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federal register

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

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This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 474.....Public Law 95–2 "Emergency Natural Gas Act of 1977". (Feb. 2, 1977; 91 Stat. 4).
Price: $.35

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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.

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

[Navel Orange Reg. 398, Amdt. 1]

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

Limitation of Handling

PREAMBLE

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Jan. 28–Feb. 3, 1977. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 398 (42 FR 5072). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.698 (Navel Orange Regulation 398) (42 FR 5072) are hereby amended to read as follows:

(i) District 1: 1,353,000 cartons;

(ii) District 2: 297,000 cartons.

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

Dated February 2, 1977.

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

[FR Doc.77-3811 Filed 2-4-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 76-WE-33]

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

Alteration of Transition Area

On December 16, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 54950) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palmdale, California 1200 foot Transition Area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 GMT, February 24, 1977.

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

Issued in Los Angeles, California on January 25, 1977.

ROBERT H. STANTON,
Director, Western Region.

In consideration of the foregoing, the FAA proposed the following airspace action.

In § 71.181 (42 FR 440) the description of the Palmdale, California Transition Area is amended by deleting all between latitude 36°07'00" N., longitude 117°35'00" W., and to latitude 35°34'30" N., longitude 116°29'40" W., and substituting therein the following: Latitude 35°47'46" N., longitude 116°55'20" W., to latitude 35°21'35.8" N., longitude 116°55'20" W., to latitude 35°34'30" N., longitude 116°29'40" W.

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

Issued in Los Angeles, California on December 3, 1976.

[FR Doc.77-3766 Filed 2-4-77;8:45 am]

[Airspace Docket No. 76-SO-94]

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

Revocation of VOR Airways

On November 26, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 52064) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the VOR airway structure between St. Petersburg, Fla., and Cross City, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, April 21, 1977, as hereinafter set forth.

§ 71.123 (42 FR 307) is amended as follows:

1. In V-35 ", and also a W. alternate via INT St. Petersburg 316° and Cross City 185° radials" is deleted.

2. In V-97 ", including a west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City, Fla., 201° radials via INT St. Petersburg 316° and Cross City 201° radials" is deleted.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

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

[FR Doc.77-3767 Filed 2-4-77;8:45 am]

[Airspace Docket No. 76-SO-78]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On November 8, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 49149) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate several temporary restricted areas over portions of Ga., and N.C., to contain a joint military training exercise solid shield 77. The designations would extend from May 12, 1977, through May 25, 1977. Those areas encompassing airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation. Concurrent nonrulemaking action would also be required to establish two temporary Military Operations Areas in the vicinity of Savannah, Ga. The establishment of these temporary Military Operations Areas would extend from May 12, 1977 through May 14, 1977.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 GMT, April 21, 1977, as hereinafter set forth.

In § 71.151 (42 FR 345) the following temporary restricted areas are included for the duration of their time of designation from 0001 EDT, May 12, 1977, through 2359 EDT, May 25, 1977.

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R-5309I SOLID SHIELD 77
R-5309J SOLID SHIELD 77
R-5309K SOLID SHIELD 77
R-5309L SOLID SHIELD 77

In § 73.53 (42 FR 690) the following temporary restricted areas are added:

R-5309A SOLID SHIELD 77

Boundaries. Beginning at Lat. 35°05'00" N., Long. 79°35'00" W.; to Lat. 35°07'05" N., Long. 79°22'50" W.; thence south and east along R-5311A to Lat. 35°02'45" N., Long. 79°17'00" W.; to Lat. 35°00'00" N., Long. 79°17'00" W.; to Lat. 34°57'00" N., Long. 79°36'00" W.; to point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington, ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309B SOLID SHIELD 77

Boundaries. Beginning at Lat. 35°16'00 N., Long. 79°14'00" W.; to Lat. 35°16'00" N., Long. 79°02'30" W.; to Lat. 35°11'00" N., Long. 79°02'30" W.; thence west along R-5311A to Lat. 35°12'00" N., Long. 79°14'00" W.; to point of beginning.
Designated altitudes. 1200 feet MSL to but not including FL 180.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington, ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309C SOLID SHIELD 77

Boundaries. Beginning at Lat. 35°16'00" N., Long. 78°32'00" W.; to Lat. 35°16'00" N., Long. 78°08'00" W.; to Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 35°00'00" N., Long. 78°24'00" W.; to point of beginning.
Designated altitudes. 7,000 feet MSL to 10,000 feet MSL.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309D SOLID SHIELD 77

