. For galvanized steel there shall be no pitting of the metal specimen and its loss in mass shall not exceed 0.2 g (0.01 oz).

4.3.4 Water absorption.

4.3.4.1 Floating test.—When tested as specified in par. 6.2.9.1, the water absorption shall not exceed 15 percent by volume.

4.3.4.2 Droplet test.—When tested as specified in par. 6.2.9.2, the drops of methyl violet solution applied to a horizontal surface of the foam shall not be absorbed within 1 h.

4.3.5 Surface burning characteristics.—When tested as specified in par. 6.2.10, the flame spread classification shall not exceed 25.

4.3.6 Ash content.—When tested as specified in par. 6.2.11, the volume of the ash shall not be more than 2 percent of the original volume of the foam.

5. Labeling

5.1 Containers of urea-based resin and foaming agent shall bear labels:

5.1.1 Identifying the manufacturer of the product.

5.1.2 Showing storage temperatures and corresponding dates (shelf-life) after which resin and foaming agent are not usable.

5.1.3 Including the following statement: This material shall be applied by licensed applicators only and in strict accordance with HUD/FHA Minimum Property Standards, HUD/FHA Use of Materials Bulletin No. 74, and the manufacturer's instructions.

5.1.4 Including a warning to minimize the risk to life and health involved in the application of the product, such as but not limited to: Warning! Avoid Contact With Eyes, Nose and Skin! If contact is made rinse thoroughly with quantities of water.

5.2 If a flame spread classification for the foam insulation is included on the label, the following classification statement shall also be included: Values of flame spread rating are not intended to reflect hazards presented by this or any other material under actual fire conditions.

6. Testing

6.1 Specimen preparation.

6.1.1. Sampling.—Sampling shall be done at random.

6.1.2 Preparation of specimens.—Unless otherwise specified in the test procedure, the foam shall be prepared and applied in accordance with the manufacturer's instructions. The temperature of the unreacted materials prior to foaming shall be within the range 15–30° C (59–86 F).

Unless otherwise specified in the test procedure, specimen shall be foamed in closed cavities at ambient conditions of 23±2° C (73±4 F) and 50±5 percent RH.

6.1.3 Conditioning.—Specimens for tests 6.2.7 to 6.2.10 inclusive shall be maintained in the closed cavities in the vertical position at 23±2° C (73±4 F) and 50±5 percent RH for 28 days prior to testing.

6.1.4 Density.—The density of the dry foam shall be within the range 11–15 kg/m³ (0.7–0.9 lb/ft³), when determined according to ASTM D 1622. Foam used for tests 6.2.2 to 6.2.6 inclusive shall be such that upon drying for 28 days at 23±2° C (73±4 F) and 50±5 percent RH a density within the above range would be realized.

6.2 Test procedures.

6.2.1 Free aldehyde content.—Prepare a standard sulphite solution as follows. Dissolve, without heating, approximately 250g $Na_2SO_3.7H_2O$ in about 200 ml distilled water. Dilute to one litre. Adjust the pH of the sulphite solution to 8.9 with H_2SO_4 and NaOH solutions. The solution is stable only for a short period of time and it should be used immediately after adjustment of the pH. Place 20 ml distilled water in an Erlenmeyer flask. Accurately weigh approximately 2g resin solution (ready for foaming) and add it to the flask. Stir the mixture well, add approximately 10g crushed ice and mix thoroughly. Add 50.0 ml of the standard sulphite solution and titrate immediately with 0.0IN H_2SO_4 to pH 8.9. Perform the procedure in duplicate and run a blank.

Calculate the percentage formaldehyde content of the resin as follows:

$$\text{percent formaldehyde} = \frac{3(A-B)D}{C}$$

where:

A = ml of 0.0IN H_2SO_4 for the specimen
B = ml of 0.0IN H_2SO_4 for the blank
C = mass of resin solution
D = normality of the H_2SO_4 solution

6.2.2 Setting time.—A conical specimen with a bottom diameter of approximately 30 cm (12 in) and a height of approximately 30 cm (12 in) shall be made by foaming from a hose. Start a stopwatch immediately after the cone has been formed and immediately commence slicing the cone with a spatula. Record the time when the foam no longer slices as if it were whipped cream but shears off leaving a smooth surface. This time is the setting time. Evaluate the surfaces of the slices visually for smoothness and homogeneity.

6.2.3 Volume resistivity of fresh foam.—Determine the volume resistivity of the foam in 15 min after foaming as specified in ASTM D 257 using metal plate electrodes, 90×90 mm (3.5×3.5 in) and voltage of 110 volts. The specimen shall be a cube of side 90 mm (3.5 in), and shall be prepared by applying foam between the electrodes.

6.2.4 Water drainage.—Prepare a cavity approximately 2440×400×90 mm (8 ft×16 in×3.5 in) from wood and plywood. Fill the cavity by foaming in place or trowelling. Leave the cavity with the long dimension in a vertical position for 24 h, during which time the bottom and underside of the wooden structure are examined for water. The cavity shall be built such that any free water from the foam can easily run out at the bottom.

6.2.5 Shrinkage during curing.—Fill three cavities each measuring 480×480×90 mm (18×18×3.5 in) made from wood and plywood with foam. Maintain the cavities with the long dimensions in a vertical position for 28 days at 23±2° C (73±4 F) and 50±5 percent RH. Then open the cavities and measure the linear shrinkage in the two principal directions. Report the average of all six determinations as the linear shrinkage. If fractures in the specimens occur, the data should be discounted and the test repeated.

6.2.6 Fungi growth inhibition.—Prepare two test frames, measuring 480×480×90 mm (18×18×3.5 in) from Douglas Fir plywood and white spruce. Submerge the test frames in tap water for 48 h. Remove the test frames and dry the surface with paper towel. Drill a hole in one test frame and foam in the material under test. Maintain the two tests frames in a vertical position for 28 days at 23±2°C (73±4 F) and 50±5 percent RH. Then open up both test frames and remove and examine the cured foam. Determine the area of fungi growth in the control and in the specimen test frame.

6.2.7 Thermal resistance.—The thermal resistance shall be determined as specified in ASTM C 177, ASTM C 518 or ASTM C 236, using a specimen 75 mm (3 in) thick, tested with a mean temperature differential across the specimen of 22±3 °C (72±5 F). In cases of dispute, ASTM C 177 or ASTM C 236 shall be used. Specimen surfaces may be those obtained during foaming or they may be obtained by slicing the material to remove not more than 5 mm (0.2 in) from each side.

6.2.8 Corrosiveness.

6.2.8.1 *Apparatus and Materials.*

(a) An oven capable of maintaining 50±2° C (122±4 F) and another oven capable of maintaining 70±2° C (158±4 F).

(b) A small container, approximately 90×50 mm (3.5×2.0 in), made of inert material such as polypropylene and equipped with a lid so designed that water condensing on it will not drip but will run to the walls of the container.

(c) A large container capable of housing the small container in item (b) but which will fit inside the oven.

(d) Metal test specimens, approximately 50×50 mm (2×2 in) by 0.08 mm (0.003 in) thick free of tears, punctures or crimps as follows:

(i) 3003 bare aluminum.

(ii) ASTM B 152, type ETP, Cabra No. 110, soft copper.

(iii) Low carbon, commercial quality, cold rolled, shim steel.

(e) Test specimens, section of truss plates approximately 50×50 mm (2×2 in) by 1.0 mm (0.04 in) made from hot-dipped galvanized sheet-steel conforming to Grade A or B, ASTM 446 with a total zinc coating of 275 −0, +31 g/m² (0.9, −0, +0.1 oz/ft²). At least 40% of the zinc shall be on any one side of the test specimens. Test specimens shall have at least 6 perforations.

(f) Trichloroethylene, analytical reagent grade.

(g) Balance, capable of determining the mass of the galvanized specimen to an accuracy of 1 mg.

(h) 40 W appliance light bulb.

(i) Distilled water, nitric acid 15.9 N, ammonium hydroxide (sp gr 0.90), chromium trioxide, silver nitrate, hydriodic acid, reagent grade chemicals.

(j) Several non-corrosive plastic supports and a 150 g (0.33lb) mass.

6.2.8.2 *Specimen of Insulation Material.*

A representative sample of the insulation material shall be submitted for test, portions of which shall be used for each test.

6.2.8.3 *Procedure.*

6.2.8.3.1 Make two replicate tests for each determination.

6.7.8.3.2 Wash the metal specimens with trichloroethylene to remove any oil or grease. Dry at room temperature.

6.2.8.3.3 Prepare foam specimens from blocks obtained from the test in par. 6.2.5. Cut a specimen 60 mm×60 mm 2.4×2.4 in square and 15 mm (0.6 in) thick from the block such that one of the 60×60 mm (2.4×2.4 in) surfaces is that obtained from foaming and not slicing the foam. All other surfaces of the specimen shall be obtained by slicing the foam. Compress the specimen between flat, parallel, non-corrosive plastic surfaces for 2 min. at 700±70 kPa (102±10 psi) to form wafers. Prepare 16 such wafers, noting which surfaces had been obtained from foaming. These surfaces shall be placed adjacent to the metal specimens in the tests.

6.2.8.3.4 Weigh the galvanized specimen and record its mass.

6.2.8.3.5 Place a non-corrosive plastic screen support in the small container. Place a foam wafer on the support at least 5 mm (0.2 in) above the bottom of the container. Place the metal specimen on the wafer; put another wafer on the metal specimen and then place on top of the sandwich a non-corrosive plastic screen and the 150 g (0.33 lb) mass. The 150 g (0.33 lb) mass shall not block airflow to the top wafer. Cover with the lid of the small container such that the container is closed but not sealed.

6.2.8.3.6 Place the small container in the large container, add sufficient distilled water to the large container and close the large container but do not seal it.

6.2.8.3.7 Place the assembly in an oven at 70±2° C (158±4 F) for 24 h.

6.2.8.3.8 Remove the assembly from the 70°C (158 F) oven, seal the large container and transfer the assembly to an oven maintained at 50±2° C (122±4 F). Maintain the assembly at this temperature for 28 days.

6.2.8.3.9 Upon completion of the test remove the assembly from the oven and dismantle. The large container shall still have some water in it; if there is no water present at the end of the test, then results for those materials passing the test are suspect and the test should be repeated.

6.2.8.3.10 Thoroughly wash the metal specimens under running water and lightly brush them to remove loose corrosion products. Remove the remaining corrosion products from the aluminum, copper and steel specimens by immersing them in a solution of 10 parts distilled water to 1 part 15.9 N nitric acid. Remove the remaining corrosion products from the galvanized specimens by the procedure recommended in ASTM G1 in the method for the chemical cleaning of zinc after testing. Rinse all metal specimens in distilled water and dry.

6.2.8.3.11 Examine the aluminum, copper and steel specimens over a chrome-reflected, 40 W appliance bulb for perforations.

6.2.8.3.12 Examine the galvanized specimen for pitting and weigh the specimen and its control. The control shall be a specimen having the same number of perforations, be of the same geometric form and be from the same batch of truss plates as the specimen. The control shall not be exposed in the oven but shall be cleaned identically to the specimen. Subtract the loss in mass of the control from the loss in mass of the specimen.

6.2.9 Water absorbtion.

6.2.9.1 Floating test.

Cut three cubes, each 180×180×180 mm (7×7×7 in) from a block of foam. Accurately weigh each cube and place it on a distilled water surface. After 7 days at 23±2° C (73±4 F) and 50±5 percent RH, remove the cubes and accurately weigh them. Calculate the percentage water absorption on a volume basis. The surface in contact with the water shall be that obtained from foaming.

6.2.9.2 Droplet test.

Prepare a 3 percent solution of methyl violet in distilled water. Apply 5 drops, each 0.03 ml, of the solution by means of a syringe to a freshly cut horizontal surface of the foam and to a surface obtained from foaming. Measure the time required for the drops to be completely absorbed through the surface of the foam. This point in time may be ascertained under direct lighting as the moment when the area to which the drop has been applied becomes dull. Perform the test at 23±2°C (73±4 F) and 50 percent RH.

6.2.10 Surface Burning Characteristics.—The flame spread classification* shall be determined according to ASTM E 84 on a specimen at least 50 mm (2 in) thick. The surface tested shall be that obtained from foaming.

6.2.11 Ash content.—A foam specimen of known volume is placed in a muffle furnace at ambient temperature. The temperature of the furnace is raised to 950±50°C (1740±90 F) and maintained at that temperature for 16 h. Upon cooling the specimen, the volume of the ash is measured, and calculated as a percentage of the volume of the original foam specimen.

7. Additional Requirements and Notes

7.1 Requirements.—The following requirements in this bulletin should be specified in its application:

(a) The application procedure (par. 7.2).

(b) Resistance to combined high temperature and high humidity (par. 7.3.2).

(c) The effective thermal resistance required (par. 7.3.3).

7.2 Application.—The material shall be installed in accordance with the manufacturer's specific instructions and the general guidelines given in par. 8. Manufacturers shall provide to their distributors or applicators a copy of their instructions for application.

7.3 Intended uses.

7.3.1 The material is intended for use as thermal insulation in walls of building constructions, and is accepted for use only in enclosed building cavities such as walls, partitions, and floors.

7.3.2 Resistance to combined high temperature and high humidity.—Available research data have indicated that the stability of urea-based foam insulation may be suspect when the material is subjected to an environmental condition of combined high temperature and high humidity. The foam insulation should not be applied in areas which experience prolonged periods of high temperature and high humidity. Since prolonged periods of high temperature and high humidity may be encountered in attics and ceilings, urea-based foam insulation shall not be applied in these locations.

7.3.3 Effective thermal resistance.—Data gathered from limited field observations of urea-based foam insulations in building constructions has shown that shrinkage of foam insulations has been between 1 and 11 percent on a linear basis after installation. These data suggest that the average linear shrinkage of the foams is about 6 percent. Because of shrinkage a reduction in thermal insulating ability of installed foams is anticipated. The thermal insulating ability of installed foams is herein referred to as the effective thermal resistance. The effective thermal resistance of foam installed in empty cavity walls shall be determined according to the method described in par. 7.3.3.1 or 7.3.3.2.

7.3.3.1 If the average percent shrinkage of the foam expected to occur in building constructions over a period of at least 2 years has not been established, then the average expected shrinkage of 6 percent shall be used to determine the effective thermal resistance. In this case the effective thermal resistance of the foam is 72 percent of the thermal resistance that would be obtained on a laboratory specimen of the same thickness as that of the cavity. The effective thermal resistance value may be calculated from the following:

$$\text{effective thermal resistance } (m^2 \cdot C/w) = \frac{R\,(m^2 \cdot C/w) \times T\,(cm) \times 72}{750}$$

$$\text{effective thermal resistance } (ft^2 \cdot h \cdot F/Btu) = \frac{R\,(ft^2 \cdot h \cdot F/Btu) \times T\,(in) \times 72}{300}$$

where
T=the thickness of the cavity
R=the thermal resistance of the foam determined in accordance with par. 6.2.7.

Note.—A 3-inch specimen is used in par. 6.2.7 test. Thus 3×100 (300) in formula reduces the result to proper units and percentage, respectively.

*Values of flame spread classification are not intended to reflect hazards presented by this or any other material under actual fire conditions.

7.3.3.2 If the average percent shrinkage of the foam expected to occur in building construction over a period of at least 2 years can be established by the manufacturer or the Department of Housing and Urban Development this value of average percent shrinkage may be used to determine the effective thermal resistance. The percent reduction in the thermal insulating ability of the installed foam corresponding to the established percent shrinkage is illustrated in figure 1. In this case, the effective thermal resistance of the foam can be determined by using the reduction factors corresponding to the percent shrinkage given in table 1 and is calculated from the following:

effective therm resistance ($m^2 \cdot C/w$)

$$= \frac{R\,(m^2 \cdot C/w) \times T\,(cm) \times RF}{750}$$

effective thermal resistance ($ft^2 \cdot h \cdot F/Btu$)

$$= \frac{R\,(ft^2 \cdot h \cdot F/Btu) \times T\,(in) \times RF}{300}$$

where
T=the thickness of the cavity.
R=the thermal resistance of the foam determined in accordance with par. 6.3.7.
RF=the reduction factor corresponding to the average established percent shrinkage given in table 1.

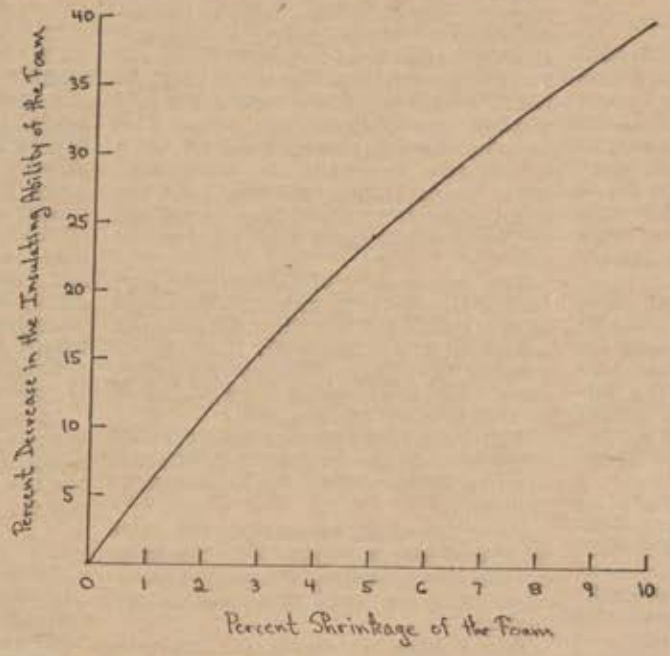

Figure 1. Relationship between shrinkage of the foam and the decrease in the thermal insulating ability of the foam

Established Average Percent Shrinkage	Reduction Factor (RF)
1	94
2	89
3	84
4	80
5	76
6	72
7	69
8	66
9	63
10	60

Table 1. Reduction factors for calculating the effective thermal resistance of the foam.

7.3.3.3 For applications where the foam is installed in cavity walls already containing a mineral fiber batt against one wall, shrinkage of the foam is also anticipated to reduce the expected thermal resistance of the resulting insulation system. The effective thermal resistance of this insulation system is not determined at this time.

7.4 The publications identified in par. 2.1.2 are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

7.5 The publication identified in par. 2.1.3 is available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02210.

8. GENERAL GUIDELINES FOR APPLICATION

Each manufacturer's recommended set of application instructions differs slightly from those of the other manufacturers because of variations in foam formulation and differences in design of the gun for applying the foam. It is not feasible to recommend a detailed set of application guidelines that would be universally applicable to each of the urea-based foam systems which are currently available in the United States.

This section presents a general set of guidelines to assist contractors, inspectors and users in ascertaining that the proper application procedures and certain safety precautions are being followed. These general guidelines should be used in conjunction with the manufacturer's specific instructions for application (par. 7.2).

The general set of guidelines includes:

Foam installation should be performed by an applicator who has been trained or approved by the foam manufacturer. Installation by an inexperienced applicator may result in an unacceptable foam which may perform poorly.

Foams shall not be applied in ceilings or attics (par. 7.3.2).

Foams shall not be applied in exposed applications (par. 3.3). U.S. model building codes require that all foam plastics used on the inside of buildings in walls be protected by a thermal barrier of fire-resistive materials having a finish rating of not less than fifteen minutes. In addition, exposed urea-based foams may be subect to photodegradation.

Prior to the application of foams in warehouses or similar buildings where foodstuffs may be stored in the open, it should be determined if this type of application presents a safety hazard. Possible safety hazards presented by the application of foams to buildings which store foodstuffs in the open have not been addressed in this bulletin.

Foaming equipment should be kept clean and well-maintained. Manufacturers have cleaning and maintenance recommendations for their equipment.

Dates after which the resins and foaming agents are not usable should be clearly labeled on the resin and foaming-agent containers (par. 5.1.2). These dates (or shelf-lives), as recommended by the manufacturers, should never be exceeded.

The resins and foaming agents should be stored within the temperature range recommended by the manufacturer. Some U.S. manufacturers have recommended that 21 °C (70 F) is the maximum storage temperature for their materials. The Canadian Government Specification Board has proposed a storage temperature range of 10 to 30 °C (50 to 86 °F). In general, as the storage temperature is increased the shelf-life is shortened.

The temperatures of the resins and foaming agents as they enter the foaming gun should normally be within the range of 15 to 30° C (59 to 86 F), unless otherwise specified by the foam manufacturer. One U.S. manufacturer recommends that his materials enter the gun at temperatures not less than 21 °C (70 F). The maximum temperature of 30 °C (86 F) should never be exceeded. For cold weather applications, the resins and foaming agents should be kept in a heated area (normally the applicator's van) during foam production, and the supply-lines from the storage containers to the foaming gun may have to be insulated.

The temperature of the exterior surface of the cavity in which foams are to be applied should be within the range of −5 to 30 °C (23 to 86 F). It is recommended that these temperature limits should not be exceeded for a period of four days after application.

The resins and foaming agents should be pumped to the foaming gun at pressures recommended by the foam manufacturers.

Power lines in execess of 200 volts within cavities in which foams are to be applied should be shut off until the foams have dried or until the cavities are sealed.

Power lines in excess of 110 volts within cavities in which foams are applied should be shut off during application if foaming is performed with the applicator standing on wet ground or not electrically insulated from wet ground.

The appearance of the foams should be checked immediately before application. The foams should be fluffy with a warty surface. When the foams are sliced, the cells should be uniform.

The setting time of the foams should be determined before application and should be no less than 20 seconds and no longer than 60 seconds for application into closed cavities, and no less than 10 seconds and no longer than 60 seconds for applications into open cavities (par. 4.2.1).

The wet density of the foams should be determined before application and should lie within the manufacturer's specified range for the wet density. The normal wet density of the foams is approximately 40 kg/m³ (2.5 lb/ft³). Wet density is measured by filling a container of known weight and volume and then weighing the filled container.

If the foams are inadvertently sprayed on aluminum building components such as door frames, window frames, or awnings, the foams should be removed immediately and the aluminum component should be rinsed thoroughly with water. In cases where it is anticipated that an aluminum component may be sprayed during application, the component should be protected before application begins.

Foams which are sprayed on glass should be removed by rinsing with water.

Water present in the foams at application should be permitted to escape from the wall while the foams dry in the cavity. In cases where the two wall surfaces may restrict the water vapor transmission, the foam should not be applied unless provisions are provided to allow the water in the wall to escape.

In applying the insulation in exterior walls of homes which are located in geographic locations, having long cold winters, consideration should be given to applying a vapor barrier on the interior (warm side) surface of the wall. The absence of the vapor barrier on the interior of the insulated wall may cause condensation and the accumulation of excessive moisture within the wall. This may lead to problems such as blistering and peeling of paint, buckling of wood siding or in extreme cases, rotting of wood members within the wall. A vapor barrier may be created by applying a low permeability paint or vinyl wallpaper to the surface of the interior wall.

In retrofitting the walls of residences with any type of insulation, if the need arises to verify the completeness of filling the wall cavities, one method which can be used is infrared thermography.

9. CERTIFICATION

Each manufacturer shall certify that his approved applicators of urea-based foamed resin insulation are licensed as such and carry a current certificate of qualification and an identification card.

[FR Doc.77-29925 Filed 10-12-77;8:45 am]

[1505-01]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1663]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

Correction

In FR Doc. 77-27669 appearing on page 47884 in the issue for Thursday, September 22, 1977, in the third line from the bottom of the fourth paragraph, middle column, "October 20, 1961" should read "October 20, 1991."

[4310-84]

[Serial No. I-9904]

IDAHO

Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application, serial number I-9904, for withdrawal and reservation

of lands was published as FEDERAL REGISTER Document No. 75-25901 on page 44591 of the issue for September 29, 1975. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10 a.m., on November 7, 1977, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN

CARIBOU NATIONAL FOREST

West Fork Mink Creek Research Natural Area

T. 8 S., R 34 E.,
Sec. 1, S½SW¼SW¼, SW¼SE¼SW¼;
Sec. 2, S½S½S½;
Sec. 10, E½NE¼, N½NE¼SE¼;
Sec. 11, N½, N½NE¼SW¼, SE¼NE¼SW¼, N½NW¼SW¼, E½SE¼SW¼, SE¼;
Sec. 12, SW¼NW¼NE¼, W½SW¼NE¼NW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼.

The area described aggregates 1,050 acres in Bannock County.