Boundaries. Beginning at Lat. 35°00'00" N., Long. 78°24'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°51'57" N., Long. 78°27'45" W.; to point of beginning.
Designated altitudes. 7,000 feet MSL to 10,000 feet MSL.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309E SOLID SHIELD 77

Boundaries. Beginning at Lat. 34°53'45" N., Long. 78°42'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°25'00" N., Long. 78°43'00" W.; to Lat. 34°50'00" N., Long. 78°46'00" W.; to point of beginning.
Designated altitudes. 1200 feet MSL to 10,000 feet MSL.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309F SOLID SHIELD 77

Boundaries. Beginning at Lat. 35°15'00" N., Long. 77°30'00" W.; to Lat. 34°57'30" N., Long. 77°02'00" W.; thence Southwest along Restricted Areas R-5306 A, B, C, D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°28'00" N., Long. 77°38'00" W.; to Lat. 34°33'30" N., Long. 77°49'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°03'00" N., Long. 77°43'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to point of beginning, excluding that airspace from the surface to 3,000 feet MSL within a 5-statute mile radius circle centered on the Albert Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.) and extending 4 nautical miles each side of the final approach courses for the Albert Ellis ILS RWY-5 (051°R) and NDB-5 (051°M) approaches.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309G SOLID SHIELD 77

Boundaries. Beginning at Lat. 34°57'30" N., Long. 77°02'00" W.; to Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°50'30" N., Long. 77°05'00" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309H SOLID SHIELD 77

Boundaries. Beginning at Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°38'30" N., Long. 76°43'00" W.; thence west along a line 3 nautical miles from and parallel to the shoreline to Lat. 34°37'30" N., Long. 76°56'20" W.; thence north and east along Restricted Areas R-5306C and R-5306B to point of beginning.
Designated altitudes. 1200 feet MSL to FL 180.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-53091 SOLID SHIELD

Boundaries. Beginning at Lat. 35°16'00" N., Long. 79°02'30" W.; to Lat. 35°16'00" N., Long. 78°08'00" W.; to Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°25'00" N., Long. 78°43'00" W.; to Lat. 34°50'00" N., Long. 78°46'00" W.; to Lat. 34°52'00" N., Long. 78°57'45" W.; to Lat. 35°02'55" N., Long. 79°05'40" W.; thence north along the boundary of Restricted Area R-5311A to Lat. 35°11'00" N., Long. 79°02'30" W.; to point of beginning.
Designated altitudes. 10,000 feet MSL to FL 180.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309J SOLID SHIELD 77

Boundaries. Beginning at Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 34°17'20" N., Long. 77°46'15" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to point of beginning.
Designated altitudes. 10,000 feet MSL to FL 180.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

R-5309K SOLID SHIELD 77

Boundaries. Beginning at Lat. 35°26'00" N., Long. 77°07'00" W.; to Lat. 35°23'00" N., Long. 76°34'30" W.; thence southwest along Restricted Areas R-5306A, B, C, D and E and Warning Area W-122 to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°17'20" N., Long. 77°46'15" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to Lat. 35°24'00" N., Long. 77°17'00" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

In § 73.30 (42 FR 672) the following temporary restricted area is added:

R–5309L SOLID SHIELD 77

Boundaries. Beginning at Lat. 32°05'00" N., Long. 81°58'00" W.; to Lat. 32°05'00 N., Long. 81°49'00" W.; thence south and east along Restricted Areas R–3005A and B to Lat. 31°56'15" N.; Long. 81°23'00" W.; to Lat. 31°54'00" N., Long. 81°17'00" W.; to Lat. 31°35'00" N., Long. 81°23'00" W; to Lat. 31°35'00" N., Long. 82°04'30" W.; to Lat. 31°49'00" N., Long. 82°11'00" W.; to point of beginning.
Designated altitudes. 1200 feet MSL to 17,000 feet MSL.
Time of designation. Continuous—May 12, 1977, through May 25, 1977.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. United States Atlantic Command, Norfolk, Va.

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

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

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

[FR Doc.77-3768 Filed 2-4-77;8:45 am]

[Airspace Docket No. 76-WA-21]

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

VORTAC Name Change in Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Myrtle Beach, S.C. VORTAC to Grand Strand, S. C., VORTAC where it appears in the description of V–1, V–136 and V–213 airways. The present identifier "CRE" will be retained.

On November 11, 1976, a Nonrulemaking Circular (76–SO–551–NR) was distributed requesting comments regarding a name change for the Mrytle Beach VORTAC to eliminate any potential mistakes in identifying this navaid. The Horry County Airport Authority proposed that the VORTAC be renamed "Grand Strand" and this was selected as the VORTAC is located on the Grand Strand Airport. Since this change is a minor matter upon which the public would not have particular reason to comment further, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, April 21, 1977, as hereinafter set forth.