EUGENE E. BABIN,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-29823 Filed 10-12-77;8:45 am]

[4310-84]

[NM 31716, 31718, 31747, and 31780]

NEW MEXICO

Applications

OCTOBER 4, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for four 4½-inch natural gas pipelines with related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.,
Sec. 3, lot 1 and SE¼NE¼.
T. 29 N., R. 9 W.,
Sec. 10, S½SE¼.
T. 30 N., R. 9 W.,
Sec. 31, NE¼SE¼.
T. 32N., R. 11 W.,
Sec. 13, NW¼SE¼.

These pipelines will convey natural gas across 0.569 miles of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P. O. Box 6770, Albuquerque, N. Mex. 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-29886 Filed 10-12-77;8:45 am]

[4310-84]

[NM 31744]

NEW MEXICO

Application

OCTOBER 3, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 29 E.,
Sec. 7, S½NE¼ and NE¼SE¼.

This pipeline will convey natural gas across 0.475 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-29888 Filed 10-12-77;8:45 am]

[4310-84]

[NM 31760]

NEW MEXICO

Application

OCTOBER 4, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4½-inch natural gas pipelines with related facilities right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 32 E.,
Sec. 33, NE¼SE¼;
Sec. 34, N½SW¼.

These pipelines will convey natural gas across 0.602 of a mile of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-29887 Filed 10-12-77;8:45 am]

[4310-84]

[Wyoming 61103]

WYOMING

Application

SEPTEMBER 29, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Powder River Pipeline Corp. of Casper, Wyo., filed an application for a right-of-way to construct a 6⅝ inch pipeline for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 44 N., R. 77 W.,
Sec. 2, lots 1 and 2.
T. 45 N., R. 77 W.,
Sec. 35 SE¼SE¼.

The pipeline will transport crude oil from wells in section 36, T. 45 N., R. 77 W., to present facilities in section 16, T. 45 N., R. 77 W., Johnson County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 951 Union Boulevard, Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Mineraps Operations.

[FR Doc.77-29824 Filed 10-12-77;8:45 am]

[4310-09]

Office of the Secretary

KLAMATH PROJECT, OREGON AND CALIFORNIA, TULELAKE DIVISION

Sale of Townsite Lots, Tulelake, California

Notice is hereby given that pursuant to and under the entitlement of the Acts of April 16, 1906 (43 Stat. 116), and June 27, 1906 (34 Stat. 519), and amendments thereto and regulations issued thereunder, that at 10 a.m., October 19, 1977, eight lots in the City of Tulelake, Calif., will be sold at public auction at the lot site to the highest bidder at not less than the appraised price. The lots are located south of the east-west road, between

Park Street and the J-7 Lateral and extending south to the Tulelake-Butte Valley Fairgrounds.

Information concerning the sale of specific locations of the lots may be obtained from the Bureau of Reclamation's Klamath Project Office at the corner of Washburn Way and Joe Wright Road in Klamath Falls, Oreg.

Regional Director, Bureau of Reclamation, Department of the Interior, 2800 Cottage Way, Sacramento, Calif. 95825.

Dated: October 5, 1977.

DANIEL P. BEARD,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-29876 Filed 10-12-77;8:45 am]

[4810-25]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Meeting

Notice is hereby given that the Advisory Committee on Joint Board Actuarial Examinations will meet in the Continental Plaza Hotel, North Michigan at Delaware, Chicago, Ill. on October 31, 1977 at 9 a.m.

The purposes of the meeting are to discuss questions which may be recommended for inclusion in the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Section 1242(a)(1)(B); to review other actuarial examinations in order to make recommendations regarding such examinations' adequacy to demonstrate the education and training in actuarial mathematics and methodology required for enrollment by Title U.S. Code, Section 1242(a)(1); and to review college degree programs in order to make recommendations regarding such programs' equivalence to programs leading to degrees in actuarial mathematics within the meaning of Title 29 U.S. Code, Section 1242(a)(1)(A).

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, Section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with other actuarial examinations and college degree programs will commence at approximately 3:30 p.m. and will be open to the public as space is available. Time permitting, after discussion of agenda subjects by Committee members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text, or, at a minimum, an outline of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested person may file a written statement for consideration by the Committee by sending it to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, % U.S. Department of the Treasury, Washington, D.C. 20220.

LESLIE S. SHAPIRO,
Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc.77-29892 Filed 10-12-77;8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), will meet on Sunday, November 27, 1977, starting at 5 p.m., and on Monday, November 28, 1977, starting at 8 a.m., in the Conference Room of the Federal Bureau of Prisons Regional Office, K.C.I. Bank Building, 8800 Northwest 112th Street, Kansas City, Mo.

This meeting has two primary purposes: (1) Board re-examination of the Institute's role in light of selected issues facing corrections today; and (2) preparation of a recommendation to the Attorney General on the appointment of a Director for the National Institute of Corrections.

Signed at Washington, D.C., this 5th day of October 1977.

JOHN A. WALLACE,
Acting Director.

[FR Doc.77-29825 Filed 10-12-77;8:45 am]

[4510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[No. 77-66]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, SUBCOMMITTEE ON AVIATION SAFETY REPORTING SYSTEM (ASRS)

Meeting

The above named Subcommittee will meet November 1-2, 1977, at the NASA Ames Research Center, Moffett Field, Calif., in the Committee Room of the Administration Building. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the room (about 25 persons). All visitors must report to the Ames Research Center receptionist in the Administration Building.

The Subcommittee, which serves in an advisory capacity only, reviews ASRS operations and NASA actions taken in response to subcommittee recommendation. The Chairman is John J. Winant.

For further information, contact Gene Lyman, 202-755-2380, Executive Secretary of the Subcommittee, NASA Headquarters, Washington, D.C. 20546.

NOVEMBER 1, 1977

8:30 a.m.—Chairman's Opening Remarks
8:45 a.m.—Executive Secretary's Report.
10 a.m.—Management Report (administrative matters).
10:30 a.m.—Technical Report (safety reports submitted).
1 p.m.—Report on special studies on ASRS data base.
3:30 p.m.—Discussion (ASRS activities and formulation of recommendations).

NOVEMBER 2, 1977

8:30 a.m.—Program Planning and Future Directions.
11:30 a.m.—Discussion and Recommendation on Future ASRS Directions.
12 noon—Adjournment.

KENNETH R. CHAPMAN,
Assistant Administrator for Department of Defense Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.77-29835 Filed 10-12-77;8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Proposed Issuance of Amendment To Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The amendment would revise the provisions in the Technical Specifications relating to (1) increasing the High Power trip from 106.5 percent to 107 percent rated power; (2) changing the method of calculating the peaking factors used for determining reactor core power distributions; (3) changing the operational insertion limits for various Control Element Assemblies (CEA) operability modes (i.e., untrippable, inoperable or misaligned); and, (4) removing the Turbine Runback (to 70 percent rated power) signals from both the CEA Insertion Limit Switches and the Power Range Nuclear Instrumentation, in accordance with the licensee's application for amendment, dated July 25, 1977.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By November 14, 1977, the licensee may file a request for a hearing and any person whose interest may be affected

by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affiliation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Margaret R. A. Paradis, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party of the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 25, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln St., Blair, Nebr.

Dated at Bethesda, Md., this 5th day of October 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-29945 Filed 10-12-77;8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period September 19 through September 30, 1977 the Office of Management and Budget received the following reports on new (or revised) systems of records.

COMMODITY FUTURES TRADING COMMISSION

System names. (1) Exchange Disciplinary Action File. (2) Customer Reparation Complaints.

Report date. September 13, 1977.

Point-of-contact. Mr. John G. Gaine, General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581.

Summary. The first system consists of letters of notification of disciplinary or other adverse action taken by an exchange against individuals; the second includes correspondence and papers related to claims against commodity industry professionals.

DEPARTMENT OF DEFENSE

System names. (1) ICBM Standardization and Evaluation Program. (2) Equipment Maintenance Management Program. (3) Passenger Reservation and Movement System.

Report date. September 14, 1977.

Point-of-contact. Mr. William Cavaney, Defense Privacy Board, Room 5H-023, Forrestal Bldg., 1000 Independence Ave., SW., Washington, D.C. 20314.

Summary. The first system will be used to record individuals' maintenance task performance results; the second, to maintain maintenance and management control of valuable precision measurement equipment; the third system will be used to prepare aircraft mainfests for DOD-related passenger identification and movement and to manage and plan DOD-related air and travel.

System name. Marine Corps Institute Correspondence Training Records Systems.

Report date. September 16, 1977.

Point-of-contact. Mr. William Cavaney, Defense Privacy Board, Room 5H-023, Forrestal Bldg., 100 Independence Ave., SW., Washington, D.C. 20314.

Summary. The proposed system will identify enrollees, their addresses, and their progress in their studies, as well as final examination results.

DEPARTMENT OF THE INTERIOR

System. Pilot Flight Time Report.

Report date. September 22, 1977.

Point-of-contact. Mr. Wayne D. Garrett, Office of Aircraft Service, 3905 Vista Ave., Boise, Idaho 83705.

Summary. The system will provide Interior Department pilots and their supervisors with a monthly report on recent flight experience as required by the Federal Aviation Regulation (FARS).

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-29900 Filed 10-12-77;8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20202, 70-5756]

ARKANSAS-MISSOURI POWER CO. AND ASSOCIATED NATURAL GAS CO.

Proposal To Make Short-Term Borrowings From Banks; Exception From Competitive Bidding

OCTOBER 6, 1977.

In the Matter of Arkansas-Missouri Power Co. and Associated Natural Gas Co., 405 West Park Street, Blytheville, Ark. 72315.

Notice is hereby given that Arkansas-Missouri Power Co. ("Arkansas-Missouri"), a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

Arkansas-Missouri proposes to make unsecured short-term borrowings from 37 commercial banks from time to time for a period of one year from the effective date of this post-effective amendment in an aggregate amount not to exceed $7,750,000 at any one time outstanding. To effect such borrowings Arkansas-Missouri proposes issue and sell to the First National Bank in Little Rock, Little Rock, Ark., for the account of participating banks, an unsecured promissory note payable not more than 270 days from the date of issuance and which may be renewed from time to time but to mature not later than one year from the effective date of the post-effective amendment. The note will bear interest at the prime rate in effect from time to time at Chemical Bank, New York, N.Y. and no compensating balances will be required in connection with the proposed borrowings. Except as stated above, the terms and conditions

of these borrowings, including the form of the note to be issued by Arkansas-Missouri, applicable interest rate, and right of prepayment, will be the same as those set forth in the application-declaration and the Commission's order of November 26, 1975 and November 12, 1976 (HCAR Nos. 19264 and 19756). Such borrowings will be in addition to other bank borrowings by Arkansas-Missouri from Worthen Bank & Trust Co., Little Rock, Ark., which total $5,000,000 at the present time, and may not exceed $5,500,000 at any one time outstanding (HCAR Nos. 19511 and 19993, May 4, 1976 and April 19, 1977). The net proceeds of the borrowings will be applied to the payment at maturity of Arkansas-Missouri's presently outstanding bank borrowings previously authorized by the Commission. Arkansas-Missouri currently intends to repay the proposed borrowings from the proceeds of permanent financing or come available to Arkansas-Missouri.

It is stated that the issuance and sale of the note is exempted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(2) thereof. Arkansas-Missouri states that no separate or special expenses are anticipated in connection with the proposed transaction. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 31, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-29905 Filed 10-12-77;8:45 am]

[8010-01]

[Release No. 34-14029; File No. SR-CBOE-1977-19]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 22, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would repeal rule changes set forth in SR-CBOE-77-6 and approved by the Commission (Securities Exchange Act Release No. 13673 (June 24, 1977)). The rule changes proposed to be repealed provide, among other things, enabling authority for the award of board broker appointments on the basis of competitive bidding and for an assessment of exchange fees upon members who utilize board broker services. The text of the rules changes proposed to be deleted was published in Volume 42 of the FEDERAL REGISTER at pages 20871-2 (April 22, 1977).

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to repeal those amendments to the Exchange's rules contained in SR-CBOE-1977-6 approved by the Securities and Exchange Commission on June 24, 1977. No action on the proposed rule change was taken by the Board of Directors and no other purpose was stated in the petition described above.

The proposed rules change would reestablish the rules under which the Exchange has been operating pending implementation of the rules contained in SR-CBOE-1977-6. Such rules have previously been approved by the Securities and Exchange Commission.

No comments have been solicited, nor have any comments been received from members on the proposed rules changes.

The proposed rule changes will not impose any burden upon competition.

On or before November 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 6, 1977.

[FR Doc.77-29921 Filed 10-12-77;8:45 am]

[8010-01]

[Rel. No. 9952; 812-4172]

INVESTORS SYNDICATE OF AMERICA, INC. AND INVESTORS DIVERSIFIED SERVICES, INC.

Application for Exemption, Etc.

OCTOBER 6, 1977.

In the Matter of Investors Syndicate of America, Inc. and Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minn. 55402.

Notice of filing of an application pursuant to section 6(c) of the Act for an Order of exemption from the provisions of sections 14(a)(1), 12(d)(1)(A), and 12(f), and for approval of an offer of exchange pursuant to Section 11(a) of the Act; and pursuant to Section 17(b) of the Act for order exempting certain proposed transactions between affiliated persons from Section 17(a); and pursuant to Section 17(d) and Rule 17d-1 for order permitting consummation of certain proposed transactions; and for continuation of certain outstanding orders; and for an order pursuant to Section 28(c) of the Act approving a form of depository agreement relating to a face-amount certificate company.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), a diversified financial services company which acts as a principal underwriter and investment adviser for its wholly-owned subsidiary, Investors Syndicate of America, Inc. ("ISA") and ISA, a face-amount certificate company registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively "Applicants") filed an application on August 11, 1977, and an amendment thereto on September 13, 1977, pursuant to Section 6(c) of the Act for an order of exemption from the provisions of Sections 14(a)(1), 12(d)(1)(A), and 12(f); and for approval of an offer of exchange pursuant to Section 11(a) of the Act; and pursuant to Section 17(b) of the Act for an order exempting certain proposed transactions between affiliated persons from Section 17(a); and pursuant to Section 17(d) and Rule 17d-1 for an

order permitting consummation of certain proposed transactions; and for continuation of certain outstanding orders; and for an order pursuant to Section 28 (c) of the Act approving a form of depository agreement relating to a face-amount certificate company. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

IDS, the parent company of ISA, comprises with its subsidiaries a diversified financial service organization engaging in the businesses of selling and issuing face-amount investment certificates (through ISA); providing investment advisory and administrative services to, and distribution of the securities of, investment companies; life insurance and annuities; securities brokerage; mortgage operations (including providing advisory services to a real estate investment trust); ownership of real properties; and providing investment advisory services to pension funds and pools of privately-owned capital.

Applicants represent that the investment flexibility of ISA is limited by certain restrictions peculiar to investment companies incorporated in Minnesota. Applicants state that Minnesota imposes a "shares tax" on the capital surplus and undivided profit of domestic investment companies to the extent that such amounts exceed the value of qualifying Minnesota investments (bonds issued by Minnesota municipalities and interests in Minnesota real estate). Applicants further states that because of the high rate of this tax (currently about 4 percent per annum) and the fact that the tax is based upon asset values rather than earnings, an investment company incorporated in Minnesota is compelled to invest an amount at least equal to the sum of capital, surplus and undivided profit in Minnesota investments. Applicants assert that ISA currently maintains over 12 percent of its assets in Minnesota investments.

Applicants represent that, in order to achieve substantially greater flexibility in choosing investments, they desire to reincorporate ISA, a Minnesota corporation, by forming a subsidiary as a Delaware corporation ("ISA-Delaware"), and merging ISA into ISA-Delaware. Applicants represent that the merger of ISA into ISA-Delaware will be effectuated pursuant to a Plan and Agreement of Merger and in accordance with the requirements of Minnesota and Delaware law. Applicants further represent that this change of domicile (from Minnesota to Delaware) and resultant broadened investment flexibility can be expected to produce better overall investments bearing higher returns; and to the extent that a higher return is achieved, it will be a factor in ISA-Delaware's ability to pay higher additional credits to its certificate holders.

Applicants state that, solely for the purpose of the proposed statutory merger, ISA will organize and incorporate its subsidiary, ISA-Delaware with minimum paid in capital and with authorized capital stock sufficient to cover the subsequent exchange for ISA capital stock. Applicants represent that simultaneous with the consummation of the proposed merger ISA-Delaware will become registered as a face-amount certificate company under the Act. Applicants further state that, prior to the merger, ISA-Delaware will have no assets or liabilities other than the minimum paid-in capital. Applicants assert that, prior to the proposed merger, no business will be transacted by ISA-Delaware. Applicants further represent that, pursuant to the Plan and Agreement of Merger and in accordance with Delaware law, the surviving corporation, ISA-Delaware, will succeed to all the assets, liabilities, rights and obligations of ISA, including outstanding certificates. ISA-Delaware will have the same officers, directors, auditors and investment policies as ISA.

In order to effectuate the reincorporation discussed above, Applicants request exemptions from the following provisions of the Act to the extent noted below:

SECTION 14(a)(1)

Section 14(a)(1) of the Act provides, in pertinent part, that no registered investment company organized after the enactment of this title shall make a public offering of its securities unless such company has a net worth of at least $100,000.

Applicants seek an exemption from the provisions of Section 14(a)(1) of the Act pursuant to Section 6(c) so as to permit Applicants to organize and incorporate its subsidiary, ISA-Delaware, with less than $100,000 capital prior to the merger. Applicants represent that the exemption is appropriate here because, prior to the merger, no face-amount certificate will be issued or sold, and no business transacted by ISA-Delaware other than Delaware incorporation and qualification procedures necessary for the merger. Applicants further represent that since upon consummation of the merger ISA-Delaware will succeed to all the assets, liabilities, rights and obligations of ISA which substantially exceed the requirements of Sections 14 and 28 of the Act, ISA-Delaware will have adequate assets and reserves when it commences operations.

SECTION 11(a) AND 11(c)

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company, or any principal underwriter for such a company, to make, or cause to be made, an offer to the holder of a security of such a company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c)(2) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered face-amount certificate companies for the securities of any other investment company.

As the Applicants' Plan and Agreement of Merger provides for the exchange of securities between two registered face-amount certificate companies, ISA and ISA-Delaware, the proposed transaction, in the absence of prior approval by the Commission, would be prohibited by Sections 11(a) and 11(c)(2) of the Act. Accordingly, Applicants request the approval of the Commission pursuant to Section 11(a) of the Act of an offer of exchange between ISA and ISA-Delaware to be made pursuant to the proposed Plan and Agreement of Merger described herein.

In support of the relief requested Applicants state that ISA intends to submits its Plan and Agreement of Merger for approval of IDS which holds 100 percent of the stock of ISA. Applicants further state that the shareholder and certificate holders of ISA will become respectively the shareholder and certificate holders of ISA-Delaware with their preferences and privileges remaining unchanged.

Applicants represent that no expenses will be incurred by the certificate holders in conjunction with the proposed transaction, the principal abuse to which Section 11(a) of the Act is directed, and there will be no substantive differences in the shareholder or certificate holders rights under Delaware law. Applicants further represent that no compensation will be paid to any sales representative in connection with any such exchange.

SECTIONS 12(d)(1)(a) AND 12(f)

As noted above, Applicants propose to change the domicile of ISA from Minnesota to Delaware by forming a subsidiary as a Delaware corporation, and merging ISA and ISA-Delaware pursuant to a Plan and Agreement of Merger. As this Plan and Agreement of Merger provides for the exchange of all the shares and face-amount certificates of ISA for all the shares and face-amount certificates of ISA-Delaware, the proposed transaction might be deemed to violate Sections 12(d)(1) and 12(f) of the Act. Therefore, Applicants seek an order of exemption from the provisions of Sections 12(d)(1) and 12(f) of the Act pursuant to Section 6(c).

Section 12(d)(1) of the Act provides that a registered investment company may not purchase or otherwise acquire securities issued by another investment company if, as a result of such transaction, the acquiring company would own in the aggregate: (1) more than 3 percent of the total outstanding voting stock of the acquired company; (2) securities issued by the acquired company having an aggregate value in excess of 5 percent of the value of the total assets of the acquiring company; or (3) securities issued by the acquired company and all other investment companies having an aggregate value in excess of 10 percent of the value of the total assets of the acquiring company.

Section 12(f) states, in effect, that a registered face-amount certificate company can organize and acquire all or any part of the capital stock of another face-amount certificate company, within certain limitations pertaining to the aggregate cost of the capital stock of such organized face-amount company, provided such stock is acquired and held for investment.

Applicants represent that prior to the merger ISA will own all of the outstanding securities of ISA-Delaware which will not function as an operating company. Applicants further note that upon consummation of the merger the separate existence of ISA will cease and the surviving corporation, ISA-Delaware, will succeed to all the assets, liabilities, rights and obligations of ISA, including outstanding certificates.

Applicants state that, other than the change of domicile from Minnesota to Delaware, the structure of the face-amount certificate company will remain the same. As noted above, Applicants represent that ISA-Delaware will retain the same officers, directors and independent auditors as ISA. Applicants also represent that ISA-Delaware will follow the same investment policies as ISA and the character of the business of ISA will remain the same in ISA-Delaware. Applicants further represent that prior to the merger no management fee will be incurred by ISA-Delaware and, upon consummation of the merger the investment advisory and distribution contracts of ISA will terminate and identical ones entered into with the surviving corporation, ISA-Delaware. On the basis of the foregoing, Applicants submit that the proposed transaction will not result in the undue concentration of control of an investment company through pyramiding nor in the layering or duplication of management fees and costs, nor create complexities in the structure of an investment company, the principal abuses at which Section 12 of the Act is directed.

SECTION 6(c)

Section 6(c), in pertinent part, authorizes the Commission upon application to conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Plan and Agreement of Merger by which applicants propose to change the domicile of ISA from Minnesota to Delaware by forming a subsidiary as a Delaware corporation, and merging ISA into ISA-Delaware will be approved by IDS as the sole shareholder of ISA, ISA as the sole shareholder of ISA-Delaware, and by the boards of directors of ISA and ISA-Delaware. The Plan and Agreement of Merger provides that the stock of ISA will be exchanged for the stock of ISA-Delaware. Applicants represent that simultaneous with the consummation of the proposed merger, ISA-Delaware will become a registered investment company under the Act. Applicants further represent that pursuant to the Plan and Agreement of Merger, and in accordance with Minnesota and Delaware law, the separate existence of ISA will cease and the surviving corporation, ISA-Delaware (as noted above), will succeed to all the assets, liabilities, rights and obligations of ISA, including outstanding certificates.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or any affiliated person of such an affiliated person, acting as principal, from knowingly selling any security or other property to such registered company or knowingly purchasing any security or other property from such registered company subject to certain exceptions.

Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17 (a) of the Act if evidence establishes that the terms of the proposed transaction including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act

Section 17(d) of the Act and Rule 17d-1 thereunder provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and an order granting such application has been issued. In passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than that of other participants. A joint enterprise or other joint arrangement is defined in Rule 17d-1 as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof, and any affiliated person of such person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

IDS acts as the principal underwriter and investment adviser of its wholly-owned subsidiary, ISA. ISA, in turn, owns 100 percent of the stock of its subsidiary, ISA-Delaware. Accordingly, IDS, ISA and ISA-Delaware are affiliated persons of each other within the meaning of Section 2(A)(3) of the Act.

Therefore, the proposed merger of ISA into ISA-Delaware might be deemed to constitute the sale of a security by a registered investment company to an affiliated person of such investment company and, concurrently, the purchase of a security by such investment company from an affiliated person thereof. Moreover, the incorporation of ISA-Delaware and the consent, adoption and implementation of the Plan and Agreement of Merger by IDS, ISA and ISA-Delaware might be deemed to constitute a "joint transaction" between a registered investment company and affiliated persons of such registered investment company. Accordingly, Applicants request an order exempting the proposed transactions from the provisions of Section 17(a) of the Act pursuant to Section 17(b) and permitting the consummation of the proposed transactions pursuant to Section 17(d) and Rule 17d-1.

Applicants represent that the incorporation of ISA-Delaware and its subsequent merger with ISA is proposed solely as a means for changing the domicile of ISA to Delaware. Applicants represent that upon consummation of the merger ISA-Delaware will essentially be the same company as ISA was prior to the merger. As noted above, Applicants represent that ISA-Delaware will retain the same officers, directors and independent auditors as ISA. Applicants represent that the investment policy of ISA-Delaware will be the same as ISA's investment policy recited in its registration statements and reports filed with the Commission. Applicants represent that the shareholders and certificate holders of ISA will become shareholders and certificate holders of ISA-Delaware with no change in their respective interests. Applicants represent that no expenses will be incurred by certificate holders and there will be no substantive differences in the rights of shareholders and certificate holders under Delaware law. Applicants represent that ISA and ISA-Delaware will be organized, operated and managed both before and after the merger in the best interests of all their security holders and not in the best interest of the directors, officers, investment advisers, depositors or affiliated persons thereof, nor in the interest of any special class of security holders.