§ 71.123 (42 FR 307) is amended as follows:

1. In V–1 "Mrytle Beach, S.C.; INT Mrytle Beach 031°" is deleted and "Grand Strand, S.C.; INT Grand Strand 031°" is substituted therefor. Further, "From Myrtle Beach" is deleted and "From Grand Strand" is substituted therefor.

2. In V–136 "To Myrtle Beach, S.C." is deleted and "To Grand Strand, S.C." is substituted therefor.

3. In V–213 "From Myrtle Beach, S.C.," is deleted and "From Grand Strand, S.C.," is substituted therefor.

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

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

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

[FR Doc.77-3769 Filed 2-4-77;8:45 am]

[Airspace Docket No. 76-AL-13]

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

Redesignation of VOR Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to slightly realign portions of V–444, V–504 and V–506 from radio beacons to VORTACs at Bettles and Kotzebue, Alaska.

Because none of these airways will move more than two degrees, this amendment is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, April 21, 1977, as hereinafter set forth.

§ 71.125 (42 FR 341) is amended as follows:

1. In V–444 "Fairbanks, Alaska," is deleted and "Bettles, Alaska; Fairbanks, Alaska," is substituted therefor.

2. In V–504 "Evansville, Alaska, NDB;" is deleted and "Bettles, Alaska; Evansville, Alaska, NDB;" is substituted therefor.

3. In V–506 "90 miles 55 MSL, 35 miles 12 AGL, Hotham, Alaska, NDB, including a west alternate;" is deleted and "89 miles 55 MSL, 35 miles 12 AGL, Kotzebue, Alaska, including a west alternate; Hotham, Alaska, NDB;" is substituted therefor.

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

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

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

[FR Doc.77-3770 Filed 2-4-77;8:45 am]

[Airspace Docket No. 76-AL-5]

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

Alteration of Positive Control Area

On October 21, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 46458) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would expand the Alaska Positive Control Area (PCA) by lowering the floor from flight level 240 to 18,000 feet MSL.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments.

Several commentators objected to the proposed rule. They based their objection to the lowering of the PCA floor on the limited number of radar and communications facilities to support the PCA. The FAA does not agree. Radar coverage is not a requisite for establishment of PCA, and safety is enhanced within PCA in a nonradar control environment. There are sufficient Remote Center Air-Ground (RCAG) outlets to provide pilot/controller communications within the proposed area except for a portion in eastern Alaska, vicinity of Northway. However, adequate communications through the Northway FSS exist in this area. In addition, a RCAG outlet is programmed and approved for Northway and should be commissioned in 1978.

One commentator objected to the proposed rule, stating that there is a lack of sufficient flight activity above 18,000 feet to justify the prohibition of visual flight rules operations in the proposed area. The FAA does not agree. While the number of aircraft presently operating within the proposed airspace is small, the rate-of-closure of opposite direction traffic is in excess of 1,000 knots. The "see and avoid" type separation, as provided by pilots while operating in accordance with VFR, is not effective at such speeds since pilots are unable to detect other aircraft and maneuver to avoid collision. Therefore, safety would be enhanced with air traffic control service being provided in the proposed area to all airspace users above 18,000 feet.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, April 21, 1977, as hereinafter set forth.

§ 71.193 (42 FR 625) is amended as follows:

In Alaska Positive Control Area "flight level 240" is deleted and "18,000 feet MSL" is substituted therefor; "excluding" is deleted and "but not including the airspace less than 1,500 feet above the surface of the earth and" is substituted therefor.

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

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

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

[FR Doc.77-3771 Filed 2-4-77;8:45 am]

[Docket No. 16467; Amdt. No. 1058]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective March 17, 1977.*

Coffeyville, KS—Coffeyville Muni Arpt., VOR/DME–A, Amdt. 2
Galion, OH—Galion Municipal Arpt., VOR Rwy 23, Amdt. 7
Philadelphia, PA—Philadelphia International Arpt., VOR Rwy 9R, Amdt. 1, cancelled
Philadelphia, PA—Philadelphia International Arpt., VOR/DME–A, Original, cancelled
Hayward, WI–Hayward Muni Arpt., VOR Rwy 2, Amdt. 1
Hayward, WI—Hayward Muni Arpt., VOR Rwy 20, Amdt. 1

* * * *effective February 17, 1977.*

Schenectady, NY—Schenectady County Arpt., VOR Rwy 4, Amdt. 1
Schenectady, NY—Schenectady County Arpt., VOR Rwy 22, Amdt. 5

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs. *effective March 10, 1977.*

Seattle, WA–Boeing Field/King County Int'l Arpt., LOC BC Rwy 31L, Amdt. 5

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 17, 1977.*

Coffeyville, KS—Coffeyville Muni Arpt., NDB Rwy 20, Amdt. 5
Hayward, WI—Hayward Muni Arpt., NDB Rwy 20, Amtd. 5

* * * *effective March 10, 1977.*

Seattle, WA—Boeing Field/King County Int'l Arpt., NDB–B, Amdt. 4
Seattle, WA—Boeing iFeld/King County Int'l Arpt., NDB–B, Amdt. 4

* * * *effective February 17, 1977.*

Charleston, MO—Mississippi County Airport, NDB Rwy 36, Original
Schenectady, NY—Schenectady County Arpt., NDB Rwy 22, Amdt. 9
Schenectady, NY—Schenectady County Arpt., NDB Rwy 28 and 33, Amdt. 7

* * * *effective February 10, 1977.*

San Marcos, TX—San Marcos Municipal Arpt., NDB Rwy 30, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 10, 1977.*

Seattle, WA—Boeing Field/King County Int'l Arpt., ILS Rwy 13R, Amdt. 18

* * * *effective February 24, 1977.*

Galveston, TX—Scholes Field, ILS Rwy 13, Original

* * * *effective February 10, 1977.*

Dayton, OH—James M. Cox-Dayton Municipal Arpt., ILS Rwy 24L, Amdt. 1

* * * *effective January 25, 1977.*

Meridian, MS—Key Field, ILS Rwy 1, Amdt. 19

* * * *effective January 24, 1977.*

Montgomery, AL—Dannelly Field, ILS Rwy 27, Amdt. 1

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on January 28, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.77-3772 Filed 2-4-77;8:45 am]

[Docket No. 76–EA–84, Amdt. 39–2824]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA–31 type airplanes.

There has been a report that due to a manufacturing error a PA–31–310 Aircraft Data Plate was affixed to approximately 87 PA–31 airplanes. It should have been a PA–31 Aircraft Data Plate. This error may result in airworthiness directives applicable to PA–31 airplanes not being accomplished.

Since this deficiency can result in an air safety hazard, by failing to comply with an applicable airworthiness directive, a directive is being issued which will require an inspection and replacement of the Aircraft Data Plate where necessary.

Due to the air safety aspect of the airworthiness directive, notice and public procedure hereon are impractical and good cause exists for making the directive effective in less than 30 days.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive as follows:

PIPER: Applies to Models PA–31 and PA–31–310 Serial Nos. 31–7401201 through 31–7401268, 31–7512001 through 31–7512037, 31–7512039, 31–7512041, 31–7512042, 31–7512047, 31–7512048, 31–7512050, 31–7512051, 31–7512054 through 31–7512056, 31–7512058, 31–7512063, 31–7512067, 31–7512068, 31–7512070, 31–7512072, 31–7612001, 31–7612003, 31–7612006, 32–7612009, 31–7612011, 31–7612013, 31–7612019, 31–7612021, 31–7612022, 31–7612025 through 31–7612028, 31–7612030, 31–7612033 through 31–7612035, 31–7612040, 31–7612045, 31–7612047, 31–7612049, 31–7612051, 31–7612052, 31–7612055, 31–7612060, 31–7612061, 31–7612071, 31–7612075, 31–7612077, 31–7612078, 31–7612080, 31–7612084, 31–7612085, and 31–7612088 certificated in all categories.

To preclude the possibility of Airworthiness Directives applicable to Piper Model PA–31 aircraft not being incorporated in aircraft which have affixed to them, in error, a model PA–31–310 Aircraft Data Plate, accomplish the following within the next 30 days from the effective date of this AD unless previously accomplished.

(a) Ascertain whether the Aircraft Data Plate located on the lower fuselage just below the forward hinge on the main cabin door is marked with a model designation of PA–31 or PA–31–310. If it is PA–31–310, remove and replace with a correct PA–31 Aircraft Data Plate and verify that Airworthiness Directives, Piper 74–26–04, 75–09–10, 75–26–18, and 76–04–11, applicable to model PA–31 aircraft, have been accomplished. If not, comply in accordance with the requirements of those Airworthiness Directives.

(b) Upon request with substantiating data, submitted through an FAA Maintenance Inspector, the compliance time for this AD, including 74–26–04, 75–09–10, 75–26–18 and 76–04–11 may be adjusted by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Piper Service Bulletin No. 529 pertains to this subject.)