Applicants submit on the basis of the foregoing that the terms of the proposed transactions are reasonable and fair and do not involve overreaching. Applicants further represent that the proposed transactions are consistent with ISA's investment policy and the purposes of the Act, and that the participation by IDS, ISA, and ISA-Delaware in the proposed transactions is not on a basis less advantageous than that of other participants.

SECTION 28(c)

Section 28(c) provides, among other things, that the Commission shall by

rule, regulation, or order in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions, having the qualifications required by Section 26(a)(1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of Section 28(b) of the Act.

On November 16, 1940, the Commission issued an order (Investment Company Act Release No. 18) approving a general depository agreement ("Agreement") between ISA and the Marquette National Bank ("Bank") requiring ISA to deposit and maintain, in accordance with the terms and conditions set forth in the Agreement, with the Bank or with some other trustee or trustees having the qualifications required by paragraph 1 of Section 26(c) of the Act, qualified assets at least equal to the certificate reserve requirements of Section 28 of the Act for certain outstanding certificates. The Agreement further provided that the semi-annual and annual statements regarding the aggregate value of ISA's assets, required to be filed with the Bank in January and July of each year, be audited and certified by independent accountants. However, the Commission by an order dated September 16, 1977 (Investment Company Act Release No. 9935) approved an amendment to the Agreement between ISA and the Bank so as to only require annual rather than semi-annual certification of financial statements of ISA by an independent public accountant. The Commission has also issued orders, contained in Investment Company Act Release Nos. 792, 1895, 3105, 3552, 3751, 4390, 6810, 8551, 8821 and 9188, granting applications for amendments to the Agreement to include coverage of new series of securities proposed to be issued by ISA.

Applicants request an order pursuant to Section 28(c) of the Act approving a form of depository agreement between ISA-Delaware and the Bank.

In support of the application Applicants represent that, other than the change of domicile, the face-amount certificate company will remain the same after the merger; and that the surviving corporation, ISA-Delaware, will succeed to all the liabilities, rights and obligations of ISA, which include assets and reserves substantially in excess of those required by Section 28 of the Act. Applicants further represent that the depository agreement between ISA-Delaware and the Bank is identical to the existing depository agreement between ISA and the Bank, as amended by Investment Company Act Release No. 9335.

CONTINUATION OF CERTAIN OUTSTANDING EXEMPTIVE ORDERS

Applicants finally request that certain outstanding exemptive orders issued to ISA by the Commission be continued upon the consummation of the proposed merger of ISA into ISA-Delaware, and be made applicable to ISA-Delaware. Applicants represent that these outstanding orders are contained in Investment Company Act Release Nos. 4192, 4178 and 2517. In support of the application, Applicants represent that, other than the change of domicile, the structure of the face-amount certificate company will remain the same after the merger.

Notice is further given that any interested person may, not later than October 31, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-29906 Filed 10-12-77;8:45 am]

[8010-01]

[Release No. 14030; SR-NYSE-77-22]

NEW YORK STOCK EXCHANGE, INC.

Order Abrogating Proposed Rule Change

OCTOBER 6, 1977.

On August 8, 1977, the New York Stock Exchange, Inc., 20 Broad Street, New York, N.Y. 10005, ("NYSE") filed, pursuant to Section 19(b)(3)(A) of the Act, a proposal to clarify the permissible scope of communications between NYSE specialists and listed company officials and to provide guidlines governing the types of information that may be discussed during the course of communications.[1] The NYSE states that the purpose of the proposal is to "encourage liaison between listed companies and their specialists * * * to enable listed companies to achieve a greater awareness of auction market operations, while making clear that the disclosure of material nonpublic information relating to the company or to the market in its stock by either party to the other is prohibited."

The proposed rule change was submitted pursuant to Section 19(b)(3)(A) which permits certain proposed rule changes to take effect upon filing with the Commission:

> Notwithstanding the provisions of paragraph (2) of this subsection, a proposed rule change may take effect upon filing with the Commission if designated by the self-regulatory organization as (i) constituting a policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization, (ii) establishing or changing a due, fee or other charge imposed by the self-regulatory organization, or (iii) concerned solely with the administration of the self-regulatory organization or other matters which the Commission, by rule, consistent with the public interest and the purposes of this subsection, may specify as without the provisions of such paragraph (2).

Section 19(b)(3)(C) permits the Commission, within 60 days of filing of any proposed rule change made effective pursuant to paragraphs (A) or (B) of Section 19(b)(3), summarily to abrogate such rule and require refiling and review pursuant to subsections 19(b)(1) and 19(b)(2) "if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act."[2]

The Commission has determined that the NYSE proposal raises questions relating to the potential for communications between listed company officials and specialists to result in an exchange of material nonpublic information concerning the market in the stock or the affairs of the listed company, and in reciprocal abuse by a primary exchange specialist, on behalf of the issuer or issuer insiders, of the special market influence which he may exercise. Those questions also relate to the ability of the NYSE to assure that issuers and specialist members will adhere to the prescribed guidelines during the course of such communications.

In view of the nature of these questions, the Commission finds that it is necessary and appropriate in the public interest and for the protection of investors to abrogate the proposal at this time and require its resubmission and review pursuant to Section 19(b)(2) of the Act. Abrogation will thereby provide the Commission with the opportunty, before the proposal becomes finally effective, to evaluate comments from interested persons and discuss with the NYSE the impact of the proposal.

It is therefore ordered, Pursuant to Section 19(b)(3)(C) of the Act, that the proposed rule change filed with the Com-

[1] Notice of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 1394 (September 20, 1977)) and by publication of a statement of the terms of substance in the FEDERAL REGISTER (42 FR 51684 (September 29, 1977)).

[2] The provisions of Rule 19b-4, which implements Section 19(b)(3), are identical in substance to those of Section 19(b)(3) of the Act.

mission on August 8, 1977, be, and it hereby is, abrogated.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-29907 Filed 10-12-77;8:45 am]

[8010-01]

[Release No. 34-14031; File No. SR-OCC-77-12]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would become effective with respect to series of options expiring nine or more months after the month in which the amendment becomes effective.[1] The amendment would (1) change the expiration time of such options from 5 p.m. Eastern Time to 11:59 p.m. Eastern Time on the expiration date, (2) alter OCC's provisions for the processing of exercise instructions on expiration dates, and (3) alter OCC's procedures for dealing with cases in which OCC is unable to complete expiration date exercise processing prior to the expiration time.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide more flexible procedures for the processing of exercise instructions on expiration dates and to improve OCC's procedures for dealing with emergencies which prevent OCC from following its normal expiration date processing procedures.

ARTICLE VI, SECTION 9 OF BY-LAWS

The proposed amendment to Article VI, Section 9 of OCC's By-Laws would change the expiration time for series of options expiring nine or more months after the month in which the amendment becomes effective from 5 p.m. Eastern Time to 11:59 p.m. Eastern Time on the expiration date. The purpose of the change is to give OCC and its Clearing Members additional time in which to complete expiration date processing in accordance with the revised procedures provided in the proposed amendment to Rule 805 described below.

[1] The proposed rule change is not to become effective until such time as a prospectus or prospectus supplement reflects its provisions.

RULE 805

Rule 805 prescribes deadlines for the issuance and return of Preliminary Exercise Reports and Final Exercise Reports on expiration dates. Under the Rule in its present form, those deadlines cannot be extended except in the event of an "unusual or unforeseen condition or event," within the meaning of Article VI, Section 18 of OCC's By-Laws. However, the volume of processing required to be performed by OCC and its Clearing Members on expiration dates on which large numbers of option contracts are expiring is such that the prescribed deadlines leave little margin for error. In addition, circumstances may arise which, while not properly classifiable as "unusual or unforeseen", would nonetheless make it necessary or desirable to extend the prescribed deadlines.

The proposed amendment to Rule 805 (which would apply to options expiring nine or more months after the month in which the amendment becomes effective) would permit OCC to extend the prescribed deadlines whenever it deemed an extension desirable, subject only to the requirement that all processing be completed by the new expiration time of 11:59 p.m. Eastern Time on the expiration date. Such extensions might be effected either by the issuance of appropriate timetables to Clearing Members in advance of an expiration date (which might be done when an unusual number of option contracts were due to expire), or by the issuance of extension notices during the course of an expiration date.

As a result of the extension of the expiration time from 4 p.m. Eastern Time to 11:59 p.m. Eastern Time, routine processing of exercise instructions on the expiration date would ordinarily end well before the expiration time. To avoid a "gap" during which unexpired options could nonetheless not be exercised, and to give Clearing Members the maximum possible time in which to correct inadvertent failures to exercise or to react to emergency situations which disrupt their normal procedures, the proposed amendment to Rule 805 would permit Clearing Members to exercise additional option contracts after the close of ordinary expiration date processing, up until the expiration time, by filing exercise notices with OCC. OCC's offices would remain open until the expiration time for the purpose of receiving such notices. However, in order to discourage noncompliance with OCC's ordinary procedures, the filing of an exercise notice after the close of routine expiration date processing (i.e. the deadline for the return of Clearing Members' Final Exercise Reports) would be subject to disciplinary action by OCC unless the late filing was the result of circumstances beyond the Clearing Member's reasonable control, such as a customer's inability to communicate exercise instructions to the Clearing Member, or the Clearing Member's inability to receive or process such instructions, in sufficient time to permit compliance with OCC's ordinary procedures. Negligence on the part of the Clearing Member, notwithstanding its good faith, would not be regarded by OCC as a circumstance beyond the Clearing Member's reasonable control. The late exercise would be effective, but the negligent Clearing Member would be subject to disciplinary action by OCC.

ARTICLE VI, SECTION 18 OF BY-LAWS

Despite the additional working time on the expiration date provided by the proposed rule changes discussed above, there remains a possibility that OCC might under some circumstances, such as a protracted power failure, be unable to issue Preliminary Exercise Reports or Final Exercise Reports in sufficient time to permit the return of those reports prior to the expiration time. Delays of that type are currently dealt with in Article VI, Section 18(a) of OCC's By-Laws, which provides that if the issuance of any expiration date report is materially delayed by unusual or unforseen conditions or events, the time prescribed for the return of the delayed report and the issuance and return of any subsequent reports will automatically be extended (beyond the expiration time if necessary) by a period equal to the period of the delay.

The proposed amendment to Article VI, Section 18(a) (which, like the rule changes described above, would apply to series of options expiring nine or more months after it becomes effective) would change that provision in three material respects. First, in view of the increased flexibility provided by the proposed rule changes described above, the provisions of Article VI, Section 18(a) would not come into effect unless a delay by OCC in issuing a Preliminary Exercise Report or a Final Exercise Report was of such a magnitude as to prevent the completion of expiration date processing before the new expiration time of 11:59 p.m. Eastern Time.

Second, in the event that such a delay did occur, the provisions of Article VI, Section 18(a) would come into effect regardless of the reason for the delay—not merely when the delay was attributable to an 'unusual or unforeseen condition or event". While it is unlikely that any event which would cause such a delay would not be classifiable as "unusual or unforeseen," it is theoretically possible that such an event could occur. If such an event did occur, holders of profitable options might be unable to exercise them before expiration and suffer substantial damage. Accordingly, the proposed amendment to Article VI, Section 18(a) eliminates the concept of "force majeure" and permits the relief provisions of that Section to come into effect in the event of any delay of sufficient magnitude to prevent the completion of expiration date processing. For similar reasons, the concept of force majeure would be eliminated from Sections 18(b) and 18(c) of Article VI as well.

Finally, the proposed amendment to Article VI, Section 18(a) would establish a cut-off time of 12:00 midnight East-

ern Time on the calendar day following an expiration date. If a Preliminary Exercise Report or a Final Exercise Report had not been issued by that time, the report would not be issued thereafter. Instead, Clearing Members holding expiring options would be deemed, in the absence of contrary instructions, to have exercised all expiring options with exercise prices above (in the case of a put) or below (in the case of a call) the automatic exercise threshold provided in Rule 805, plus any additional expiring options which Clearing Members gave OCC written instructions to exercise (regardless of form) prior to the cut-off time. The purpose of establishing the cut-off time is to prevent the delayed exercise process from extending into a new trading day, when new market information would become available.

The proposed rule change contributes to the protection of investors and the public interest by providing more efficient procedures both for routine expiration date processing and for the handling of emergency situations, thereby minimizing the possibility that profitable option contracts may fail to be exercised before expiration.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

On or before November 17, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change; or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 7, 1977.

[FR Doc.77-29922 Filed 10-12-77;8:45 am]

[8010-01]

[Release No. 2001; 70-6055]

SYSTEM FUELS, INC.

Proposed Financing Arrangements Related to the Purchase of Fuel by Nonutility Subsidiary for Use by Operating Companies

OCTOBER 6, 1977.

In the Matter of: System Fuels, Inc., 225 Baronne Street, New Orleans, La. 70112; Arkansas Power and Light Co., First National Building, Little Rock, Ark. 72203; Louisiana Power and Light Co., 142 Delaronde Street, New Orleans, La. 70174; Mississippi Power and Light Co., Electric Building, Jackson, Miss. 39205; New Orleans Public Service Inc., 317 Baronne Street, New Orleans, 70112.

Notice is hereby given that Arkansas Power and Light Co. ("Arkansas"), Louisiana Power and Light Co. ("Louisiana"), Mississippi Power and Light Co. ("Mississippi"), and New Orleans Public Service Inc. ("NOPSI") (collectively referred to as "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. ("Middle South"), a registered holding company, and System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of the Operating Companies, have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, and 12(b) of the Act and Rules 45 and 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 30, 1976, the Commission approved an extension of the period through December 31, 1977, during which System Fuels, Inc. ("SFI") is authorized to make borrowings from the Operating Companies, parent companies of SFI, to finance its fuel supply business. (HCAR No. 19835). In that proceeding, SFI committed itself to endeavor to obtain funds from external sources under arrangements advantageous to SFI and the Middle South Utilities System, in lieu of borrowings from the Operating Companies, to meet SFI's expenditure requirements.

To assure the availability to the Operating Companies and Arkansas-Missouri Power Co., the other operating subsidiary of Middle South Utilities, Inc., of an adequate supply of fuel oil through 1978, SFI presently estimates that it will be necessary to maintain an inventory varying between 5,400,000 and 7,900,000 bbls., valued at as much as $84,600,000. Such requirements will vary because of seasonal factors, availability of natural gas and other changes in conditions. To finance a portion of its requisite inventory of fuel oil through 1978, SFI proposes to enter into an Acceptance Facility Line of Credit Agreement ("Acceptance Agreement") with Citibank, N.A., New York, N.Y. ("Bank"), under which SFI may borrow and reborrow for a period of one year up to a maximum aggregate amount not to exceed at any one time outstanding the lesser of $25,000,000 or the acceptance base (defined in the Acceptance Agreement to mean an amount equal to 50 percent of the fair market value of SFI's fuel oil inventory then in storage at specified locations and hereinafter referred to as "Acceptance Base"). The proposed borrowings are in addition to other bank borrowings by SFI for the financing, among other things, of its fuel oil inventory under separate lines of credit aggregating $65,090,000 with Hibernia National Bank in New Orleans (as described in File No. 70-5259) and Citibank, N.A. (as described in File No. 70-5415). (See HCAR Nos. 17797, 18097, 18679 and 19779; and 18378, 19484 and 19982.)

In order to effect borrowings under the Acceptance Agreement, SFI proposes to deliver to the Bank for acceptance from time to time commencing on the effective date of the Acceptance Agreement and continuing for one year thereafter one or more drafts ("Draft" or "Drafts"), duly executed by SFI and drawn on the Bank, each Draft to mature not more than 6 months from the date of its acceptance and to be in the face amount of $100,000 or integral multiple thereof not exceeding $1,000,000. Upon acceptance by the Bank, in its sole discretion in each instance, of any particular Draft so presented to it, the Bank will thereupon discount the Draft for SFI by paying to SFI in immediately available funds on the date of such acceptance an amount equal to the face amount of such Draft less a discount equal to (a) the bid rate ("Bid Rate") then in effect in the State of New York for acceptances by the Bank of commercial drafts or bills eligible for discount with Federal Reserve Banks and having the same maturity as such Draft, multiplied by (b) the face amount of such Draft.

The Acceptance Agreement will provide that as to each Draft accepted and discounted by the Bank, SFI will pay to the Bank (a) on the maturity date thereof and in immediately available funds, the face amount of such Draft and (b) on a monthly basis, an acceptance charge of 1 percent per annum of the face amount of such Draft for the period thereof, provided that if the period of such Draft is less than 60 days, the acceptance charge payable with respect thereto will be computed on the basis of a 60-day period.

The Acceptance Agreecent will further provide that SFI may at any time prepay in full the face amount to be paid by it with respect to a particular Draft, and that if at any time the aggregate face amount of all Drafts then outstanding exceeds the Acceptance Base, SFI will prepay an amount equal to that by which such aggregate face amount exceeds the Acceptance Base.

Pursuant to the terms of the Acceptance Agreement and as security for the performance by SFI of its obligations to the Bank thereunder, SFI will (a) enter into a Security Agreement "Security Agreement") whereby it will grant to

the Bank a security interest in SFI's fuel oil inventory in storage at specified locations in the States of Arkansas and Mississippi, and (b) enter into an Act of Collateral Chattel Mortgage ("Chattel Mortgage") and execute and deliver in pledge to the Bank a demand Louisiana Collateral Mortgage Note ("Louisiana Collateral Note") in the principal amount of $25,000,000 pursuant to a Pledge Agreement ("Pledge Agreement") to grant to the Bank a security interest in SFI's fuel oil inventory in storage at specified locations in the State of Louisiana. The Security Agreement will also provide for assignment by SFI, as additional security, of the accounts receivable of SFI arising out of sales of its fuel oil inventory in storage at locations referred to above.

As an inducement to the Bank to enter into these financing arrangements with SFI, the Operating Companies propose to join with SFI as parties to the Acceptance Agreement and to covenant and agree with the Bank that (a) during the term of the Acceptance Agreement, the aggregate amounts of their investments in SFI (including the principal amounts of their loans or advances to SFI) will at all times be equal to at least 35 percent of the sum of such investments and other indebtedness for borrowed money of SFI maturing after one year, and (b) they will not (i) create, incur, assume or suffer to exist any indebtedness of SFI to them which, by its terms, matures or is required to be prepaid or repaid, in whole or in part, prior to termination of the Acceptance Agreement, (ii) accelerate or permit the acceleration of any indebtedness of SFI to them prior to such termination and (iii) during the term of the Acceptance Agreement, request or permit the prepayment of any indebtedness of SFI to them if an event of default under the Acceptance Agreement, or other event which with lapse of time or notice or both would become such an event of default, has occurred and is continuing, or if the prepayment of such indebtedness would create such an event of default or other event. Subject to the limitation in clause (a) above, SFI may at any time prepay any indebtedness to the Operating Companies, provided no such event of default or other event has occurred and is then continuing, and provided further that the prepayment of such indebtedness would not thereby create such an event of default or other event.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 31, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-29908 Filed 10-12-77;8:45 am]

[1505-01]

SMALL BUSINESS ADMINISTRATION

SBIC NATIONAL ADVISORY COUNCIL

Meeting

Correction

In FR Doc.77-29444, appearing at page 54344 in the issue for Wednesday, October 5, 1977, in the first paragraph, in the fourth and fifth lines, the date "October 9" should have read "October 19".

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORTS FIELD OFFICE BECKLEY, WEST VIRGINIA

Relocation

Notice is hereby given that on September 16, 1977, the Airports Field Office at Beckley, W. Va., was relocated to Raleigh County Memorial Airport, Beaver, W. Va. It will continue to provide services to the general aviation public without interruption from the new location. Communications to the Airports Field Office should be addressed as follows:

Airports Field Office, Department of Transportation, Federal Aviation Administration, Terminal Building, Raleigh County Memorial Airport, Route 9, Box 31-C, Beaver, W. Va. 25813.

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752, (49 U.S.C. 1354).)

Issued in New York, N.Y., on September 28, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-29758 Filed 10-12-77;8:45 am]

[4910-13]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), SPECIAL COMMITTEE 132-AIRBORNE AUDIO SYSTEMS AND EQUIPMENT

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the RTCA Special Committee 132 on Airborne Audio Systems and Equipment to be held November 7-10, 1977, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 1 p.m. The Agenda for this meeting is as follows: (1) Chairman's Comments; (2) Approval of Minutes of Third Meeting held August 16-18, 1977; (3) Review Comments on Second Draft Report; (4) Discuss Cockpit Voice Recorder Microphone Requirements and Standards; and (5) Complete Drafting Report of Minimum Performance Standards for Audio Systems and Equipment.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006 (202-296-0484). Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on October 6, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-29873 Filed 10-12-77;8:45 am]

[4910-60]

Materials Transportation Bureau

EXEMPTION APPLICATIONS

List of Applications for Renewal of or To Become a Party

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials

Transportation Bureau has received the applications described herein.

DATES: Comments by November 21, 1977.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of application
7834-N	Magnaflux Corp., Chicago, Ill.	49 CFR 173.304, 173.306.	To authorize shipment of sulfur hexafluoride, nonflammable gas in X-ray machines. (Modes 1, 2, 3, 4, and 5.)
7835-N	Air Products & Chemicals Inc., Allentown, Pa.	49 CFR 177.848 (a) loading and storage chart.	To authorize transportation of poisonous gases in the same motor vehicle as flammable gases and oxidizers. (Mode 1.)
7836-N	Carus Chemical Co., Inc., La Salle, Ill.	49 CFR 173.194..	To authorize shipment of potassium permanganate crystal in a DOT 44C multiply paper bag. (Modes 1 and 2.)
7837-N	Barber Steamship Lines Inc., New York, N.Y.	49 CFR 172.101..	To authorize transportation of cigarette lighters charged with fuel or similar ignition devices in freight containers in vessel's upper tween deck. (Mode 3.)
7838-N	Star-Kist Foods Inc., Terminal Island, Calif.	49 CFR 173.995..	To authorize shipment of fish meal in bulk in 20 ft steel dry ISO/ASA containers. (Mode 3.)
7839-N	Texstar Chemical Corp., Kearny, N.J.	49 CFR 173.297..	To authorize shipment of titanous sulfate 20 pct solution in DOT 21P/28L and 21P/2U containers. (Mode 1.)
7840-N	Douglas Aircraft Co., Long Beach, Calif.	49 CFR 173.87...	To authorize shipment of a charged oxygen cylinder attached to and packaged in the same outside package with an explosive release device class C. (Modes 1, 2, 3, 4, and 5.)
7841-N	Mortell Co., Kaukakee, Ill.	49 CFR 173.119 (a) (b)	To authorize shipment of certain flammable liquids in DOT 17E drums converted to a removable head container. (Modes 1 and 2.)
7842-N	Chemetron Corp., La Porte, Tex.	49 CFR 179.5(3)(b)	To authorize shipment of phosgene in DOT 106A500 multiunit tank car tanks which have no certificate of construction or no inspector's report. (Modes 1 and 2.)
7843-N	Reliance Electric Co., Cleveland, Ohio.	49 CFR 172.400..	To authorize shipment of certain class B poisons in unlabeled packages. (Mode 1.)
7844-N	Calspan Corp., Buffalo, N.Y.	49 CFR 172.101, 175.3.	To authorize shipment of chemical kits containing forbidden corrosive liquids on passenger-carrying and cargo-carrying aircraft. (Modes 4 and 5.)
7845-N	Livingston Copters Inc., Juneau, Alaska.	49 CFR 172.101, 175.320.	To authorize shipment of up to 2,500 lb of liquefied petroleum gas in 1 outside container in cargo-only aircraft. (Mode 4.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act. (49 CFR U.S.C. 1806; 49 CFR 1.53(e).)

Issued in Washington, D.C., on October 4, 1977.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials Operations.

[FR Doc.77-29890 Filed 10-12-77;8:45 am]

[4910-60]

EXEMPTION APPLICATIONS

List of Applications for Renewals of or To Become a Party

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal of exemption or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by November 4, 1977.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
2650-X	FMC Corp., Philadelphia, Pa.	2650
2805-X	Great Lakes Chemical Corp., El Dorado, Ark.	2805
3569-X	Baroid Petroleum Services Division, NL Industries, Inc., Houston, Tex.	3569
3744-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	3744
4459-X	Lif-O-Gen by Survivair, Cambridge, Md.	4459
5234-X	Ronson Corp., Ogletown, Del.	5234
5600-X	Ozark-Mahoning Co., Tulsa, Okla.	5600
5652-X	Air Products and Chemicals Inc., Allentown, Pa.	5652
5662-X	Dow Chemical U.S.A., Midland, Mich.	5662
5662-X	Great Lakes Chemical Corp., El Dorado, Ark.	5662
5820-X	ICI United States Inc., Wilmington, Del.	5820
5876-X	FMC Corp., Philadelphia, Pa.	5876
6128-X	United States Navigation Inc., New York, N.Y.	6128
6253-X	United States Navigation Inc., New York, N.Y.	6253
6253-X	Bacardi International Ltd., Hamilton, Bermuda.	6253
6296-X	American Cyanamid Co., Wayne, N.J.	6296
6296-X	Olin Corp., Stamford, Conn.	6296
6452-X	Pennwalt Corp., Buffalo, N.Y.	6452
6526-X	Dow Chemical U.S.A., Midland, Mich.	6526
6562-X	Mada Medical Products, Inc., Garfield, N.J.	6562
6583-X	Phillips Petroleum Co., Bartlesville, Okla.	6583
6589-X	Robertshaw Controls Co., Anaheim, Calif.	6589
6738-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	6738
6757-X	Degussa, Frankfurt, Germany	6757
6759-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	6759
6759-X	Hercules Inc., Wilmington, Del.	6759
6769-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	6769
6802-X	Fitch Industrial & Welding Supply, Lawton, Okla.	6802
6923-X	Dow Chemical Co., Findlay, Ohio	6923
6948-X	Cleveland Chemical Co., Cleveland, Miss.	6948
6948-X	Valley Chemical Co., Greenville, Miss.	6948
6958-X	Great Lakes Chemical Corp., El Dorado, Ark.	6958
6984-X	Austin Powder Co., Cleveland, Ohio.	6984
7005-X	Pennwalt Corp., Philadelphia, Pa.	7005
7010-X	Great Lakes Chemical Corp., El Dorado, Ark.	7010
7042-X	Walter Kidde & Co., Inc., Mebane, N.C.	7042
7071-X	Philip A. Hunt Chemical Corp., Palisades Park, N.J.	7071
7244-X	United Airlines, Inc., San Francisco, Calif.	7244
7252-X	E. I. du Pont Nemours & Co., Wilmington, Del.	7252
7285-X	Ugine Kuhlmann of America, Inc., Paramus, N.J.	7285
7431-X	Martin Marietta Chemicals, Charlotte, N.C.	7431
7507-X	Witco Chemical Corp., Richmond, Calif.	7507
7584-X	Orval Tank Containers, Paris, France.	7584
7611-X	Richfood, Inc., Richmond, Va.	7611
7724-X	Atmospherics inc., Fresno, Calif.	7724
7801-X	International Proteins Corp., Fairfield, N.J.	7801
5883-P	PPG Industries, Inc., Pittsburgh, Pa.	5883
6016-P	Welding & Cutting Supply Co., Cleveland, Ohio.	6016
6530-P	Tennessee Valley Authority, Chattanooga, Tenn.	6530
6909-P	Kapiolani Children Hospital, Honolulu, Hawaii.	6909
7015-P	Cities Service Co., Tulsa, Okla.	7015
7206-P	Georgia-Pacific Corp., Los Angeles, Calif.	7206
7470-P	Ozark-Mahoning Co., Tulsa, Okla.	7470
7773-P	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	7773

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act. (49 CFR U.S.C. 1806; 49 CFR 1.53(e).)

Issued in Washington, D.C., on October 5, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-29891 Filed 10-12-77;8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 497]

ASSIGNMENT OF HEARINGS

OCTOBER 7, 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 82492 (Sub-No. 152), Michigan & Nebraska Transit Co., Inc., now assigned November 10, 1977, at Columbus, Ohio will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 134599 (Sub-No. 155), Interstate Contract Carrier, now assigned November 8, 1977, at Columbus, Ohio will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 139495 (Sub-No. 193), National Carriers, Inc., now assigned November 3, 1977, at Columbus, Ohio will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 141124 (Sub-No. 3), Evangelist Commercial Corp. now assigned November 2, 1977, at Columbus, Ohio will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 69833 (Sub-No. 118), Associated Truck Lines, Inc., now assigned November 4, 1977, at Columbus, Ohio will be held in Room 235, 85 Marconi Boulevard.

MC 109633 (Sub-No. 21), Abbett Truck Lines, Inc., now assigned November 4, 1977, at Columbus, Ohio will be held in Room 235, 85 Marconi Boulevard.

No. MC 142931, Richard Kisling, now assigned November 1, 1977, at Columbus, Ohio will be held in Room 235, 85 Marconi Boulevard.

MC 140829 (Sub-No. 46), Cargo Contract Carrier Corp., now assigned November 29, 1977, at Chicago, Ill. will be held in Room 3855A, John C. Kluczynski New Federal Building, 230 S. Dearborn Street.

MC-F-13131, Bee Line Transportation, Inc.—Purchase (Portion)—Hove Truck Line, now assigned November 30, 1977, at Chicago, Ill. will be held in Room 3855A, John C. Kluczynski New Federal Building, 230 S. Dearborn Street.

MC-F-13104, North Shore & Central Illinois Freight Co.—Purchase (Portion)—Buske Lines, Inc., and MC 99680 (Sub-No. 4), North Shore & Central Illinois Freight Co., now assigned December 7, 1977, at Chicago, Ill. will be held in Room 3855A, John C. Kluczynski New Federal Building, 230 S. Dearborn Street.

MC 110988 (Sub-No. 340), Schneider Tank Lines, Inc., now assigned December 5, 1977, at Chicago, Ill. will be held in Room 3855A, John C. Kluczynski New Federal Building, 230 S. Dearborn Street.

MC 133591 (Sub-No. 35), Wayne Daniel Truck, Inc., now assigned November 29, 1977, at San Francisco, Calif. will be held in Room 510, 5th Floor, 211 Main Street.

MC 134150 (Sub-No. 12), Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, now assigned December 1, 1977, at San Francisco, Calif. will be held in Room 510, 5th Floor, 211 Main Street.

MC 115826 (Sub-No. 267), W. J. Digby, Inc., now assigned December 5, 1977, at San Francisco, Calif., will be held in Room 510, 5th Floor, 211 Main Street.

MC 128273 (Sub-No. 256), Midwestern Distribution, Inc., now assigned December 5, 1977, at San Francisco, Calif., will be held in Room 510, 5th Floor, 211 Main Street.

MC 35807 (Sub-No. 68), Wells Fargo Armored Service Corp., now assigned November 1, 1977, at Richmond Va. will be held in Room 1035, First Floor, 400 North H Street.

MC 142207 (Sub-No. 8), Gulf Coast Truck Services, Inc., now assigned November 8, 1977, at Memphis, Tenn. will be held in the Tax Court Room, Room 1006, Federal Building, 167 N. Main Street.

MC 114334 (Sub-No. 35), Builders Transportation Co., now assigned November 10, 1977, at Memphis, Tenn. will be held in the Tax Court Room, Room 1006, Federal Building, 167 N. Main Street.

MC 82063 (Sub-No. 72), Klipsch Hauling Co., now assigned November 14, 1977, at Little Rock, Ark. will be held in Room 3406, 700 W. Capitol Street.

MC 118159 (Sub-No. 213), National Refrigerated Transport, Inc., now assigned November 8, 1977, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 134872 (Sub-No. 10), Gosselin Express Ltd., now assigned November 14, 1977, at Albany, N.Y. will be held in Room 317, The New Leo W. O'Brien Federal Building, Corner of Clinton Avenue and No. Pearl St.

MC 12794 Sub 9, P. Liedtka Trucking, Inc., now being assigned December 13, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 127974 Sub 9, U. Liedtka Trucking, Inc., now being assigned December 15, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 135684 Sub 36, Bass Transportation Co., Inc., now being assigned December 8, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 116014 Sub 82, Oliver Trucking Co., Inc., and MC 30513 Sub 15, North State Motor Lines, Inc., now being assigned December 16, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 115162 Sub 367, Poole Truck Line, Inc. now being assigned January 4, 1978 (3 days) at Buffalo, N.Y. in a hearing room to be later designated.

MC 113784 Sub 55, Laidlaw Transport Ltd. now being assigned January 9, 1978 (1 week) at Buffalo, N.Y. in a hearing room to be later designated.

MC 113047 (Sub-No. 10), Buanno Transportation Co., Inc., now assigned November 16, 1977, at Albany, N.Y., will be held in Room 317, The New Leo W. O'Brien Federal Building, Corner of Clinton Avenue and North Pearl St.

MC 117427 (Sub-No. 75), G. G. Parsons Trucking Co., Inc., now assigend November 9, 1977, as Boston, Mass. will be held on the Fifth Floor, 150 Causeway.

MC 104421 (Sub-No. 20), Econolines, Inc., now assigned November 29, 1977, at Omaha, Nebr. is canceled and application dismissed.

MC 125551 Sub 13, K & W Trucking Co. now assigned October 31, 1977 at Anchorage, Alaska is being postponed indefinitely.

MC 142239 (Sub-No. 8), Washington Transportation Co., now being assigned November 29, 1977 (1 day), at Omaha, Nebr. in a hearing room to be later designated.

MC 141164 Sub 2, John E. Cox now being assigned January 11, 1978 (3 days) at Boston, Mass. in a hearing room to be later designated.

MC 143246 Sub 1, Land Transportation Corp. now being assigned January 9, 1978 (2 days) at Boston, Mass. in a hearing room to be later designated.

MC 143333, Berry Transportation Co., Inc. now being assigned January 4, 1978 (3 days) at Portsmouth, N.H. in a hearing room to be later designated.

No. 36579, Houston Lighting & Power Co. v. Burlington Northern Inc., et al., now being assigned October 26, 1977, at the offices of the Interstate Commerce Commission, Washington, D,C. Sec 5a appl. No. 58 Amendment No. 2, Machinery Haulers Association Agreement, now being assigned November 15, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 143120 (Sub-No. 2), Far West Transporters, Inc., now being assigned November 30, 1977, (1 day) at Omaha, Nebr. in a hearing room to be later designated.

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

[FR Doc.77-29928 Filed 10-12-77;8:45 am]

[7035-01]

[Ex Parte No. MC-96]

ENTRY CONTROL OF BROKERS

Petition for a Stay Pending Judicial Review

National Tour Brokers Association (NTBA), a participant in the above-entitled rulemaking proceeding, filed a motion for a stay of the effective date of the Commission's order served August 26, 1977, pending judicial review. At issue is the effectiveness of the Commission's new passenger broker regulations promulgated in this proceeding.[1]

The United States Court of Appeals for the District of Columbia Circuit has recently refined the traditional standards for evaluating whether an agency should grant a stay of its own orders. *Washington Metropolitan Area Transit Commission* v. *Holiday Tours, Inc.*, No. 77-1379 (decided July 5, 1977). As that Court held, "[w]hat is fairly contemplated is that tribunals may properly stay their own orders when they have ruled on an admittedly difficult legal question and then the equities of the case suggest that the status quo should be maintained" (Slip op. 7). This agency has applied essentially the same anal-

[1] NTBA describes itself in its motion as "the national trade association for the motor carrier *passenger* brokerage industry" (emphasis added). Obviously it has no standing to challenge that portion of the Commission's order that relates to regulations for property brokers, nor does it purport to do so in its petition.

ysis in the past, and I am persuaded that the Holiday Tours standard represents the proper approach in this case.

The Commission has promulgated new regulations governing entry control of passenger brokers. Although I do not believe that NTBA is likely to succeed on the merits in its court action, I recognize that the legal questions are difficult ones. Moreover, the fact that the Commission has regulated the broker industry under the preesntly existing standards since 1935 convinces me that the public will not suffer severe injury if implementation of the new regulations is delayed until judicial review is completed. I find that this case does not present a compelling urgency requiring immediate effectiveness of these regulations. Further, if the passenger broker regulations were implemented immediately and if the Court of Appeals ultimately set aside the Commission's order promulgating the regulations, the consequences would be seriously disruptive to this segment of the broker industry, to new passenger broker applicants, and to the public that requires this broker service.

It is ordered: Effectiveness of the Commission's order served August 26, 1977, only insofar as it adopts regulations for brokers of passengers, is stayed pending disposition of NTBA's petition for review. Regulations pertaining to brokers of property will become effective on October 17, 1977.

Decided October 5, 1977.

By the Commission, Chairman O'Neal.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-29927 Filed 10-12-77;8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

October 7, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 28, 1977.

FSA No. 43443—*Joint Rail-Water Container Rates—Baltic Shipping Company*. Filed by Baltic Shipping Company, (No. 105), for itself and interested rail carriers. Rates on general commodities, between rail carriers terminals on the U.S. Atlantic and Gulf Coasts, and Northern European ports.

Grounds for relief—Water competition.

Tariffs—Baltic Shipping Company tariffs I.C.C. Nos. 5 and 4, F.M.C. Nos. 33 and 34, respectively. Rates are published to become effective on November 6, 1977.

FSA No. 43444—*Joint Water-Rail Container Rates—Far Eastern Shipping Company*. Filed by far Eastern Shipping Company, (No. 10), for itself and interested rail carriers. Rates on general commodities, between rail carriers terminals on the U.S. Atlantic and Gulf Coasts, and ports in Japan, Hong Kong, Australia, The Philippines, Singapore, Thailand, West Malaysia and South East Asia.

Grounds for relief—Water competition.

Tariffs—Far Eastern Shipping Company tariff I.C.C. No. 4, F.M.C. No. 16, and 4 other schedules named in the application. Rates are published to become effective on November 6, 1977.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-29931 Filed 10-12-77;8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

October 7, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 24, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 61825 (Sub-No. E332), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Stark County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in New York except Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Wayne, Wyoming and Yates Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E439), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between Sandusky, Ohio, on the one hand, and, on the other, points in Virginia beginning at the Virginia-North Carolina State line at the Atlantic Ocean and extending west along the Virginia-North Carolina State line to junction Virginia Highway 8, thence north along Virginia Highway 8 to junction Interstate Highway 81 and U.S. Highway 11 to Lexington, Va., thence east along U.S. Highway 60 to junction U.S. Highway 29 to junction Interstate Highway 64 and U.S. Highway 250 to junction Interstate Highway 64 to junction Virginia Highway 249 to junction Virginia Highway 33, thence east along Virginia Highway 33 to the Chesapeake Bay near Deltaville, Va., thence south along the Chesapeake Bay and the Atlantic Ocean to the point of beginning; including all points on the routes shown. The purpose of this filing is to eliminate the gateway of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E473), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 221 to junction Virginia Highway 94, thence north along Virginia Highway 94 to junction Virginia Highway 11, thence east along Virginia Highway 11 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence west along U.S. Highway 460 to the Virginia-West Virginia State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub-No. E476), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 21 to the Virginia-North Carolina State line, to points in Florida. The purpose of this filing is to eliminate the gateway of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub-No. E723), filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 601, to junction U.S. Highway 52 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E724), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D. C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, from points in Minnesota on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to juction U.S. Highway 169, to junction Minnesota Highway 60 to the Minnesota-Iowa State line, to points in Virginia on and bounded by a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction Virginia Highway 40, to junction U.S. Highway 220, to junction Virginia Highway 419, to junction U.S. Highway 11, to junction U.S. Highway 33, to junction U.S. Highway 29, to junction U.S. Highway 17, to junction U.S. Highway 1, to junction Virginia Highway 630, to the Potomac River, to junction U.S. Highway 29, to junction U.S. Highway 211, to junction U.S. Highway 11, to junction Virginia Highway 42, to junction U.S. Highway 60, to junction U.S. Highway 220, to junction U.S. Highway 11, to junction Virginia Highway 100, to junction U.S. Highway 58, to junction Virginia Highway 89 to the North Carolina-Virginia State line and thence along the North Carolina-Virginia State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E725): filed May 13, 1974. Applicant: ROY STONE TRANFER CORPORATION, P.O. Box 385 Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D. C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, those of unusual value, household goods as defined by the Commission and commodities requiring special equipment, from points in Minnesota to points in Virginia on and south and east of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction Virginia Highway 40, to junction U.S. Highway 220, to junction Virginia Highway 419, to junction U.S. Highway 11, to junction U.S. Highway 33, to junction U.S. Highway 29, to junction U.S. Highway 17, to junction U.S. Highway 1, to junction Virginia Highway 630 to the Potomac River and thence to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E1074), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on and east of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 1, to junction Georgia Highway 57, to junction Georgia Highway 15, to junction Georgia Highway 77, to junction U.S. Highway 78, to junction Georgia Highway 22, to junction Georgia Highway 98, to junction Georgia Highway 106, to junction U.S. Highway 123 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Kansas on and north of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 56 to junction Kansas Highway 150, to junction U.S. Highway 50, to junction Interstate Highway 35 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Smyth County, Va.

No. MC 61825 (Sub-No. E1075), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* except commodities in bulk, those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, from points in Washington on and west of a line beginning at the United States-Canada International Boundary line and extending south along Washington Highway 31 to junction U.S. Highway 2, to junction U.S. Highway 195, to junction Washington Highway 127, to junction U.S. Highway 12, to junction Washington Highway 125 to the Washington-Oregon State line, from points in Oregon on and west of a line beginning at the Oregon-Washington State line, and extending along Oregon Highway 11 to junction U.S. Highway 30, to junction U.S. Highway 395, to junction Oregon Highway 140, thence along Oregon Highway 140 to the Oregon Nevada State line, points in Nevada on and west of a line beginning at the Nevada-Oregon State line, and extending along Nevada Highway 140 to junction Nevada Highway 8A, to junction Nevada Highway 34, to junction Nevada Highway 48, to junction U.S. Highway 95, to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; points in California on and west of a line beginning at the California-Nevada State line, and extending along U.S. Highway 6 to junction U.S. Highway 395, to junction California Highway 58, to junction Interstate Highway 15, to junction Interstate Highway 10, to junction California Highway 111 to the United States-Mexico International Boundary line, to points in Virginia on and north of a line beginning at the Maryland-Virginia State line and extending along Virginia Highway 655 to junction U.S. Highway 15, to junction Virginia Highway 7, to junction U.S. Highway 340, to junction Virginia Highway 277, to junction Virginia Highway 628, to junction Virginia Highway 55 to the Virginia-West Virginia State line, and points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 311 to junction Virginia Highway 42, to junction Virginia Highway 100, to junction U.S. Highway 11, to junction Virginia Highway 100, to junction U.S. Highway 58, to junction Virginia Highway 89 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E1076), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming to points in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along Virginia Highway 655 to junction U.S. Highway 15, to junction Virginia Highway 7, to junction U.S. Highway 340, to junction Virginia Highway 277, to junction Virginia Highway 628, to junction Virginia Highway 55 to the Virginia-West Virginia State line, thence south along the Virginia-West Virginia State line to junction Virginia Highway 311, to junction Virginia Highway 42 to junction Virginia Highway 100, to junction U.S. Highway 11, to junction Virginia Highway 100, to junction U.S. Highway 58, to junction Virginia Highway 89 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate

the gateway of Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E1077), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, points in Minnesota on and west of a line beginning at the Canadian-United States International Boundary line and extending along U.S. Highway 71 to junction Minnesota Highway 1, to junction U.S. Highway 59, to junction Minnesota Highway 200, to junction U.S. Highway 75, to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line; points in North Dakota on and west of a line beginning at the North Dakota-Minnesota State line, and extending along Interstate Highway 94 to junction U.S. Highway 281 to the North Dakota-South Dakota State line; points in South Dakota on and west of a line beginning at the South Dakota-North Dakota State line, and extending along U.S. Highway 281 to junction U.S. Highway 12, to junction U.S. Highway 83, to junction U.S. Highway 14, to jjunction South Dakota Highway 73, to junction U.S. Highway 18, to junction U.S. Highway 385, to the South Dakota-Nebraska State line; points in Nebraska on and west of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 385 to junction U.S. Highway 20, to the Nebraska-Wyoming State line; points in Wyoming on and west of a line beginning at the Wyoming-Nebraska State line, and extending along U.S. Highway 20 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-Colorado State line; points in Colorado on and west of a line beginning at the Colorado-Wyoming State line, and extending along U.S. Highway 85 to junction U.S. Highway 285, to junction Colorado Highway 291, to junction U.S. Highway 50, to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line; those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along U.S. Highway 550 to junction New Mexico Highway 504, thence along New Mexico Highway 504 to the New Mexico-Arizona State line; those points in Arizona on and west of a line beginning at the Arizona-New Mexico State line, and extending along U.S. Highway 160, to junction U.S. Highway 89, to junction Interstate Highway 17, to junction U.S. Highway 80, to junction New Mexico Highway 85 to the Mexico-United States International Boundary line to points in South Carolina on, and south and west of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 221 to junction U.S. Highway 29, to junction U.S. Highway 276, to junction Interstate Highway 26, to junction U.S. Highway 221, to junction South Carolina Highway 39, to junction South Carolina Highway 389, to junction U.S. Highway 321, to junction South Carolina Highway 332, to junction U.S. Highway 601, to junction South Carolina Highway 64, to junction U.S. Highway 21, to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1078), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, points in Minnesota on and west of a line beginning at the United States-Canadian International Boundary line, and extending along the Minnesota State line to the Minnesota-Wisconsin State line, to junction U.S. Highway 10, to junction U.S. Highway 61, to junction Minnesota Highway 55, to junction U.S. Highway 52, to junction Minnesota Highway 50, to junction Minnesota Highway 3, to junction Minnesota Highway 60, to junction U.S. Highway 65 to the Minnesota-Iowa State line, thence along the Iowa-South Dakota State line, to the Iowa-Nebraska State line, and extending along junction U.S. Highway 6, to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-Kansas State line; points in Kansas on and west of a line beginning at the Kansas-Nebraska State line, and extending along U.S. Highway 183 to junction U.S. Highway 24 to junction U.S. Highway 83, to junction U.S. Highway 40, to junction Kansas Highway 27, to junction Kansas Highway 96, to the Kansas-Colorado State line; points in Colorado on and west of a line beginning at the Colorado-Kansas State line, and extending along Colorado Highway 96, to junction Colorado Highway 71, to junction U.S. Highway 50, to junction Colorado Highway 10, to junction U.S. Highway 160, to the Colorado-New Mexico State line; points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line, and extending along U.S. Highway 285 to junction New Mexico Highway 4, to junction New Mexico Highway 44, to junction U.S. Highway 85, to junction New Mexico Highway 90, to junction U.S. Highway 80, to the United States-Mexico International Boundary line, to points in South Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 21 to junction South Carolina Highway 97, to junction U.S. Highway 521, to junction U.S. Highway 17–A, to the Winyah Bay, to the Atlantic Ocean, thence along the Atlantic shore to junction U.S. Highway 21, to junction South Carolina Highway 64, to junction U.S. Highway 601, to junction South Carolina Highway 332, to junction U.S. Highway 321, to junction South Carolina Highway 389, to junction South Carolina Highway 39, to junction U.S. Highway 221, to junction Interstate Highway 26, to junction U.S. Highway 276, to junction U.S. Highway 29, to junction U.S. Highway 221 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the point of beginning. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1079), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming on and west of a line beginning at the United States-Canadian International Boundary line and extending along the Minnesota State line to the Minnesota-Wisconsin State line, to the Minnesota-Iowa State line, to the Iowa-South Dakota State line, to the Iowa-Nebraska State line, to the Missouri-Nebraska State line, to the Missouri-Kansas State line, to the Missouri-Oklahoma State line, to points in Oklahoma beginning at the Arkansas-Oklahoma State line, extending along Oklahoma Highway 20, to junction Interstate Highway 44, to junction Oklahoma Highway 99, to junction Oklahoma Highway 1, to junction Oklahoma Highway 7, to junction U.S. Highway 77, to the Oklahoma-Texas State line; points in Texas on and west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 77 to junction Texas Highway 51, to junction U.S. Highway 80, to junction Texas Highway 16, to junction U.S. Highway 377, to junction Texas Highway 42, to junction U.S. Highway 83, to junction Texas Highway 29, to junction U.S. Highway 277 to the United States-Mexico International Boundary line, to points in South Carolina on and north and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 21 to junction South Carolina Highway 97, to junction U.S. Highway 521, to junction U.S. Highway 17–A to the Winyah Bay, and thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1080), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furni-*

ture, from points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, on and west of a line beginning at the United States-Canadian International Boundary line and extending along the Minnesota State line to the Minnesota-Wisconsin State line, those points in Minnesota on and west of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 16, to junction U.S. Highway 63 to the Minnesota-Iowa State line, to the Iowa-South Dakota State line, to the Iowa-Nebraska State line, to the Missouri-Nebraska State line, points in Kansas on and west of a line beginning at the Kansas-Missouri State line, and extending along Interstate Highway 70, to junction Interstate Highway 35, to junction Kansas Highway 99, to junction U.S. Highway 166, to the Kansas-Oklahoma State line; points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, and extending along U.S. Highway 75 to the Oklahoma-Texas State line; points in Texas on and west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 75, to junction Interstate Highway 35, to junction U.S. Highway 77, to junction Interstate Highway 37 to the Gulf of Mexico, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 16 to junction U.S. Highway 221, to junction U.S. Highway 421, to junction North Carolina Highway 18, to junction U.S. Highway 321, to junction U.S. Highway Alternate 321, to junction U.S. Highway 321, to junction U.S. Highway 64–70, to junction North Carolina Highway 16, to junction U.S. Highway 21, to junction U.S. Highway 521 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1081), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Washington and Wyoming, points in Minnesota, on and west of a line beginning at the United States-Canadian International Boundary line and extending along U.S. Highway 71 to junction Minnesota Highway 34, to junction U.S. Highway 59, to junction Minnesota Highway 210, to junction U.S. Highway 75, to junction U.S. Highway 12, to the Minnesota-South Dakota State line; points in South Dakota on and west of a line beginning at the South Dakota-Minnesota State line, and extending along U.S. Highway 12, to junction U.S. Highway 81, to junction South Dakota Highway 28, to junction South Dakota Highway 25, to junction South Dakota Highway 34, to junction South Dakota Highway 37, to junction South Dakota Highway 44, to junction South Dakota Highway 47, to junction U.S. Highway 18, to junction U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line; points in Nebraska on and west of a line beginning at the Nebraska-South Dakota State line, and extending along U.S. Highway 183 to junction U.S. Highway 20, to junction U.S. Highway 83, to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, points in Wyoming on and west of a line beginning at the Wyoming-Nebraska State line, and extending along U.S. Highway 30 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Wyoming-Colorado State line; points in Colorado on and west of a line beginning at the Nebraska-South Dakota State line, and extending along U.S. Highway 385 to junction U.S. Highway 40, to junction U.S. Highway 287, to junction Colorado Highway 96, to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-New Mexico State line; points in New Mexico State on and west of a line beginning at the New Mexico-Colorado State line, and extending along U.S. Highway 85 to junction U.S. Highway 64, to junction U.S. Highway 285, to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line; points in Texas on and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 54 to junction U.S. Highway 80, to junction U.S. Highway 90, to junction U.S. Highway 67 to the United States-Mexico International Boundary line, to points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 23 to junction U.S. Highway 25 to the North Carolina-South Carolina State line, thence east along the North Carolina-South Carolina State line to junction U.S. Highway 521, to junction U.S. Highway 21, to junction North Carolina Highway 16, to junction U.S. Highway 64–70, to junction U.S. Highway 321, to junction U.S. Highway Alternate 321, to junction U.S. Highway 321, to junction North Carolina Highway 18, to junction U.S. Highway 421, to junction U.S. Highway 221 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the point of beginning. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub. No. E1082), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, household goods as defined by the Commission, from points in Kansas, on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 183 to junction U.S. Highway 56, thence to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line; points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, and extending along U.S. Highway 283 to junction U.S. Highway 64, to junction U.S. Highway 183, to junction U.S. Highway 270, to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line; points in Texas on and west of a line beginning at the Texas-Oklahoma State line, and extending along Interstate Highway 35 to junction Interstate Highway 35–E, to junction Interstate Highway 20, to junction Interstate Highway 45, to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending along Virginia Highway 102 to junction U.S. Highway 52, to junction Interstate Highway 77, to junction U.S. Highway 11, to junction Virginia Highway 94, to junction Virginia Highway 721, to junction Virginia Highway 89 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E1083), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, household goods as defined by the Commission, from points in Arkansas, and those points in Kansas on and east of a line beginning at the Nebraska-Kansas State line, and extending along U.S. Highway 183 to junction U.S. Highway 56, to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line; points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line, and extending along U.S. Highway 283 to junction U.S. Highway 64, to junction U.S. Highway 183, to junction U.S. Highway 270, to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line; those points in Texas on and east of a line beginning at the Texas-Oklahoma State line, and extending along Interstate Highway 35–E, to junction Interstate Highway 20, to junction Interstate Highway 45, to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending along Virginia Highway 311 to junction Virginia Highway 419, to junction U.S. Highway 220, to the Henry County-Franklin County line, to the Patrick County-Henry County line, to the Virginia-North Carolina State line. The purpose of this filing is to eliminate

the gateways of Smyth County, Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E1084), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, household goods as defined by the Commission, from New York, N.Y., and points in New Jersey on and south of U.S. Highway 202, and points in Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line, and extending southwest along U.S. Highway 202 to junction U.S. Highway 422, to junction U.S. Highway 15 to junction U.S. Highway 15 Business, to junction U.S. Highway 15, and thence to the Pennsylvania-Maryland State line; points in Maryland on and north of a line beginning at the Pennsylvania-Maryland State line, and extending east along U.S. Highway 40 to juction U.S. Highway 40 Alternate to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Maryland Highway 144 to Baltimore, Md., thence along the shores of the Chesapeake Bay and Elk River to the Chesapeake Bay and Delaware Canal, and thence to the Maryland-Delaware State line, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Lynchburg, Va., and Smyth County, Va.

No. MC 61825 (Sub-No. E1085), filed May 13, 1974. Applicant: ROY STONE TRANSER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, and household goods as defined by the Commission, between points in Maryland on and south of a line beginning at the Pennsylvania-Maryland State line and extending east along U.S. Highway 40 to Hagerstown, Md., thence along U.S. Highway 40 Alternate to junction U.S. Highway 40 near Frederick, Md., thence along U.S. Highway 40 to junction Maryland Highway 144 to Baltimore, Md., thence along the shores of the Chesapeake Bay and Elk River to the Chesapeake and Delaware Canal, and thence to the Maryland-Delaware State line, the District of Columbia and those points in West Virginia on and east of a line beginning at West Virginia-Virginia State line, and extendng north along West Virginia Highway 12 to junction West Virginia Highway 3, to junction West Virginia Highway 20, to junction West Virginia Highway 39, to junction U.S. Highway 19, to junction U.S. Highway 250, to junction West Virginia Highway 69, and thence to the West Virginia-Pennsylvania State line, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of Lynchburg, Va. and Smyth County, Va.

No. MC 106401 (Sub-No. E23) (partial correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of November 7, 1974, and republished, as corrected, this issue. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Albany, Ga., and points in Georgia within 100 miles of Atlanta, Ga., on the one hand, and, on the other, points in West Virginia, on, and north of a line from the Ohio-West Virginia State line along U.S. Highway 35 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to the junction of West Virginia Highway 4, thence along West Virginia Highway 4 to the Braxton County line, thence along the southern and eastern boundary of Braxton County to the Lewis County line, thence along the southern boundary of Lewis County to the Lewis-Upshur County line, thence along the southern boundary of Upshur County to the junction of unnumbered Highway east of Czar, thence along unnumbered highway via Blue Rock and Adolph to the junction of U.S. Highway 219, thence along U.S. Highway 219 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the junction of the Randolph County line, thence along the southern boundary line of Randolph County to the Randolph-Pendleton County line, thence along the Pendleton County line to the junction of West Virginia Highway 28, thence along West Virginia Highway 28 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line and all points in Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Belpre, Ohio.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 106603 (Sub-No. E61), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending east along U.S. Highway 24 to junction Indiana Highway 124, thence easterly on Indiana Highway 124 to the Indiana-Ohio State line (except the plant site of the Bethlehem Steel Corporation located at Burns Harbor, Porter County, Ind.), to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Washington, D.C., West Virginia on and north of U.S. Highway 50 and Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of the plant site of Certain-teed Products Corporation at Avery, Ohio.

No. MC 106603 (Sub-No. E62), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from points in Indiana on, south, and west, and north of a line beginning at the Indiana-Illinois State line and extending east on U.S. Highway 24 to junction Indiana Highway 124, thence easterly on Indiana Highway 124 to junction Indiana Highway 3, thence south on Indiana Highway 3 to junction Interstate Highway 70, thence westerly on Interstate 70 to the Indiana-Illinois State line, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Washington, D.C., West Virginia, points in West Virginia on, east, and north of a line beginning at the West Virginia-Pennsylvania State line and extending south along U.S. Highway 19 to junction U.S. Highway 119, thence southerly U.S. Highway 119 to junction U.S. Highway 50, thence easterly on U.S. Highway 50 to the West Virginia-Maryland State line and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line and extending southeasterly on U.S. Highway 33 to U.S. Highway 301, thence south on U.S. Highway 301 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of the plant site of Certain-teed Products Corporation at Avery, Ohio.

No. MC 106603 (Sub-No. E63), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from points in Indiana on, south and west of a line beginning at the Indiana-Illinois State line and extending east on Interstate Highway 70 to junction Indiana Highway 3, thence south on Indiana Highway 3 to the Indiana-Kentucky State line, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Washington, D.C., West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line and extending south on U.S. Highway 19 to junction West Virginia Highway 7, thence southeasterly on West Virginia Highway 7 to junction West Virginia Highway 72, thence southerly on West Virginia Highway 72 to junction U.S. Highway 50, thence easterly on U.S. Highway 50 to the West

Virginia-Virginia State line, and Virginia on, north and east of a line beginning at the Virginia-West Virginia State line and extending southeasterly on U.S. Highway 50 to junction U.S. Highway 17, thence southeasterly on U.S. Highway 17 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of the plant site of Certain-teed Products Corporation at Avery, Ohio.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 77-29933 Filed 10-12-77;8:45 am]

[7035-01]

[Notice No. 130TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

October 6, 1977.

Important notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 720 (Sub- No. 35TA), filed September 23, 1977. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, Wis. 53968. Applicant's representative: Michael J. Wyngaard, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Hillshire Farm Company, located at or near New London, Wis., to Edison, Elizabeth, Englewood, Kearny, Perth Amboy, Westville and Woodbridge, N.J., and Bedford Heights, Cincinnati, Cleveland, Columbus and Englewood, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hillshire Farm Company, P.O. Box 227, New London, Wis. 54961 (Cedric E. Martin) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 720 (Sub-No. 37TA), filed September 26, 1977. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, Wis. 53968. Applicant's representative: Michael J. Wyngaard, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, equipment and supplies* used or useful in the manufacture, sale or distribution of foodstuffs, from Moosic, Pa., to Fall River, Brockton, Fitchburg, Baldwinville and Watertown, Mass.; Grand Rapids and Livonia, Mich.; Peoria, Chicago, Elks Grove Village and Franklin Park, Ill.; Newark, Camden and East Orange, N.J.; Baltimore, Md.; Lake Placid, Binghamton and New York City, N.Y.; Brooklyn Heights, Cleveland, Toledo and Canton, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mass Feeding Corporation, 2241 Pratt Boulevard, Elk Grove Village, Ill. 60007. (John C. Collier) Send protest to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 9812 (Sub-No. 7TA), filed August 26, 1977. Applicant: C. F. KOLB TRUCKING COMPANY, INC., R.R. 1, Box 294, Mt. Vernon, Ind. 47620. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, shingles, exterior siding, floor tiles, and materials and supplies* used in the installation thereof, from the plant and warehouse sites of GAF Corporation, Mt. Vernon, and Evansville, Ind., to points in Illinois, Kentucky, Ohio, and Tenn., for 180 days. Supporting shipper(s): GAF Corporation, General Traffic Manager, Building Materials Group, 1361 Alps Road, Wayne, N.J. 07470. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 65697 (Sub-No. 53TA), filed September 8, 1977. Applicant: THEATRES SERVICE COMPANY, P.O. Box 1695, Atlanta, Ga. 30301. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tape recorders, record players, sound recordings, disc or tape, sound recording blank tapes, radios, and parts and accessories for such articles*, between Atlanta, Ga., Duluth, Ga., and Nashville, Tenn., and the Commercial Zones thereof, on the one hand, and, on the other, points in Alabama, Georgia and Tenn., as defined in applicant's presently authorized regular route operations in Sub-Nos. 1 through 10, including off-route points, for 180 days. Supporting shipper(s): There are approximately 24 statements of support attached to the application which may be examined at the Inerstate Commerce Commission in Washingon, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 107496 (Sub-No. 1110TA), filed September 26, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and ink ingredients*, in bulk, in tank vehicles, between Lynchburg, Va., and Des Moines, Iowa, for 180 days. Supporting shipper(s): Meredith Printing Division, Meredith Corporation, 5701 Southwest Park Avenue, Des Moines, Iowa. 50321. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 109124 (Sub-No. 34TA), filed September 14, 1977. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag, granulated*, in bulk, in dump vehicles, from the plantsite of H. B. Reed & Company, Inc., located at or near Cresap, W. Va., to the plantsite of CertainTeed Corporation, located at or near Avery, Ohio, for 180 days. Supporting shipper(s): CertainTeed Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit St., Toledo, Ohio 43604.

No. MC 113336 (Sub-No. 88TA), filed September 21, 1977. Applicant: PETRO-

LEUM TRANSIT COMPANY, INC., P.O. Box 921, Highway 211, Lumberton, N.C. 28358. Applicant's representative: Russell E. Stone, Route 3, Montpier Drive, Franklin, Tenn. 37064. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor oil*, except in bulk, from New Kensington, Pa., to points and places in Alabama, Florida, Kentucky, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, for 180 days. Supporting shipper: Quaker State Oil Refining Corp., 255 Elm Street, P.O. Box 989, Oil City, Pa. 16301. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 113651 (Sub-No. 229TA), filed September 8, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Box 552, Riggin Rd., Muncie, Ind. 47305. Applicant's representative: Daniel C. Sullivan, Singer & Sullivan, 10 South LaSalle St., Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of foodstuffs, in mechanically refrigerated trailers (except commodities in bulk), from the plantsite and storage facilities of or utilized by The Nestle Company, Inc., at or near Fulton, Oswego, and Syracuse, N.Y., to Franklin Park and Elk Grove Village, Ill., Dearborn, Mich.; Columbus and Springfield, Ohio; Hazelwood, Missouri, and Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Nestle Company, Inc., 100 Bloomingdale Rd., White Plains, N.Y. 10605.

No. MC 113908 (Sub-No. 413TA), filed September 15, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquors*, in bulk, from ports of entry on the United States-Canada Boundary Line located in New York and Pennsylvania, to Colonial Heights, Va., and (2) *alcohol, alcoholic liquors, neutral spirits, distilled spirits, wines, brandies, grape and citrus juice and concentrates thereof*, in bulk, from points in Calif.; to Colonial Heights, Va., and; (3) *alcohol, alcoholic liquors*, in bulk, from points in New York, New Jersey, Pennsylvania, Maryland, Virginia and Delaware, to Colonial Heights, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Distilling Co., Inc., South Front Street, Pekin, Ill. 61554. Send protests to: John V. Barry District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 417TA), filed September 9, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines*, in bulk, from: points in California, to: Canandaigua, N.Y., for 180 day. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Canandaigua Wine Company, Inc., 116 Buffalo Street, Canandaigua, N.Y. 14424. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, (BOp, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 115654 (Sub-No. 63TA), filed September 13, 1977. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, No. 1 Candy Lane, Nashville, Tenn. 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Bldg., Pennsylvania and 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products* in mechanically refrigerated equipment, (except in bulk), from Atlanta, Ga., and its commercial zone to Knoxville, Tenn., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Deran Confectionery-Borden, Inc., 4300 Pleasantdale Road, Doraville, Ga. 30340. Acme Bonded Warehouse, Inc. 1240 Chattahoochee Ave., NW., Atlanta, Ga. 30325. Send protests to: Joe J. Tate District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115841 (Sub-No. 552 TA), filed September 23, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Knoxville, Tenn. 37919. Applicant's representative: Chester G. Groebel, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A of Appendix I of the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Rockville, Mo., to points in Alabama, Georgia, North Carolina, South Carolina, and Tenn., restricted to shipments originating at the named origin points and destined to the above named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Joe J. Tate District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 116763 (Sub-No. 394TA), filed September 26, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, containers, and woodpulp articles, dishes, plates and trays*, from the facilities of Huntsman Container Corporation at or near Troy and Dayton, Ohio, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Donald G. Leach Corporation Traffic & Distribution Manager, Huntsman Container Corporation, a wholly owned subsidiary of Keyes Fibre Company, Waterville, Maine 04901. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main St., Cincinnati, Ohio 45202.

No. MC 117686 (Sub-No. 184TA), filed September 19, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Robert Wichser (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial turf, neoprene foam padding, floor coverings, and materials and supplies* used in the installation, manufacture, packaging, distribution and sale of artificial turf, neoprene foam padding, and floor coverings, when moving in mixed shipments therewith, from points in that part of Georgia on and north of a line beginning at the Alabama-Georgia State boundary line and extending along Interstate Highway 20 to Atlanta, Ga., and thence along Interstate Highway 20 to the Georgia-South Carolina State boundary line, Landrum and Greenville, S.C., and Louisa, Ky., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota, for 180 days. Supporting shipper(s): Custom Craft Distributors, Barton J. Levich, Traffic Manager, 910 Stueben Street, Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 123048 (Sub-No. 371TA), filed September 26, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Plywood, particleboard, hardboard, moulding, plastic articles and accessories,* used in the installation thereof, from Chesapeake, Va., to Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaeuser Comany, 201 Dexter Street, West Chesapeake, Va. 23324. (Gordon T. Adams) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 123872 (Sub-No. 75TA), filed September 26, 1977. Applicant: W. & L. MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman, State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products,* in vehicles equipped with mechanical refrigeration, (except commodities in bulk), from the plantsite and storage facilities of M & M/Mars, division of Mars, Inc., at or near Chicago, Ill., to points in the states of Georgia, North Carolina, South Carolina, Tennessee, and Virginia restricted to traffic originating at named origin and destined to named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M & M/Mars, Division of Mars, Inc., High Street, Hackettstown, N.J. 07840. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, 800 Briar Creek Road, Mart Office Bldg., Room CC516, Charlotte, N.C. 28205.

No. MC 124802 (Sub-No. 16TA), filed September 23, 1977. Applicant: ACE MOTOR FREIGHT, INC., Box 127, Summerville, Pa. 15864. Applicant's representative: Pope and Pope, 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Common and face brick, tile, sewer pipe and flue liners and the return of empty pallets and crated,* from West Franklin Township, Armstrong County, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Logan Clay Products Co., Worthington, Pa. 16262. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 124896 (Sub-No. 27TA), filed September 20, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Thorne & Ralston Streets, Wilson, N.C. 27893. Applicant's representative: B. H. Williamson, 1107 Brookside Drive, Wilson, N.C. 27893. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A & C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant sites and storage facilities of Swifts plants located at or near Grand Island and Omaha, Nebr.; Des Moines, Sioux City, Glenwood, and Marshalltown, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift Fresh Meats Co., a Division of Swift & Co., 115 W. Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 126736 (Sub-No. 101TA), filed September 23, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow, 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum lubricating and process oils,* in bulk, in tank vehicles, including insulated tanks, from Jacksonville, Fla., to all points in Alabama, for 180 days. No duplicate authority sought. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sun Petroleum Products Co., a Division of Sun Oil Co. of Pennsylvania, 1608 Walnut Street, Philadelphia, Pa. 19103. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 143773TA, filed September 26, 1977. Applicant: TOL-CO., INC., P.O. Box 489, Oakboro, N.C. 28129. Applicant's representative: Kenneth Malcolm (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Refractory and insulation material, tools, equipment and supplies related to installation and repair of boilers and connecting boiler components and accessories,* between points in North Carolina, South Carolina, Georgia, Florida, Virginia, West Virginia, Tennessee, Alabama, Mississippi, Louisiana, Pennsylvania, Maryland, Ohio, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Missouri, Indiana, Maine, the District of Columbia, Vermont, and Delaware, under a continuing contract or contracts with Flame Refractories, Inc., for 180 days. Supporting shipper: Flame Refractories, Inc., P.O. Box 24, Oakboro, N.C. 28129. Send protests to: District Supervisor Terrel Price, Interstate Commerce Commission, 800 Briar Creek Rd., Mart Office Bldg., Rm. CC516, Charlotte, N.C. 28205.

No. MC 143778TA, filed September 27, 1977. Applicant: GARY J. SCHMIES & DENNIS J. NEUBAUER, doing business as COPPER TRUCKING, P.O. Box 438, Waupaca, Wis. 54981. Applicant's representative: Millcraft Housing Corp., Tower Road, Waupaca, Wis. 54981. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Miscellaneous building materials used in building homes,* from Waupaca, Wis., to Clear Lake, Iowa, for 180 days. Supporting shipper: Mill Craft Housing Corp., P.O. Box 327, Tower Road, Waupaca, Wis. 54981 (Lee Kabat). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-29930 Filed 10-12-77;8:45 am]

[7035-01]

[Notice No. 131TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

October 7, 1977.

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Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from from approval of its application

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 109595 (Sub-No. 19TA), filed September 23, 1977. Applicant: REX TRANSPORTATION CO., Suite 207 Cleausen Building, 1520 North Woodward Avenue, Bloomfield Hills, Mich. 48013. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Detroit, Mich., to the International Boundary Line between the United States and Canada located at points on the Detroit and St. Clair Rivers, for furtherance to Windsor, Lemington, and Sarnia, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cement Division, National Gypsum Co., P.O. Box 887, Southfield, Mich. 48037. Ernest Lubeck, General Traffic Manager. Send protest to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building & U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 110525 (Sub-No. 1211TA), filed September 21, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles from Waterford, N.Y., to Pittsfield, Mass., for 180 days. Supporting shipper: General Electric Co., Silicone Products Dept., Waterford, N.Y. 12188. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 112822 (Sub-No. 428TA), filed Septemper 23, 1977. Applicant: BRAY LINES, INC., 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jute*, from Los Angeles, Calif., to the facilities of Cherokee Mills, at or near Lewisville, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cherokee Carpet Mills, Inc., P.O. Box 487, Lewisville, Ark. 71845. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office & Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 113434 (Sub-No. 84TA), filed September 23, 1977. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, P.O. Box 511, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned evaporated milk*, from Maysville, Ky., to Chicago, Ill., and its Commercial Zone, Fort Wayne, Ind., and Charleston and Clarksburg, W. Va., and points in West Virginia within 25 miles of Charleston and Clarksburg, for 180 days. Supporting shipper: Carnation Co., Los Angeles, Calif. 90036. Send protests to: District Supervisor, C. R. Flemming, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 114457 (Sub-No. 330TA), filed September 22, 1977. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Pabst, Ga. (Houston County), to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pabst Brewing Co., 917 W. Juneau Avenue, Milwaukee, Wis. 53201. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 127468 (Sub-No. 10TA), filed September 28, 1977. Applicant: LTD, INC., 3250 S. Western Avenue, Chicago, Ill. 60608. Applicant's representative: E. H. Bryce (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances and equipment, and materials and supplies* used in the manufacture, sale and distribution of electrical appliances and equipment, from Chicago, Ill., to Holly Springs, Miss. and return to Chicago and from Holly Springs, Miss., to Dumas, Ark.; Coushatta, La.; Forest, Miss.; Elkin, N.C.; Denmark, Manning, and Orangeburg County, S.C.; Dayton and McMinnville, Tenn. and return to Chicago, Ill., under a continuing contract, or contracts, with Sunbeam Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sunbeam Corp., Neil F. Cunningham, Traffic Manager, 5400 W. Roosevelt Road, Chicago, Ill. 60650. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 128220 (Sub-No. 19TA), filed September 22, 1977. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING CO., P.O. Box 508, Burnside, Ky. 52519. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquettes, fireplace logs, wood chips, lighter fluid, spices, sauces, and vermiculite*, (except commodities in bulk), from Cotter, Ark., to points in the United States, (except Alaska and Hawaii), and (2) *materials, supplies and equipment* used in connection with the commodities described in (1) above, (except commodities in bulk), from points in the United States, (except Alaska and Hawaii), to Cotter, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kingsford Co., a Division of Clorox Co., 940 Commonwealth Building, P.O. Box 1033, Louisville, Ky. 40201. Send protests to: Linda H. Sypher District Supervisor, Interstate Commerce Commission, 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 129387 (Sub-No. 37TA), filed September 22, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from the facilities utilized by Beatrice Foods Co.-Butter Division, located in Chicago, Ill., to points in Delaware, New York, New Jersey, Pennsylvania, and Virginia, for 180 days. Supporting shipper: Beatrice Foods Co.-Butter Division, 1526 S. State St., Chicago, Ill. 60605. Tom Kubek, Assistant Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 133689 (Sub-No. 152TA), filed August 24, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and articles distributed by meat packing plants*, (except hides and commodities in bulk), from the plantsites of Geo. A. Hormel & Co., at Austin, Minn., Fort Dodge, Iowa, and Fremont, Nebr., to points in Georgia, North Carolina, South Carolina, and Tennessee, restricted to products originating at the named origins and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Marion L. Cheney Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 134224 (Sub-No. 10TA), filed September 26, 1977. Applicant: HAUSER TRUCKING CORP., Box 241, Cobleskill, N.Y. 12043. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99

Washington Avenue, Albany N.Y. 12210. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Shale aggregate*, from Cohoes, N.Y., to the ports of entry on the New York-Canadian Border, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Norlite Co. Corp., 628 South Saratoga Street, Cohoes, N.Y. 12047. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, NY. 12201.

No. MC 135797 (Sub-No. 83TA), filed September 13, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 324 North Second, Rogers, Ark. 72756. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Paper bags, plastic bags and bags constructed of paper and plastic combined*, from the plantsite of Great Plains Bag Corp., at or near Jacksonville, Ark., to points in Colorado, Idaho, Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Texas, Wisconsin, and Wyo., and (2) *machinery, materials* (except in bulk), *equipment and supplies* except in bulk, used in or in connection with the manufacture, distribution, printing, processing or use of paper bags, plastic bags and bags constructed of paper and plastic combined, from points in Iowa and Tex., to the plantsite of Great Plains Bag Corporation, at or near Jacksonville, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Plains Bag Corp., P.O. Box 957, Jacksonville, Ark. 72076. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138104 (Sub-No. 47TA), filed September 8, 1977. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Baton Rouge, La., to Decatur, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Decatur Glass Works, Div. Kiddie Cons. Durable Corp., 431 E. Walnut Street, Decatur, Tex. 76234. Send protests to: R. J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. 138512 (Sub-No. 22TA), filed September 26, 1977. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, 9525 South 60th Street, Franklin, Wis. 53132. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, barrels, containers and racks* incidental to the haul, between Bongards and Winsted, Minn., and Logan, Utah, under a continuing contract, or contracts, with L. D. Schreiber Cheese Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. D. Schreiber Cheese Co., Inc., 425 Pine Street, P.O. Box 610, Green Bay, Wis. 54305. (Robert Buchberger) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 139485 (Sub-No. 3TA), filed September 22, 1977. Applicant: TRANS CONTINENTAL CARRIERS, 169 E. Liberty Avenue, Anaheim, Calif. 92803. Applicant's representative: David P. Christianson, Knapp, Stevens, Grossman & Marsh, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, Calif. 90017. Trans Continental Carriers seeks authority as a *contract* carrier by motor vehicle over irregular routes in the transportation of: *Polyester body filler (car repair materials)*, from Stark County and ton), Ohio, to Los Angeles County and Martinez, Calif., under a continuing contract with U.S. Chemical & Plastics Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Chemical & Plastics Co., 1446 Tuscarawas West, Canton, Ohio 44706. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 14615 (Sub-No. 21TA) filed September 22, 1977. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown, P.O. Box 1116, Wisconsin Rapids, Wis. 54494. Authortiy sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene products and materials and supplies* used in the manufacture and distribution of Polystyrene Products from Webster, S. Dak., to points in the states of Minnesota and Wis., and from Jamesburg, N.J., Leominster, Mass., Kobuta and Monaca, Pa., and Peru, Ill., to Belgrade, Montana and Webster, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Webster Industries, Webster, S. Dak. 57274. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Madison, Wis. 53703.

No. MC 141245 (Sub-No. 3TA), filed September 23, 1977. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Dr., Burlington, Vt. 05401. Applicant's representative: Brian L. Troiana, Rea, Cross & Auchincloss, 700 World Center Bldg., 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Onondaga Imports at or near Syracuse, N.Y., to White River, Vt., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Twin State Fruit Corp., White River Junction, Vt. 05001. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 142513 (Sub-No. 3TA), filed September 22, 1977. Applicant: BIRK TRANSFER, INC., 360 Wheatland Ave., Conemaugh, Pa. 15909. Applicant's representative: William J. Lavelle, Wick, Vuono & Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon carbide briquettes*, from the plantsites and storage facilities of American Metallurgical Products Company, Inc., located in Springdale Township, Allegheny County, and Shenango Township, Lawrence County, Pa., to the facilities of G. H. & R. Division of Dayton Malleable Iron Company located in Dayton, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Metallurgical Products Company, Inc., 9800 McKnight Rd., Pittsburgh, Pa. 15237. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 142600 (Sub-No. 4TA), filed September 23, 1977. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, Miss. 39465. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins and compounds and products thereof*, and such other commodities as are manufactured and distributed by chemical manufacturers (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hercules Incorporated at or near Baton Rouge, La., to points in Arizona, California, Colorado, Oregon and Wash., under a continuing contract, or contracts, with Hercules Incorporated, for 180 days. Supporting shipper(s): Hercules Incorporated, One Maritime Plaza, San Francisco, Calif. 94111. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 143762 (Sub-No. 1TA), filed September 22, 1977. Applicant: STEVE ALLEN, d.b.a. Riggs & Allen Transpor-

tation, 528 Harbor Blvd., West Sacramento, Calif. 95691. Applicant's representative: Ann M. Pougiales, Loughran & Hegarty, 100 Bush St., 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Humboldt, Mendocino, Plumas, Shasta, Siskiyou, Sonoma, Tehama, Trinity, Los Angeles, Orange, San Bernardino, and San Diego Counties, Calif., to points in Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Inland Lumber Company, 21900 Main Street, P.O. Box 190, Colton, Calif. 92324. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Main Street, Suite 500, San Francisco, Calif. 94105.

No. MC 143772TA, filed September 23, 1977. Applicant: H & W TRUCKING CO., INC., Box 38, Ona, W. Va. 25545. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine machinery and used machinery*, between the plant site of Stamler Corporation, Millersburg, Ky., on the one hand, and, on the other, points in Utah, Colorado, Wyoming, New Mexico, Illinois, Ohio, West Virginia, Virginia, Tennessee, Florida, Alabama and Pa., under a continuing contract, or contracts, with Stamler Corporation, for 180 days. Supporting shipper(s): Billy Jo. Hawkins Customer Service, Stamler Corporation, 6th and Trigg Streets, Millersburg, Ky. 40348. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-29929 Filed 10-12-77;8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products*, ex parte No. MC 85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before November 2, 1977. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before November 14, 1977, subject to its tariff publication effective date.

P-21-77 (Special certificate-waste products), filed July 25, 1977. Applicant: WARSAW CO., INC., 1102 West Winona, Warsaw, Ind. 46580. Applicant's representative: Sterling W. Hygema (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste products*, including waste paper, newspapers and magazines, polyscrap, secondary fibers, scrap metal and scrap iron, used drums, discarded and obsolete boxes, beer cases, used cartons, ground wood shavings, scrap wood, scrap cloth and rags, glass, glass cullett, scrap roofing felt, pressed box waste, shredded waste, construction materials, scrap containers, plastic products and by-products for reuse or recycling between points in Wisconsin, Iowa, Kansas, Missouri, Arkansas, Tennessee, Kentucky, Indiana, Illinois, Michigan, Ohio, Virginia, West Virginia, Pennsylvania, New Jersey, New York, Maryland, North Carolina, South Carolina, Alabama, Delaware, Georgia, Mississippi, and the District of Columbia, in furtherance of a recognized pollution control program sponsored by (1) Alton Fox Board Company of Alton, Ill., for the purpose of transporting and recycling waste paper; and (2) Middletown Paperboard Co., of Middletown, Ohio for the purpose of transporting and recycling waste products.

No. P-22-77 (Special certificate-waste products), filed September 21, 1977. Applicant: DART TRUCKING COMPANY, INC., 61 Railroad St., Canfield, Ohio 44406. Applicant's representative: Paul F. Beery, 275 East State St., Columbus, Ohio 43215. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: waste products for recycling and reuse between points in Ohio, Pennsylvania, and West Virginia, in furtherance of a recognized pollution control program sponsored by the General Electric Company, of Cleveland, Ohio for the purpose of recycling various types of litter.

P-23-77 (Special certificate-waste products), filed September 6, 1977. Applicant: BUILDER'S TRANSPORT, INC., 409-15th Street, SW., Great Falls, Mont. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce as a *common carrier*, over irregular routes, transporting: *Waste products* for recycling or reuse, from points in North Dakota, Wyoming, Utah, Idaho, Washington, and Oregon, to the plant site and facilities of Robinson Insulation, Inc., located at or near Great Falls, Mont., in furtherance of a recognized pollution control program sponsored by Robinson Insulation, Inc., of Great Falls, Mont., for the purpose of collecting and processing used newspapers in bundles or bales.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-29932 Filed 10-12-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

[6320–01]

1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., October 11, 1977.

PLACE: Room 1027, 1825 Connecticut Ave. NW., Washington, D.C. 20428.

SUBJECT:

1. Dockets 31393, 31396, 31404, 31408, 31409 "Super Jackpot" Fares to Las Vegas Proposed by Trans World Airlines (BFR).

2. Docket 31085, Allegheny's exemption request to provide one daly Montreal-Newark flight via Albany (Memo No. 4723–B, BOR, BIA, OGC).

3. Dockets 29687 and 29758, Requests of Pan American and TWA to renew their Bahrain exemption authority (Memo No. 6479–B, BOR, BIA).

4. Docket 31192, Naples Airlines' Application to Add Punta Gorda, Florida to the List of Points at Which It May Use Large Aircraft (Memo No. 1268–D, BOR).

5. Docket 28599, Professional Patient Transportation, Inc., Motion for Leave to Withhold Certain Reporting Information (Memo No. 6129–A, BOR, BAS).

6. Docket 30257, Czechoslovak Airlines Application for Renewal of its Foreign Air Carrier Permit (Memo No. 5146–D, BIA, BOR, OGC).

7. Docket 30526, Jugoslovenski Aerotransport, Application for Renewal of Foreign Air Carrier Permit (Memo No. 4632–H, BIA, BOR).

8. Docket 13959, *The Dallas-Fort Worth Regional Airport Investigation*, Petition for Reconsideration (Memo No. 4038–B, OGC).

9. Docket 29632, *Frontier Airlines, Inc. Subpart M Application (Albuquerque-Phoenix)*, Notice of Target Date (Memo No. 7468, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, (202–673–5068).

[S–1554–77 Filed 10–11–77;9:16 am]

[6351–01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., October 17, 1977.

PLACE: 8th Floor, Conference Room, 2033 K Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Judicial matters.

CONTACT PERSON FOR MORE INFORMATION:

Jean Webb, (254–6314).

[S–1555–77 Filed 10–11–77;9:43 am]

[6355–01]

3

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: October 13, 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

STATUS: Part is Open; part is Closed.

MATTERS TO BE CONSIDERED:

A. Open to the Public, 9:30 a.m.:

1. *Fyrol FR–2: Public Meeting.* The Commission has invited interested members of the public to participate in this public meeting to discuss issues related to, and possible Commission action with regard to the fire-retardant chemical Fyrol FR–2.

2:00 p.m.:

2. *Petition on Fluorocarbon Refrigerants, CP 77–6.* In this petition, James C. Levangie has asked the Commission to issue a rule concerning the use of certain refrigerants used in commercial and residential refrigerating and air-conditioning units. Consideration of this petition, originally scheduled for the October 6 meeting, was deferred at the petitioner's request, so that he could submit additional date.

3. *Possible Substantial Product Hazard: Carrier Corp. air-conditioners, ID 77–23.* At a previous meeting, the Commission deferred action on Carrier Corporation's proposed corrective action plan to deal with possible fire hazards in certain air-conditioners. The staff has provided additional information on the firm's notification plan to locate the units, and recommends that the Commission accept the corrective action plan.

4. *Draft Proposed Certification Regulation for Architectural Glazing Materials.* This draft FEDERAL REGISTER document would propose regulations under section 14(b) of the Consumer Product Safety Act establishing reasonable testing procedures which would serve as the basis for certifying that glazing complies with requirements of the Standard for Architectural Glazing Materials. Consideration of this item was originally scheduled for the October 6 Meeting.

5. *Proposed Ban of Asbestos Products: Identification Problem.* The staff has presented to the Commission an option paper on possible product identification problems which might arise from the Commission's proposed ban of certain asbestos-containing patching compounds and artificial fireplace ash.

6. *Amendment to the Meetings Policy.* At the October 6 Meeting, the Commission directed the staff to draft an amendment to the CPSC Meetings Policy which would facilitate staff attendance at certain interagency meetings attended solely by government officers and employees.

B. Closed to the public:

7. *Tris Enforcement Matters.* The Commission and its legal staff will discuss various issues related to CPSC action on the flame-retardant chemical Tris.

8. *Application of CPSA Section 4(g)(2).* The Commission will rule on a request from a Commission employee not to impose the post-employment restrictions contained in section 4(g)(2) of the Consumer Product Safety Act. The Commission considered this request at the October 6. Meeting.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th St., NW., Washington, D.C. 20207, telephone 202–534–7700.

[S–1552–77 Filed 10–11–77;9:16 a.m.]

[6570-06]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1520-77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:

9:30 a.m. (Eastern Time), Tuesday, October 11, 1977.

CHANGES IN THE MEETING:

The following item is added to the agenda for the open portion of the meeting:

REVISION OF PROCEDURAL REGULATIONS TO REFLECT HEADQUARTERS REORGANIZATION

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

The vote was as follows: In favor of change:

Eleanor Holmes Norton, Chair
Ethel Bent Walsh, Commissioner
Daniel E. Leach, Commissioner
Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This Notice issued October 6, 1977.

[S-1547-77 Filed 10-7-77;2:22 pm]

[6712-01]

5

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, October 13, 1977.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following agenda item should be deleted.

Agenda, Item No., and Subject

General—2—Position Reallocation for Fiscal Year 1978.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, Telephone Number 202-632-7260.

Issued: October 7, 1977.

[S-1550-77 Filed 10-7-77;3:21 pm]

[6730-01]

6

FEDERAL MARITIME COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: October 5, 1977, 42 F.R. 54349-54357.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: October 11, 1977—10 a.m.

CHANGES IN THE MEETING: Addition of the following item to the closed session:

2. Docket No. 77-22—Actions to Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade of the United States (Guatemalan Decree No. 41-71); Consideration of Comments on Proposed Rule

[S-1548-77 Filed 10-7-77;2:53 pm]

[6740-02]

7

FEDERAL REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (to be pub. 10/11/77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Otober 11, 1977, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P-4.—Project No. 2266, Nevada Irrigation District.
G-10.—CP77-374, United Gas Pipe Line Co.
G-11.—CI77-724, C & K Petroleum Inc., et al.
G-12.—CP75-362, El Paso Natural Gas Co.

KENNETH F. PLUMB,
Secretary.

[S-1549-77 Filed 10-7-77; 2:53 pm]

[7035-01]

8

OCTOBER 7, 1977.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m., Monday, October 17, 1977.

PLACE: Room 5124, Interstate Commerce Building, 12th Street and Constitution Avenue, N.W., Washington, D.C.

STATUS: Notice of Open Meeting.

MATTER TO BE CONSIDERED: Division 3, Division Chairman Brown and Commissioners MacFarland and Christian voted unanimously to hold a meeting to consider the following agenda: 1. Review of present Division workload.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown. Telephone: 202-275-7535.

[S-1553-77 Filed 10-11-77;9:16 am]

[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, October 20, 1977. [NM-77-34].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report.*—Derailment of Amtrack Train No. 315 on Louisville and Nashville Railroad, near New Castle, Alabama, January 16, 1977.

2. *Proposed Special Study.*—Alcohol—Alternatives I and II, Proposals for Phases I and III.

3. *Recommendation* to Department of Transportation concerning Rockingham, North Carolina, railroad accident, March 31, 1977.

4. *Discussion.*—Closeout of Safety Recommendations Nos. H-75-9, H-75-13, H-75-39, H-76-5, and H-76-8.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-1551-77 Filed 10-7-77;3:21 pm]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: 4:00 p.m. Tuesday, October 11, 1977.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Discussion of Proposed Commission Testimony in Congressional Hearing on North Anna (to be given 10/13/77).

NOTE.—Time of meeting is approximate. Scheduling of this meeting is tentative and dependent on a Commission vote to hold on short notice (10 CFR 9.107).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee. (202-634-1410).

Dated: October 7, 1977.

WALTER MAGEE,
Office of the Secretary.

[S-1556-77 Filed 10-11-77;9:54 am]

federal register

THURSDAY, OCTOBER 13, 1977

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

CIVIL SUPERSONIC AIRPLANES

Proposed Noise and Sonic Boom Requirements

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36, and 91]

[Docket No. 15376; Notice No. 77-23]

CIVIL SUPERSONIC AIRPLANES

Proposed Noise and Sonic Boom Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM), and reopening of comment periods.

SUMMARY: This NPRM supplements FAA's review of proposals for regulating the noise of civil supersonic airplanes (SSTs) submitted to the FAA by the U.S. Environmental Protection Agency (EPA) and previously published by the FAA pursuant to the Noise Control Act of 1972. These additional proposals would (1) require all SSTs except Concordes with flight time before January 1, 1980, to comply with the Stage 2 noise limits of Part 36 in order to operate in the United States; (2) prohibit modifications of current SST types that increase their noise; (3) place operational restrictions on SSTs that do not comply with the Stage 2 noise limits of Part 36; and (4) add procedures adapting the flight test conditions and noise limits of Part 36 to SSTs. A proposal to improve protection of the United States from sonic boom is also included. These proposals respond to the public need for the control of sonic boom and of the noise of SSTs.

DATES: Comments must be received on or before December 31, 1977. Public hearings will be held on dates to be announced later.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 15376, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Tedrick, Program Management Branch (AEQ-220), Environmental Technical and Regulatory Division, Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-755-9027.

SUPPLEMENTARY INFORMATION:

Public Hearings

Public hearings will be held on this rulemaking action. The details of the hearings will be outlined in a notice of public hearings to be published in the Federal Register. A draft environmental impact statement concerning the actions proposed in this NPRM will be available before the hearings.

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or arguments. Communications should identify the regulatory docket and notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments on the probable environmental, economic, and technological impacts of the proposals are specifically invited.

All communications received on or before the closing date of December 31, 1977, for comments will be considered by the Administrator before any action is taken on the proposed rules. The proposals contained in this notice may be changed in light of the comments received. All comments received, including comments received at the public hearing, will be available in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with DOT personnel concerned with this rule making will be filed in that Docket.

Re-opening of Comment Periods

To ensure coordinated review of comments in response to this notice in concert with review of comments concerning STT noise proposals previously submitted to FAA by EPA, the comment periods for Notice 75-15, published in the Federal Register (40 FR 14093) on March 28, 1975, and Notice 76-1, published in the Federal Register (41 FR 6270) on February 12, 1976, are hereby re-opened for additional public comment through the closing date for comments concerning this NPRM. Any additional comments should be sent to Docket No. 15376. Information copies of all public comments may be sent to: Environmental Protection Agency, Office of Noise Control Programs, AW-571, 401 M Street, SW., Washington, D.C. 20460.

Availability of NPRM

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

Discussion of Proposed Rules

I. SYNOPSIS

This NPRM contains proposed FAA actions that are being considered in addition to several options proposed to the FAA by the EPA for the purpose of regulating the noise of SSTs. The rules proposed in this NPRM would, if adopted, have the following effects:

1. The noise levels of the Concorde, which is the only SST for which application has been made for U.S. type certificate, would be limited to the minimum noise level that is technologically practicable and economically reasonable for that airplane type. Because there is no known technology which would reduce Concorde noise levels, the noise limit would, at this time, be the current noise levels of that airplane rather than the noise limits of Part 36 in effect on January 1, 1977 ("Stage 2 noise limits"). Any Concorde that had flight time before January 1, 1980, would be "grandfathered" for operation in the United States.

2. Except for the 16 Concordes expected to have flight time before January 1, 1970, all SSTs would have to comply with the Stage 2 noise limits of Part 36 in order to operate in the United States.

3. The noise test requirements and related flight test procedures of Part 36 (14 CFR Part 36) would be extended to SSTs.

4. The "acoustical change" concept of Part 36, which prohibits any design changes that increase the noise of subsonic airplanes that do not meet Stage 2, would be extended to the Concorde.

5. For SSTs that do not comply with the Stage 2 noise limits of Part 36, the scheduling of operations at U.S. airports between 10 p.m. to 7 a.m. local time would be prohibited.

6. The proposed rules would not in any way change the existing legal authority of each airport proprietor to regulate the noise at its airport in a manner which is not unjustly discriminatory and not unduly burdensome on commerce. For this reason, the proposed rules would not affect the question presently being litigated concerning whether the action of the Port Authority of New York and New Jersey in relation to the Concorde is unjustly discriminatory.

7. The operating restriction relating to sonic booms would be modified to assure that airplanes operating to or from U.S. airports do not, while operating outside U.S. airspace, produce sonic booms that reach land and waters in the United States.

II. Prior History

This supplemental notice relates to three prior notices of proposed rule making and to the demonstration of the Concorde at Dulles International Airport.

A. *Notice No. 70-33.* On August 4, 1970, the FAA issued Advance Notice of Proposed Rule Making No. 70-33, published in the Federal Register (35 FR 12555) on August 6, 1970. That notice initiated the public process of determining the nature and scope of the factors that must be considered in the development of noise ceilings for the SSTs. In that notice, the FAA requested public comment concerning several issues, including the extent to which noise standards and measurement procedures applicable to subsonic airplanes could be applied to SSTs; the extent to which SSTs should be divided into subclasses for the purpose of estab-

lishing noise ceilings and measurement concepts; the extent to which SSTs should be divided into subclasses for the purpose of assessing the economic impact and technological feasibility of proposed noise regulations; the extent to which the timing of type certification standards would itself affect the ability of the FAA to consider economic and technological factors; the manner in which the regulatory authority under section 611 of the Act may be optimally utilized with respect to SSTs without interfering with the existing legal authority of local airport proprietors to establish for their airports airplane noise requirements which are not unjustly discriminatory or unduly burdensome on commerce; the manner of insuring that noise limits established for type certification purposes will have maximum utility for the purposes of long-range airport development; and the development of economic incentives for reducing the noise levels of SSTs.

Notice No. 70-33 also stated FAA's intent to ensure that SSTs, like subsonic airplanes, are subject to type certification standards that require the application of all currently available noise reduction technology.

B. *Notice No. 75-15.* On February 27, 1975, EPA transmitted to FAA proposed regulations for the control and abatement of SST noise. These proposals were developed and submitted pursuant to section 611(c)(1) of the Act, as amended, which provides that EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare, and that the FAA "shall consider such proposed regulations submitted by EPA and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking."

In accordance with this requirement, the FAA issued Notice No. 75-15 on March 25, 1975 (published in the FEDERAL REGISTER (40 FR 14093) on March 28, 1975), containing these EPA proposals. The FAA conducted public hearings on these EPA proposals in accordance with section 611(c)(1) in Los Angeles on May 16, 1975, and in Washington, D.C. on May 22, 1975.

The principal feature of the 1975 EPA proposal was the requirement that future design SSTs meet whatever noise level standards may be applicable to new type subsonic airplanes at the time an application for a type certificate is made.

As to existing types of supersonic airplanes (the Concorde and Russian TU-144), the EPA recommended two rules. First, airplanes upon which "substantive productive effort" had not commenced before the date of the EPA Notice would be obliged to meet the Stage 2 requirements of Part 36. The class of current SSTs already under production (at least nine, possibly sixteen, Concordes and an unknown number of TU-144s) was to be treated separately. The EPA did not, however, propose specific regulations for that class. Instead, the Notice proposed eight alternative regulatory strategies for existing SSTs.

These options are: (1) Ban all Concorde and TU-144 operations in the United States; (2) impose Part 36 standards on existing Corncordes and TU-144s exactly as they are imposed upon subsonic airplanes; (3) allow existing Concordes and TU-144s to operate at designated airports but impose certain restrictions on those operations; (4) allow market forces to determine which airports have service by Concordes and TU-144s and, as in option "3", impose restrictions on operations at those airports; (5) at SST airports (as determined in options "3" or "4"), impose certain operating restrictions on all operators, not only on Concorde and TU-144 operators; (6) impose increasingly stringent source noise requirements on existing SST's, beginning with currently projected noise levels, or best efforts, on the first 20 airplanes, and proceeding in steps to Part 36 Stage 2 noise limits after the first 60 airplanes; (7) no regulations on existing Concordes and TU-144s; and (8) delay the adoption of regulations for those SSTs until an airport noise regulation has been adopted.

C. *Notice No. 76-1.* On January 19, 1976, EPA submitted additional proposed regulatory language to FAA, which was published by the FAA as Notice No. 76-1 (41 FR 6070), on February 12, 1976. A public hearing was held by FAA on this proposal on April 5, 1976, in Washington, D.C. EPA indicated that this proposal represented "a further development of the EPA's position on proposed noise requirements for civil supersonic airplanes" and was "intended to supplement" Notice No. 75-15. The additional EPA proposal would prohibit any SST which does not have flight time before December 31, 1974, from operating to or from an airport in the United States unless it complies with the Part 36 noise.

D. *Concorde Demonstration Flights.* On application of British Airways and Air France to operate the Concorde into the United States, former Secretary of Transportation, William T. Coleman, Jr. issued a decision on February 4, 1976, establishing two 12-month demonstration periods for the Concorde, one at Dulles International Airport and one at John F. Kennedy International Airport, each followed by a 4-month evaluation period.

This decision was made following analysis of comments and testimony presented at a public hearing in Washington, D.C., on January 5, 1976. Public hearings were also held by the FAA in Washington, D.C., on April 14 and 15, 1975, in New York City on April 18, 19, and 24, 1975, and in Sterling Park, Virginia, on April 21, 1975, concerning the draft environmental impact statement prepared prior to the decision.

The decision, which was reaffirmed in 1977 by Secretary of Transportation Brock Adams, is set forth below so that its relation to the current rulemaking can be fully appreciated.

THE DECISION

After careful deliberation, I have decided for the reasons set forth below to permit British Airways and Air France to conduct limited scheduled commercial flights into the United States for a trial period not to exceed 16 months under limitations and restrictions set forth below. I am thus directing the Federal Aviation Administrator, subject to any additional requirements he would impose for safety reasons or other concerns within his jurisdiction, to order provisional amendment of the operations specifications of British Airways and Air France to permit those carriers, for a period of no longer than 16 months from the commencement of commercial service, to conduct up to two Concorde flights per day into JFK by each carrier, and one Concorde flight per day into Dulles by each carrier. These amendments may be revoked at any time upon four months' notice, or immediately in the event of an emergency deemed harmful to the health, welfare or safety of the American people. The following additional terms and conditions shall also apply:

1. No flight may be scheduled for landing or take-off in the United States before 7 a.m. local time or after 10 p.m. local time.

2. Except where weather or other temporary emergency conditions dictate otherwise, the flights of British Airways must originate from Heathrow Airport and those of Air France must originate from Charles de Gaulle Airport.

3. Authorization of any commercial flights in addition to those specificially permitted by this action shall constitute a new major federal action within the terms of NEPA and therefore require a new Environmental Impact Statement. (A footnote indicates that "It is not contemplated that another EIS would be required to permit continuation beyond 16 months of the six flights for which provisional permission is now being granted.)

4. In accordance with FAA regulations (14 CFR 91.55), the Concorde may not fly at supersonic speed over the United States or any of its territories.

5. The FAA is authorized to impose such additional noise abatement procedures as are safe, technologically feasible, economically justified, and necessary to minimize the noise impact, including, but not limited to, the thrust cut-back on departure.

I am also directing the FAA, subject to Office of Management and Budget clearance and Congressional authorization, to proceed with a proposed High Altitude Pollution Program (HAPP), to produce the data base necessary for the development of national and international regulation of aircraft operations in the stratosphere.

I herewith order the FAA to set up monitoring systems at JFK and Dulles to measure noise and emission levels and to report the result thereof to the Secretary of Transportation on a monthly basis. These reports will be made public within 10 days of receipt.

I shall also request the President to instruct the Secretary of State to enter into immediate negotiations with France and Great Britain so that an agreement that will establish a monitoring system for measuring ozone levels in the stratosphere can be concluded among the three countries within three months. The data obtained from such monitoring shall be made public at least every six months. I shall also request the Secretary of State to initiate discussions through ICAO and the World Meteorological Organization on the development of international stratospheric standards for the SST.

The Concorde monitoring reports and the summary report have been docketed and otherwise made available to the pub-

lic. This comprehensive monitoring effort included the measurement of noise and emissions at Dulles and in the surrounding communities, sonic booms along the east coast of the United States near the planned Concorde flight tracks, low-frequency noise-induced structural vibration of buildings near Dulles, and local community response to the Concorde.

III. CONTINUED OPERATIONS AT DULLES AND JFK

A. *Dulles.* By the terms of the FAA operations specification issued to British Airways and Air France in April 1976, the sixteen month demonstration period at Dulles Airport ended September 24. After Secretary Adams announced this proposed rule on September 23, the two carriers were issued amendments to their operations specifications to permit the same number of Concorde operations (one flight per day per carrier) to continue pending promulgation of a final noise rule.

Monthly reports were issued through the first twelve months of flights; the remaining four months were used to assemble the data into a final report. The monitoring confirmed the FAA's predictions: The Concorde in takeoff is about twice as loud as the noisiest subsonic airplanes (B-707s and DC-8s), and on approach about as loud as the noisiest subsonics. Concorde noise levels measured at standard Part 36 takeoff and approach noise measuring points are in excess of the Stage 2 standards applicable to newly manufactured subsonic jets. During the demonstration, the Concorde operators showed that the Concorde is capable of precision operations maneuvers, such as the decelerating approach, that help reduce its noise impact. In 12 months, the Concorde generated 1387 telephone complaints from airport neighbors, an average of 2.25 per flight, about twenty percent of which came from eight families, and about eight percent of which came from one family. Nearly all of the complaints reflected actual flights, and they were most numerous when atmospheric conditions or unusual flight patterns did indeed cause greater noise impacts than normal.

Structural vibration was also monitored by the National Aeronautics and Space Administration. Vibration levels of windows, walls and floors were measured for both subsonic and Concorde operations. Vibration induced by Concorde was higher than for subsonic airplanes, while well below criteria levels for building damage and less than levels caused by common household events such as door and window closings.

Air pollution monitoring demonstrated that Concorde emissions were greater than those of subsonic airplanes, but were less than anticipated and were not cause for concern. Concorde emissions at Dulles dissipate to background levels less than two thousand feet from the airplane, long before reaching populated locations.

On August 25, 1977, British Airways and Air France applied to the FAA to continue their present levels of operations at Dulles. Because the relatively limited impacts of the Concorde operations at Dulles have been no greater than had originally been anticipated, the question of continuing operations there can be addressed in the context of this rule making. Under these circumstances, the Administrative Procedures Act at 5 U.S.C. 558 provides a basic policy on the renewal of licenses:

> * * * When [a] licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

In accordance with customary licensing practice and in the absence of environmental consequences severe enough to warrant a contrary result, we have therefore permitted the two carriers operating Concorde each to continue up to one flight per day at Dulles, at least until the promulgation of a final rule pursuant to this rulemaking.

The complete Concorde Monitoring Summary Report is available from the FAA Office of Environmental Quality (AEQ-220), Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, telephone (202) 426-3396. It will be incorporated in the docket for this rule making. Specific comments with respect to the Dulles demonstration flights are invited.

B. *Kennedy.* DOT continues to support a demonstration at JFK. However, neither the 1976 authorization of demonstration flights nor the rules proposed in this NPRM would in any way affect the long established rights of airport proprietors to limit airplane noise at their airports in a manner which is not unjustly discriminatory and not unduly burdensome on commerce. This was recognized by the United States Court of Appeals for the Second Circuit in its two recent decisions in *British Airways Board v. Port Authority*, litigation to compel the Port Authority to permit commercial service with the Concorde at Kennedy International Airport.

The original authorization to conduct a 16-month demonstration of up to two flights per day at JFK by both Air France and British Airways provided that the demonstration period at that airport begins when flights of either carrier begin at New York. If the Concorde does in fact begin serving there, the FAA will monitor Concorde noise levels in New York as it has at Dulles. Any information developed there will be relevant and useful in resolving this rulemaking. The 16-month New York authorization has accordingly been left in effect, until the final promulgation of a rule. This NPRM and related decisions should, therefore, not be an issue in any further New York litigation.

IV. CONSIDERATIONS UNDERLYING THE PROPOSED RULE

A. *General.* This NPRM is issued following FAA review of the noise impact data in the draft environmental impact statement prepared in relation to this notice, and review of the year of monitoring Concorde arrivals and departures at Dulles. As discussed above, the Dulles demonstration confirmed that the noise impact of the Concorde is in excess of the noise impact of subsonic jets, as expected.

Because of the greater impact of Concorde noise levels, the FAA believes that its noise must be limited and controlled. As noted in the 1976 decision that provided federal authorization for the Concorde demonstrations at Dulles and JFK, noise regulatory proposals concerning SSTs must be subjected to a carefully considered weighing of domestic and international interests. The factors which must be considered here include:

1. The potential environmental impacts of the Concorde, including its air quality, climatic, ozone layer, noise and vibration and energy consumption impacts.

2. The need to maintain, to the maximum extent possible, the trend of reduced noise exposure around the nation's airports.

3. The economic and technical considerations that determine whether the proposed regulatory measuers would produce discriminatory or other unfair burdens on international aviation.

4. The need to assure that U.S. regulatory measures affecting foreign airplanes are equitable in light of the treatment that has been afforded by foreign governments to airplanes manufactured in the United States.

5. The benefits that will result from SSTs with respect to improved international travel and communication, technological advances in aviation, and improved international relations.

6. The need to assure that domestic and foreign airplanes are treated equally by the United States, and the need to assure that the same type of treatment that has been afforded by the United States to subsonic airplanes is afforded to SSTs.

7. The need to develop regulatory measures that do not infringe upon the existing legal authority of airport proprietors to regulate noise at their airports in a non-discriminatory manner.

If, in taking all of these factors into account, it is decided to permit SSTs to operate in the United States, two additional considerations are relevant. The first consideration in that to the extent the noise impact can be reduced by operating restrictions, they should be imposed to do so. Second, the noise impact of current generation Concordes should not be increased by modification of the airplane.

Considering these factors, FAA is proposing a regulatory approach that will minimize the environmental impact of supersonic air transporation, preserve its significant benefits, and avoid unreasonable economic impact. Comments focusing on the relationships between noise regulatory decisions, international aviation relations and obligations, and other economic and technological aspects of the certification and operation of SSTs will be most helpful in the development of the final FAA response to the EPA proposals in Notice Nos. 75-15 and 76-1.

and in determining the optimal regulatory solution to the problems presented in this NPRM.

B. *New Design SSTs.* With respect to future design SSTs, the FAA has concluded that it does not have adequate technical information to use as a basis for establishing a new type certification standard at this time. No new design SSTs are now on the drawing boards, and research necessary to develop an environmentally acceptable supersonic engine is to our knowledge proceeding very slowly. It is, therefore, highly unlikely that the technology of new SST engines will be known for several years. The FAA will monitor this research closely, and will develop appropriate standards as soon as there is sufficient technological information. No SST other than the Concorde will be type-certificated until a new noise rule is developed. In addition, the United States will press in the Committee on Aircraft Noise at the International Civil Aviation Organization for the development of an international noise standard for future design SSTs.

The FAA's goal is not to certificate or permit to operate in the United States any future design SST that does not meet standards then applicable to subsonic airplanes. If it is technologically infeasible to produce such an airplane and there is an application for a type certificate, the FAA will consider setting a standard less stringent that existing subsonic rules (Stage 3 or beter). Accordingly, in order to protect the public health and welfare, it is the FAA's intention not to permit operations in the United States of any future design SST unless the airplane utilizes the latest noise reduction technology which, at a minimum, will enable these airplanes to meet Stage 2 noise levels. Further, it is the FAA's intention to develop, consistent with § 611, noise certification standards for future design SST's that incorporate the maximum possible noise reduction technology but in no event allow noise levels to exceed Stage 2. Potential SST developers are advised the FAA will work toward SST noise requirements stricter than Stage 2 and, when such requirements are developed, they will be applied to future design SST's.

C. *Concorde.* These proposed rules would not require the Concordes with flight time before January 1, 1980, to satisfy the Stage 2 noise limits of Part 36 in order to obtain a U.S. type certificate. In relation to subsonic airplanes, deference has been shown for the long lead times required to develop a new type of airplane. The B–707s and DC–8s, manufactured before the promulgation of airplane noise rules, were initially "grandfathered" under our subsonic noise rules, and were not subject to those rules until 1974, when a manufacturing cutoff date was established to require newly manufactured B–707s and DC–8s to meet Stage 2 Part 36 requirements. Consistent with this treatment of subsonics, the rationale for the 1976 decision authorizing a limited number of Concorde demonstration flights is now a valid basis for permitting the first few Concordes to operate in the U.S. without meeting the Stage 2 standards:

> In order to design the aircraft, the British and French had to choose an engine and then design the aircraft around that engine's capabilities. Thus, the engine itself was a fixed quantity very early in the design process and attempts to reduce the engine's noise levels without unacceptable reductions in thrust were unsuccessful. The manufacturers of the Concorde would be unable to modify the engine or redesign the Concorde to meet restrictive noise levels. Since the Concorde is the only aircraft for which application to land has been made, and, therefore, to which a noise regulation might currently apply, the promulgation of such a rule, insofar as it had present applicability, would have been nothing more than a decision to grant or deny the Concorde the right to operate into the United States * * *

The 1976 decision also stated:

> The statutes and historical pattern of aircraft noise regulation, and indeed of most environmental regulations in this country, demonstrate that the promulgation of noise standards has closely followed the development of feasible technology to control noise. FAR 36 was promulgated over a decade after the advent of commercial jet aviation, and 80 percent of the planes in service today still do not satisfy its standard. The regulation was initially written to exempt temporarily aircraft certificated before 1969, which could not comply, and was amended to cover new versions of those aircraft only after the technology became available. The Federal Aviation Act specifically requires the Administrator of the FAA to consider technological feasibility in promulgating regulations. All feasible steps have been taken to control the Concorde noise, and it cannot be modified further to abate the noise levels.

In order to assure that "grandfathered" subsonic airplanes were not modified in a manner that would increase their noise levels, the "acoustical change" provisions of Part 36 were promulgated. These provisions preclude the FAA approval of type design changes which (1) increase the noise levels of "grandfathered" subsonic airplanes; or

(2) Increase the noise of complying airplanes above the Stage 2 limits. In analogous fashion, a revision to Part 36 is proposed which would extend this "acoustical change" provision to initially "grandfathered" Concordes. In addition, in order to extend the coverage to foreign registered airplanes which would not require a U.S. type certificate or U.S. type design change approval, a revision to Part 91 is proposed which would provide that no SST which does not meet the Stage 2 noise limits of Part 36 would be permitted to operate into a U.S. airport if it had a modification which increased its noise levels. This coverage reflects the policy decision that the factor of nationality should not create the right to increase noise through the further modification of SSTs that are already noisier than the Part 36 noise limits.

As noise suppression technology advanced, Part 36 was modified to provide that no U.S. standard airworthiness certificate would be granted after December 31, 1974, for subsonic turbojet airplanes if the airplane did not meet the Stage 2 noise limits of Part 36, even though initially "grandfathered" by having been type certificated prior to the effective date of Part 36. In similar fashion, the proposed rules would establish January 1, 1980, as the compliance date in Part 36 for Concordes. This cutoff would be complemented by an operational prohibition in Part 91 which would preclude the operation into a U.S. airport of any SST, domestic or foreign, which does not comply with the Stage 2 noise limits of Part 36, with the exception of Concordes with flight time before January 1, 1980.

Thus, this would limit the noise impact of SSTs by permitting operation in the United States only of Concordes that have flight time before January 1, 1980, but by no other SST, foreign or domestic, which does not comply with the Stage 2 noise limits of Part 36. This proposal is intended to continue for SSTs the longstanding policy of equal treatment of all airplanes in international and domestic operations.

For purposes of this NPRM, the most important international agreements are the Convention on International Civil Aviation (Chicago Convention) which was negotiated in 1944, and the bilateral air transport agreements with the United Kingdom and France.

Chicago Convention. The Chicago Convention is concerned with ensuring the safety of international travel, through both the safety of the airplane itself and the safety of the ground navigational and air traffic control systems. The Chicago Convention also established the International Civil Aviation Organization (ICAO), with multiple functions relating to the facilitation of international air travel.

Under the Chicago Convention, the airplanes of each contracting state that have been certificated by that state as being airworthy are permitted to conduct non-scheduled, non-revenue flights into the territory of any other contracting state without obtaining prior permission. Thus, the United Kingdom and France have treaty rights to conduct such Concorde flights in the United States. However, under the Convention, no commercial service by a foreign carrier may be operated into any nation without the express permission of that nation.

Under article 37 of the Chicago Convention, ICAO may promulgate international standards on a wide variety of subjects, including airworthiness of airplanes. Nations which agree to be bound by those standards must then accept them as definitive regulations with respect to the airworthiness of airplanes in international service. In the absence of action by ICAO, the participating nations may establish appropriate airworthiness standards unilaterally. ICAO has not promulgated international noise standards for SSTs. With respect to operations, such international airworthiness standards, when established, would not preclude any country from regulating the operations of the Concorde for environmental reasons.

Bilateral Agreements. Article II(b) of the bilateral air services agreement between the United States and France contains the following provision:

> * * * [t]he designated air carrier or carriers may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that it or they is or are qualified to fulfill the conditions prescribed by or under the laws and regulations normally applied to those authorities to the operations of commercial air carriers.

In addition, Article 4 of the July 23, 1977, bilateral agreement between the United States and the United Kingdom ("Bermuda 2"), in language similar to that found in the bilateral with France and the Chicago Convention, provides that:

> * * * [t]he laws and regulations of one Contracting Party relating to admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline or airlines designated by the other Contracting Party and shall be complied with by such aircraft upon entrance into or departure from and while within the territory of the first contracting Party.

These provisions of the international agreements provide the United States the authority to establish uniform, nondiscriminatory rules of the type proposed in this NPRM in relation to the Concorde, if unrestricted permission to operate would be inconsistent with the policies expressed in the environmental laws of the United States.

These international agreements are the principal ones that affect our actions with respect to the Concorde. They are entirely a matter of public record; no other bilateral or multilateral agreements exist that have any bearing on this rulemaking or the rights of airport proprietors to regulate operations at their airports.

Pursuant to these agreements, the Civil Aeronautics Board has certain authority, subject to the President's approval, to regulate foreign air carriers and in appropriate circumstances to suspend, reject or cancel unreasonable or discriminatory fares in foreign air transportation; and the FAA has authority to regulate aspects of aircraft operations that relate to safety.

D. *Other Restrictions.* Inasmuch as the rule as presently proposed would initially "grandfather" all Concordes with flight time before January 1, 1980, certain limitations are deemed appropriate to reduce the potential noise impact of these SSTs.

1. *Airport Proprietor Approval.* As noted above, the rules proposed here would not affect the existing legal authority of local airport proprietors to issue noise-related airport use restrictions that are not unjustly discriminatory and that do not impose an undue burden on air commerce.

The proposed rules would not determine the right of any Concorde operator to fly to a particular airport. American airports other than Dulles and Washington National are operated by authorities independent of the Federal government, usually state or local governmental agencies. While the Congress has the power under the commerce clause of the Constitution to regulate the operations of such airports, it has chosen not to do so. This Congressional policy leaves airport proprietors responsible for the regulation of their airports for noise abatement purposes. The proprietors may limit or prohibit flights by particular airplanes, subject to the general Constitutional restrictions that their regulations are not unjustly discriminatory and do not impose an undue burden on interstate or foreign commerce. The Chicago Convention and bilateral air services agreements do not alter this basic feature of American aviation law.

This legal principle has most recently been upheld by the United States Court of Appeals for the Second Circuit in *British Airways Board* vs. *Port Authority*. In its second opinion on the matter (No. 287, September 29, 1977), the court reiterated:

> Our initial opinion in this case delineated the extremely limited role Congress had reserved for airport proprietors in our system of aviation management. Common sense, of course, required that exclusive control of airspace allocation be concentrated at the national level, and communities were therefore preempted from attempting to regulate planes in flight. See *Allegheny Airlines* vs. *Village of Cedarhurst*, 233 F. 2d 812 (22d Cir. 1958); *American Airlines* vs. *Town of Hempstead*, 398 F. 2d 369 (2d Cir.), *cert. denied*, 393 U.S. 1017 (1969). The task of protecting the local population from airport noise, however, has fallen to the agency, usually of local government, that owns and operates the airfield. *Air Transport Ass.* vs. *Crotti*, 389 F. Supp. 58 (N.D. Cal. 1975) (three-judge court); *National Aviation* vs. *City of Hayward*, 418 F. Supp. 417 (N.D. Cal. 1976). It seemed fair to assume that the proprietor's intimate knowledge of local conditions, as well as his ability to acquire property and air easements and assure compatible land use, *cf. Griggs* vs. *Allegheny County*, 369 U.S. 84 (1962), would result in a rational weighing of the costs and benefits of proposed service. Congress has consistently reaffirmed its commitment to this two-tiered scheme, and both the Supreme Court and executive branch have recognized the important role of the airport proprietor in developing noise abatement programs consonant with local conditions.

FAA consideration of authorization of Concorde flights to particular airports will include environmental assessments for each airport. However, for the Concorde operations covered in the final environmental impact statement (EIS) for this proposed regulatory action, further environmental assessment under NEPA should not be necessary. Therefore, the public is specifically invited to review closely the airports, and numbers of Concorde flights at each airport, that are assessed in the draft EIS for this NPRM.

2. *Curfew.* In view of the greater single-event noise impact of the Concorde, a curfew on SST operations is proposed that would prohibit the scheduling of operations at any U.S. airport between 10 p.m. and 7 a.m. local time. Review of the noise data developed for the draft EIS for this notice indicates that the community impact of night SST operations can be much greater than the impact of operations during the daylight hours.

3. *Operational Compliance Date.* As noise suppression technology advanced, Part 91 was modified to provide that no subsonic transport category turbojet weighing more than 75,000 pounds may operate in domestic commerce in the United States after January 1, 1985, unless it meets the Stage 2 limits of Part 36, irrespective of whether it was initially "grandfathered" by having been type certificated before 1969 or manufactured before 1974. In addition, the intent was expressed in the preamble of Amendment 91–136 to impose the same requirement on subsonic airplanes in foreign air commerce in the United States if ICAO standards are not developed. In parallel fashion, such an operational compliance date, while not presently proposed, would be considered for the "grandfathered" Concordes with flight time before January 1, 1980, when technologically practicable and economically reasonable, and in close concert with international processes through ICAO.

E. *Evaluation of Impacts.* As noted in the introduction to this notice, the final evaluation of the potential impacts of this NPRM will be accomplished as part of FAA's disposition of the EPA proposals contained in Notice Nos. 75–15 and 76–1. However, the assessment required by the regulatory reform procedures set forth in the Secretary's "Policies to Improve Analysis and Review of Regulations", issued on April 11, 1976, and published in the FEDERAL REGISTER (41 FR 16200) on April 16, 1976, has been conducted for this NPRM. These policies require development and analysis of the costs and benefits of rulemaking. This analysis indicates that the proposals in this NPRM would not, if adopted, significantly increase costs to the private sector, to consumers, or to Federal, State or local governments. However, the proposed rule is potentially controversial, primarily because of the anticipated environmental impact of the Concorde. Because of the sensitivity of this aspect of the proposals, a draft environmental impact statement has been prepared as stated above. It is available from the FAA Office of Environmental Quality by writing to Federal Aviation Administration, Office of Environmental Quality (AEQ–210), 800 Independence Avenue, SW., Washington, D.C. 20591, or by telephoning (202) 426–3396.

SECTION-BY-SECTION ANALYSIS

It is proposed to amend provisions in three parts of the Federal Aviation Regulations—Part 21 (14 CFR Part 21), which contains the procedural requirements for the certification of aeronautical products; Part 36 (14 CFR Part 36), which contains the substantive noise limits and related noise measurement and test procedures that must be complied with for the issuance of type certificates and airworthiness certificates; and Part 91 (14 CFR Part 91), which sets

forth the flight and other requirements that apply to the operation of aircraft. The paragraphing of the following discussion corresponds to that of the description of proposed rule changes.

I. CHANGES TO PART 21 (14 CFR PART 21)

A. Section 21.93(b) (1) and (2) would be amended by deleting the word "subsonic." The effect of this amendment would be to make the definition of the term "acoustical change" equally applicable to supersonic and subsonic transport category and turbojet powered civil airplanes. Under this amendment, for both supersonic and subsonic airplanes, an "acoustical change" would exist whenever a voluntary change in the type design of airplane is applied for that may increase the noise levels of the airplane. Therefore, for both supersonic and subsonic airplanes, the acoustical change provisions of Part 36 (§ 36.7) would have to be complied with prior approval of that type design change. See also the discussion of the proposed change to § 36.7 below. Inasmuch as this procedural provision covers only airplanes for which type design approval is requested under U.S. rules (Part 21), this change is supplemented with proposed new § 91.309(b) (1), which would extend the "acoustical change" concept to supersonic airplanes operated in the United States that are not covered by U.S. type certification requirements.

B. Section 21.183(e)(1) would be amended by deleting the word "subsonic." The effect of this would be that, for supersonic as well as subsonic airplanes, a standard airworthiness certificate (which is the class of airworthiness certificate required for U.S. air carrier operation and similar operations) would not be issued for airplanes that have not had flight time before the dates specified in Part 36 (§ 36.1(d)), unless compliance with the noise standards in Part 36 is shown. See also the discussion of the proposed revision of § 36.1(d). This would extend to SSTs the rules applied to subsonic airplanes in Amendment 36-2—popularly called the "new production" rule), issued on October 19, 1973, and published in the FEDERAL REGISTER (38 FR 29569) on October 26, 1973.

II. CHANGES TO PART 36 (14 CFR PART 36)

A.1. Section 36.1 would be amended by adding a new subparagraph (a)(3) extending the applicability of Part 36 to cover the issuance of a type certificate, and changes to that type certificate, and the issuance of standard airworthiness certificates, for the Concorde airplane.

A.2. Section 36.1(d) would be amended by deleting the word "subsonic," in the lead-in, by adding the word "subsonic" to the current subparagraphs containing compliance dates, and by adding a new compliance date for Concorde airplanes. This would require Concordes without flight time before January 1, 1980, to comply with the Stage 2 noise limits of Part 36 in effect on the date of publication of this NPRM, in order to obtain an original standard airworthiness certificate. It is noted that the compliance dates in § 36.1(d) are related to "flight time." Part 1 of the Federal Aviation Regulations (14 CFR Part 1) defines "flight time" as the time for the moment the airplane first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing. It is believed that the date of the first flight of an airplane is a clear basis for distinguishing which airplanes in a production series are subject to noise rules and which airplanes are not.

A.3. Section 36.1(f) would be amended by adding new definitions of "subsonic airplane" and "supersonic airplane." The dividing line between these classes would be Mach 1 in terms of the maximum operating limit speed, M_{mo} as defined in Part 1. Note that these definitions would apply wherever the terms "subsonic airplane" and "supersonic airplane" are used in Part 36, and also where they are used in Part 91 because of the proposed change to § 91.301(d), discussed below. Technical comments concerning the definitions of these terms are specifically requested.

B. The proposed amendment to paragraph (a) of § 36.2 is editorial in nature. It consolidates repetitious language. The purpose of that paragraph, simply stated, is to supersede § 21.17 of Part 21, with respect to the designation of applicable type certification regulations, wherever Part 36 imposes type certification requirements that apply to airplanes for which the application for a type certificate has already been submitted.

C. It is proposed to amend § 36.7 by deleting the term "subsonic." The effect of this change (and of the deletion of the term "subsonic" from § 21.93, discussed above) would be to apply to SSTs the same acoustical change rules that currently apply to subsonic airplanes. Note that, under § 36.7, different regulatory concepts apply, depending on whether the airplane is a "Stage 1 airplane," a "Stage 2 airplane," or a "Stage 3 airplane." Currently operating Concordes are "State 1 airplanes" since they have not been shown to comply with the noise limits for "Stage 2 airplanes" or "Stage 3 airplanes." The Stage 1 acoustical change provisions of § 36.7(c) provide that the airplane may not exceed the noise levels created prior to the change in type design. This proposal would bring Concordes under this rule.

D., E. and F. These proposals together make it clear that Subpart B of Part 36 (which requires transport category large airplanes and turbojet powered airplanes to comply with Appendices A and B of Part 36) covers supersonic as well as subsonic airplanes.

G. and H. These proposals make it clear that Subpart C of Part 36, as amended, would apply only to subsonic transport category large airplanes and subsonic turbojet powered airplanes.

I. A new Subpart D, applying to SSTs would be added to Part 36. In this new subpart, new § 36.301, Noise limits: Concorde airplanes, would be added, containing requirements for Concorde corresponding to those for the first subsonic airplanes covered by current § 36.201. Like § 36.201, new § 36.301(a) would require that compliance with the applicable noise limits must be shown, for Concorde airplanes, with noise levels measured and evaluated as prescribed in Subpart B of Part 36. This would have the effect of requiring compliance with the detailed noise measurement requirements in Appendix A of Part 36 and the detailed requirements in Appendix B concerning the evaluation of noise data received in accordance with Appendix A. Compliance would have to be demonstrated at the same measuring points (i.e., takeoff, sideline, and approach) as are required under Appendix C for subsonic airplanes. See § C36.3 of Appendix C.

Paragraph (b) of new § 36.301 would provide that, for the Concorde airplane, it must be shown in accordance with the provisions of Part 36 in effect on the publication date of this NPRM, that the noise levels of that airplane are reduced to the lowest levels that are "economically reasonable, technologically practicable, and appropriate to the particular type design." This standard corresponds to considerations prescribed by the Congress in section 611 of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972.

J. It is proposed to delete the term "subsonic" from § 36.1581(c). The effect of this change would be to make it clear that, for both supersonic and subsonic transport category large airplanes and turbojet powered airplanes, weights used in complying with the takeoff or landing noise limits of Part 36, if less than the maximum weight or design landing weight, respectively, must be furnished as operating limitations.

K. The proposed changes to §§ C36.7 and C36.9 are intended to incorporate, for the Concorde noise test, the concept of "reference speed" which is the speed presently used, instead of stalling speed, in the takeoff and landing test requirements for that airplane.

III. CHANGES TO PART 91 (14 CFR PART 91)

These changes would modify the current sonic boom provisions of § 91.55, and the noise abatement provisions of Subpart E, *Operating Noise Limits*, which was adopted on December 17, 1976, and published in the FEDERAL REGISTER (41 FR 56046) on December 23, 1976. Subpart E currently contains rules that require subsonic turbojet airplanes weighing more than 75,000 pounds to comply with Part 36, in accordance with a phased schedule ending on January 1, 1985.

A. and B. The proposed changes to §§ 91.1b(3) and 91.55 are intended to protect the coastal areas of the United States from sonic boom. The current rule prohibits the creation of sonic boom by civil airplanes that are in the United States by prohibiting flight in excess of Mach 1 while the airplane is within U.S. territorial limits. However, in relation to airplanes approved for operation to U.S. airports from outside the United

States, the current rule does not specifically address the problem of a sonic boom created by an airplane which is outside the United States but reaching the surface within the United States. This problem exists because the shock wave generated by supersonic flight can extend many miles from the airplane. In recognition of this phenomenon, the FAA established sonic boom recorders along the east coast of the United States to monitor Concorde sonic booms. Recorders were placed at Coast Guard Stations nearest the planned Concorde flight track, i.e., Nantucket Island, Massachusetts; Shark River, New Jersey; and Cape May, New Jersey. While no pattern of sonic boom was experienced, one sonic boom, with no reported community reaction, was recorded the Shark River station. It is estimated that the arriving airplane was 19 miles from the New Jersey coast. Since the airplane was not in the United States, no violation of § 91.55 was involved. The operator, however, changed its flight limitations to ensure that supersonic speed is not attained or maintained closer than 25 miles from the coast. If the number of supersonic operators requesting approval to operate to or from U.S. airports increases, the need for positive requirements to prevent a repetition of the Shark River sonic boom appears evident. It is, therefore, proposed to add a new § 91.55(b) conditioning approval to operate to or from U.S. airports upon compliance with limitations like those voluntarily adopted by the aircraft operator following the Shark River sonic boom.

The proposal would require that information available to the flight crew include flight limitations that ensure that no sonic boom on the surface in U.S. territory will result from flights entering and leaving the United States. The operator would be required to comply with these limitations unless other limitations are issued to the operator in an authorization to exceed Mach 1 under Appendix B of Part 91. These authorizations are issued in the rare cases specified in that Appendix, for specific operations in designated flight test areas (such as flight testing of supersonic airplanes).

C. The proposed amendment of § 91.301 (a) would reflect the expansion of Subpart E of Part 91 to include SSTs. Subpart E—Operating Noise Limits, contains phased noise limits for subsonic turbojet airplanes, leading to full fleet compliance with Part 36 by January 1, 1985.

The proposed revision of § 91.301(a) is drafted to highlight the different scopes of each section in the revised subpart. Proposed § 91.301(a)(1) would make it clear that current §§ 91.303 through 91.307 would be limited to subsonic airplanes and to U.S. registered airplanes. No substantive change to §§ 91.303 through 91.307 is proposed in this notice.

Proposed § 91.301(a)(2) would provide that the newly proposed operating restrictions in § 91.309, for SSTs that do not comply with Part 36, would apply to U.S. registered airplanes having standard airworthiness certificates, and foreign registered airplanes that would be required to have standard airworthiness certificates if they were registered in the United States. It would cover operations under Parts 91, 121, 123, 129, and 135.

D. This proposal would incorporate the Part 36 definitions of 'subsonic airplane' and 'supersonic airplane' in Subpart E of Part 91. Here also, public comment on the impact of those definitions (as discussed above) on all operators subject to Part 91 is requested.

E. and F. The proposed revisions of §§ 91.303 and 91.305 would make it clear that the current dates for phased and final compliance with Part 36, ending on January 1, 1985, apply only to subsonic airplanes. See proposed § 91.311 for application of Part 36 to Concordes.

G. A new § 91.309 would be added, containing operating rules that would apply to SSTs that operate to or from a U.S. airport but have not been shown to comply with the Stage 2 noise limits of Part 36 in effect on the publication date of this NPRM. Note that use of the trade-off provisions of Part 36 would be allowed. This section would apply equally to U.S. registered and foreign registered airplanes.

Proposed § 91.309(b) would prescribe the operational restrictions intended to protect airport environments from unnecessary SST noise. Proposed § 91.309 (b)(1) would require that no person may land or take off an airplane covered by the section if its noise has been increased through modification of the type design of the airplane. This operational counterpart of the acoustical change provisions of § 36.7 of Part 36 (see above discussion) is proposed because the acoustical change provisions of Part 36 (and Part 21) apply only to U.S. type certificated airplanes for which a type design change approval is requested under U.S. regulations. However, those certification rules do not cover foreign airplanes, for which a type design change approval by the FAA is not required or requested. These airplanes may, nevertheless, be "grown" or otherwise modified under the laws of other countries. The words "regardless of whether a type design change approval is applied for under Part 21 of this chapter" would extend the acoustical change concept to the operation of airplanes not covered by U.S. certification rules.

Proposed § 91.309(b)(2) would provide that no flight may be scheduled, or otherwise planned, for takeoff or landing at any U.S. airport after 10 p.m. and before 7 a.m., local time.

H. Proposed § 91.311 would provide that, except for Concorde airplanes having flight time before January 1, 1980, no SST maybe operated in the U.S. that does not comply with the Stage 2 noise limits of Part 36 in effect on the publication date of this NPRM.

Drafting Information

The principal authors of this document are Richard Tedrick, Office of Environmental Quality, and Richard Danforth, Office of the Chief Counsel.

Proposed Rule

In consideration of the foregoing, the FAA, hereby supplements the proposals in Notices 75-15 and 76-1 with the following proposals to amend Title 14 of the Code of Federal Regulations:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

I. Part 21 of the Federal Aviation Regulations (14 CFR Part 21) would be amended as follows:

§ 21.93 [Amended]

A. By amending § 21.93(b) (1) and (2) by deleting the word "subsonic" wherever it appears.

§ 21.183 [Amended]

B. By amending § 21.183(e)(1) by deleting the word "subsonic" wherever it appears.

PART 36—NOISE STANDARDS; AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

II. Part 36 of the Federal Aviation Regulations (14 CFR Part 36) would be amended as follows:

§ 36.1 [Amended]

1. By adding a new § 36.1(a)(3) to read as follows:

(a) * * *

(3) A type certificate and changes to that certificate, and standard airworthiness certificates, for Concorde airplanes.

2. By amending § 36.1(d) to read as follows:

* * * * *

(d) Each person who applies for the original issue of a standard airworthiness certificate for a transport category large airplane or for a turbojet powered airplane under § 21.183 must, regardless of date of application, show compliance with the following provisions of this part (including Appendix C)

(1) Part 36 as effective on December 1, 1969, for subsonic airplanes that have not had any flight time before—

(i) December 1, 1973, for airplanes with maximum weights greater than 75,000 lbs., except for airplanes that are powered by Pratt and Whitney Turbo Wasp JT3D series engines;

(ii) December 31, 1974, for airplanes with maximum weights greater than 75,000 lbs. and that are powered by Pratt and Whitney Turbo Wasp JT3D series engines;

(iii) December 31, 1974, for airplanes with maximum weights of 75,000 lbs. and less; and

(2) The Stage 2 noise limits of Part 36 as effective on (the publication date of this NPRM) for Concorde airplanes that have not had flight time before January 1, 1980.

3. By amending § 36.1(f) by adding new paragraphs (7) and (8) to read as follows:

* * * * *

(f) * * *

(7) A "subsonic airplane" means an airplane for which the maximum operating limit speed, M_{mo}, does not exceed a Mach number of 1.

(8) A "supersonic airplane" means an airplane for which the maximum operating limit speed M_{mo} exceeds a Mach number of 1.

* * * * *

B. By amending paragraph (a) of § 36.2 to read as follows:

§ 36.2 Special retroactive requirements.

(a) Notwithstanding § 21.17 of this chapter, and irrespective of the date of application, each person who applies for a type certificate for an aircraft covered by this part must show compliance with the applicable provisions of this part.

* * * * *

§ 36.7 [Amended]

C. By amending the section heading and paragraph (a) of § 36.7 by deleting the word "subsonic" wherever it appears.

D. By amending the heading of Subpart B to read as follows:

Subpart B—Noise Measurement and Evaluation for Transport Category Large Airplanes and Turbojet Powered Airplanes

§ 36.101 [Amended]

E. By amending § 36.101 by inserting the words "for transport category large airplanes and turbojet powered airplanes" before the words "the noise generated * * *".

§ 36.103 [Amended]

F. By amending § 36.103 by inserting the words "for transport category large airplanes and turbojet powered airplanes," before the words "noise measurement information * * *".

G. By amending the heading of Subpart C to read as follows:

Subpart C—Noise Limits for Subsonic Transport Category Large Airplanes and Subsonic Turbojet Powered Airplanes

§ 36.201 [Amended]

H. By amending paragraph (a) of § 36.201 by inserting the words "for subsonic transport category large airplanes and subsonic turbojet powered airplanes" before the words "compliance with * * *".

I. By adding a new Subpart D to read as follows:

Subpart D—Supersonic Transport Category Airplanes

§ 36.301 Noise limits: Concorde airplanes.

(a) *General.* For the Concorde airplane, compliance with this subpart must be shown with noise levels measured and evaluated as prescribed in Subpart B of this part, and demonstrated at the measuring points prescribed in Appendix C of this part.

(b) *Noise limits.* It must be shown in accordance with the provisions of this part in effect (on the publication date of this NPRM) that the noise levels of the airplane are reduced to the lowest levels that are economically reasonable, technologically practicable, and appropriate to the particular type design.

§ 36.1581 [Amended]

J. By amending paragraph (c) of § 36.1581 by deleting the word "subsonic" before the words "transport category * * *".

K. By amending Appendix C as follows:

1. By amending § C36.7(f)(1) by inserting the words "for subsonic airplanes" before the words "the test day conditions."

2. By redesignating § C36.7(f)(2) as § C36.7(f)(3).

3. By adding a new § C36.7(f)(2) to read as follows:

§ C36.7 *Takeoff test conditions.*

* * * * * *

(f) * * *

(2) For Concorde airplanes, the test day speeds and the acoustic day reference speed must be the minimum approved value of V_2+35 knots, or the all-engines-operating speed at 35 feet whichever speed is greater as determined under the regulations constituting the type certification basis of the airplane, except that the reference speed must not exceed 250 knots. These tests must be conducted at the test day speeds ±3 knots. Noise values measured at the test day speeds must be corrected to the acoustic day reference speed.

4. By amending § C36.9(f)(1) by inserting the words "for subsonic airplanes" before the word "a steady."

5. By redesignating § C36.9(f)(2) as § C36.9(f)(3).

6. By adding a new § C36.9(f)(2) to read as follows:

§ C36.9 *Approach test conditions.*

* * * * * *

(f) * * *

(2) For Concorde airplanes a steady approach speed, that is either the landing reference speed +10 knots, or the speed used in establishing the approved landing distance under the airworthiness regulations constituting the type certification basis of the airplane, whichever speed is greater, must be established and maintained over the approach measuring point.

PART 91—GENERAL OPERATING AND FLIGHT RULES

III. Part 91 of the Federal Aviation Regulations (14 CFR Part 91) would be amended as follows:

§ 91.1 [Amended]

A. By amending § 91.1(b)(3) by deleting the reference to § 91.55 therefrom.

By amending § 91.55 by adding the words "in the United States" between the words "civil aircraft" and the words "at a", by designating the current text as paragraph (a), and by adding a new paragrph (b) to red as follows:

§ 91.55 Civil aircraft sonic boom.

* * * * * *

(b) In addition, no person may operate a civil aircraft, capable of operating at a Mach number greater than 1, to or from an airport in the United States unless—

(1) Information available to the flight crew includes flight limitations that ensure that flights entering or leaving the United States will not cause a sonic boom to reach the surface within the United States; and

(2) He complies with the flight limitations prescribed in paragraph (b)(1) of this section or complies with conditions and limitations in an authorization to exceed Mach 1 issued to the operator under Appendix B of this Part.

C. By amending paragraph (a) of § 91.301 to read as follows:

§ 91.301 Applicability; relation to Part 36.

(a) This subpart prescribes operating noise limits and related requirements that apply, as follows, to the operation of aircraft in the United States:

(1) Sections 91.303, 91.305, and 91.307 apply to U.S. registered civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds and having standard airworthiness certificates. Those sections apply to operations under this part and under Parts 121, 123 and 135 of this chapter.

(2) Sections 91.309 and 91.311 apply to U.S. registered civil supersonic airplanes having standard airworthiness certificates, and foreign registered civil supersonic airplanes that, if registered in the United States, would be required by this chapter to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane. Those sections apply to operations under this part and under Parts 121, 123, 129 and 135 of this chapter.

§ 91.301 [Amended]

D. By adding the following new sentence at the end of paragraph (b) of § 91.301: "For the purpose of this subpart, the terms 'subsonic airplane' and 'supersonic airplane' have the meanings specified in Part 36 of this chapter."

§ 91.303 [Amended]

E. By amending § 91.303 by amending the section heading to read "Final compliance: subsonic airplanes" and by adding the word "subsonic" between the word "any" and the word "airplane."

§ 91.305 [Amended]

F. By amending § 91.305 by amending the section heading to read "Phased compliance under Parts 121 and 135: subsonic airplanes," and by adding the word "subsonic," in paragraph (a), between the word "operating" and the word "airplanes."

G. By adding a new § 91.309 to read as follows:

§ 91.309 Civil supersonic airplanes that do not comply with Part 36.

(a) *Applicability.* This section applies to civil supersonic airplanes that do not comply with the Stage 2 noise limits of Part 36, in effect on (the publication date of this NPRM), using applicable tradeoff provisions.

(b) *Airport use.* Except in an emergency, the following apply to each person who operates a civil supersonic air-

plane to or from an airport in the United States:

(1) Regardless of whether a type design change approval is applied for under Part 21 of this chapter, no person may land or take off an airplane, covered by this section, for which the type design is changed after (effective date of the final rule) in a manner constituting an "acoustical change" under § 21.93, unless the acoustical change requirements of Part 36 are complied with.

(2) No flight may be scheduled, or otherwise planned, for takeoff or landing after 10 p.m. and before 7 a.m. local time.

H. By adding a new § 91.311 to read as follows:

§ 91.311 Civil supersonic airplanes: Noise limits.

Except for Concorde airplanes having flight time before January 1, 1980, no person may operate a civil supersonic airplane that does not comply with the Stage 2 noise limits of Part 36 in effect on (publication date of this NPRM).

(Secs. 307, 313(a), 601(a), 603, 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421(a), 1423, and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); Executive Order 11514, March 5, 1970; 14 CFR 11.45.)

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

Issued in Washington, D.C., on October 11, 1977.

CHARLES R. FOSTER,
Director, Office of Environmental Quality.

[FR Doc.77-29972 Filed 10-12-77;8:45 am]

federal register

THURSDAY, OCTOBER 13, 1977

PART III

COMMUNITY SERVICES ADMINISTRATION

■

EMERGENCY ENERGY CONSERVATION PROGRAM

Waivers for Farmworker-Governed Organizations

[6315–01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6143–3]

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS

Subpart—Emergency Energy Conservation Programs; Waivers for Farmworker-Governed Organizations

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The policy statement governing the funding of Emergency Energy Conservation Programs (CSA Instruction 6143–1a) currently imposes both a requirement that 90 percent of certain weatherization funds go toward purchase of materials and a non-Federal share requirement and CSA Notice 6143–2 requires that at least 70 percent of operational funds be used for weatherization. The Community Services Administration is waiving these requirements for the Emergency Energy Conservation Program when projects are operated by farm-worker-governed organizations. This rule eliminates requirements which were meant to be fulfilled by organizations with well developed ties in the community and whose clients are permanent residents.

DATES: Since this policy clearly benefits farmworker-governed organizations and because the application and funding processes are currently underway, the policy stated herein is effective October 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Saul, Community Services Administration, Emergency Energy Conservation Programs, 1200 19th Street NW., Washington, D.C. 20506. Telephone 202–254–5240.

GRACIELA (GRACE) OLIVAREZ,
Director.

45 CFR Part 1061 is amended by adding the following:

Sec.
1061.32–1 Applicability.
1061.32–2 Non-Federal Share Contribution.
1061.32–3 Materials Costs for Weatherization.
1061.32–4 Percentage of Funds to Weatherization.

AUTHORITY.—Sec. 602, 78 Stat. 530; (42 U.S.C. 2942).

§ 1061.32–1 Applicability.

This subpart is applicable to grants made with FY 77 funds to farmworker-governed organizations under Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by the Community Services Administration.

§ 1061.32–2 Non-Federal Share Contribution.

(a) Because of the relatively recent establishment of most farmworker-governed organizations, and the lack of opportunity to develop relationships with private sector, local governments, and other sources of non-Federal share contributions, CSA has determined that requirements of a non-Federal share for grants made under Section 222(a)(12) would be unreasonable.

(b) Therefore, the non-Federal share requirement is waived for those grants made with FY 77 funds under Section 222(a)(12) of the Economic Opportunity Act as amended to farmworker-governed organizations.

§ 1061.32–3 Material costs for weatherization.

For many of the same reasons that make it difficult for farmworker-governed organizations to raise non-Federal share, they have not been able to establish the kinds of relationships with CETA Prime Sponsors that would facilitate obtaining manpower resources to support weatherization activities. Consequently, in those cases where farmworker grantees have not been able to obtain special Migrant CETA funds under Title III, administering offices will consider individual requests for waivers of the requirement that 90 percent of weatherization funds under program account 21 go to weatherization materials and forward their recommendations to the funding official.

§ 1061.32–4 Percentage of funds to weatherization.

Many of the energy-related problems of farmworkers, particularly migrant farmworkers, relate to other than energy efficiency of housing. The need for adequate representation and advocacy for consumer interests of farmworkers in the energy field, and the transportation problems of farmworkers, are two examples. Consequently, and in recognition of this diversity of farmworker energy needs, only fifty percent (50%) of operational funds granted to farmworker-governed organizations need be for the support of weatherization activities under Program Account 21.

[FR Doc.77–29920 Filed 10–12–77;8:45 am]

Advance Orders are now being Accepted
for delivery in about 6 weeks

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1977)

Quantity	Volume	Price	Amount
———	Title 32A—National Defense, Appendix	$3.75	$———
		Total Order	$———

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