NOTE.—The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation

of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is effective February 9, 1977.

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

Issued in Jamaica, N.Y., on January 26, 1977.

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

[FR Doc.77-3467 Filed 2-4-77;8:45 am]

[Airspace Docket No. 77-WA-3]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to designate Jet Route No. 552 between Sault Ste. Marie, Mich., and the United States/Canadian Border.

The Canadian Ministry of Transport has advised that there is a need for the designation of a high level route from Poste De La Baleine, Que., to Sault Ste. Marie, Mich., for the movement of transborder air traffic between these points.

Since this amendment is a minor matter on which the public would have no particular desire to comment and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 24, 1977, as hereinafter set forth.

In § 75.100 (42 FR 707) add:

Jet Route No. 552 from Sault Ste. Marie, Mich., to United States/Canadian Border via the Sault Ste. Marie to Kapuskasing, Ontario, direct radial.

(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))

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

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

[FR Doc.77-3477 Filed 2-4-77;8:45 am]

[Airspace Docket No. 76-NW-24]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Extension of Jet Route

On November 18, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 50841) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend J-52 from Denver, Colo., to Vancouver, British Columbia, Canada, via several intermediate VORTACs.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 21, 1977, as hereinafter set forth.

Section 75.100 (42 FR 707) is amended as follows:

In Jet Route No. 52 "From Denver, Colo., via" is deleted and "From Vancouver, British Columbia, Canada, via Spokane, Wash.; Salmon, Idaho; Dubois, Idaho; Rock Springs, Wyo.; Denver, Colo.;" is substituted therefor.

Also "The portion within Canada is excluded." is added.

(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)).)

Issued in Washington, D.C., on January 17, 1977.

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

[FR Doc.77-3468 Filed 2-4-77;8:45 am]

[Docket No. 16469; Amdt. No. 95-270]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective February 24, 1977.

Issued in Washington, D.C., on January 26, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

§95.47 GREEN FEDERAL AIRWAY 7
is amended to read:

FROM	TO	MEA
Ft. Davis, Alas. NDB *4200—MOCA	Norton Bay, Alas. NDB	*5000
Norton Bay, Alas. NDB	Bishop, Alas. NDB	5800
Bishop, Alas. NDB *5200—MOCA	Birch INT, Alas.	*5800
Birch INT, Alas.	Chena, Alas. NDB	4100

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
College Station, Tex. VOR *3300—MOCA	Greates Southwest, Tex. VOR	*5000

§95.1001 DIRECT ROUTES—U.S.
is amended by adding:

FROM	TO	MEA
INT 171 M rad Oklahoma City VOR & 037 M rad Lawton VOR	Flech INT, Okla.	3000
Fort Stockton, Tex. VOR *4200—MOCA	San Angelo, Tex. VOR	*7000

DIRECT ROUTES—U.S.—cont'd.

FROM	TO	MEA
Ozona INT, Tex. *4000—MOCA	San Angelo, Tex. VOR	*7000
College Station, Tex. VOR *3300—MOCA	Dallas-Ft. Worth, Tex. VOR	*5000

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
San Angelo, Tex. VOR	Brownwood, Tex. VOR	3200

Bahama Routes

54V:		
Nimrod INT, Fla. *1200—MOCA	Isaac INT, Bh.	*6400
Isaac INT, Bh. *1200—MOCA	Carey INT, Bh.	*8500
Carey INT, Bh. *1400—MOCA	Nassau, Bh. VOR	*2000

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J842R is amended to delete:						
Greater Southwest, Tex. VORTAC	155.2	77.6	Greater Southwest	065/245 to COP	18000	45000
Texarkana, Ark. W/P		33-10-29W	95-33-44W	068/248 to Texarkana		
J842R is amended by adding:						
Dallas-Ft. Worth, Tex. VORTAC	154	77	Dallas-Ft. Worth	067/247 to COP	18000	45000
Texarkana, Ark. W/P				067/247 to Texarkana		
J843R is amended to delete:						
Hareb, Ark. W/P	151.9	75.9	Hareb	237/057 to COP	18000	45000
Greater Southwest, Tex. VORTAC		33-24-26N	95-42-15W	233/053 to Greater Southwest		
J843R is amended by adding:						
Hareb, Ark. W/P	150	75	Hareb	237/057 to COP	18000	45000
Dallas-Ft. Worth, Tex VORTAC				235/055 to Dallas-Ft. Worth		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J912R is amended to delete:						
Greater Southwest, Tex. VORTAC	167.1	117.1	Greater Southwest	025/205 to COP	18000	45000
Stick, Okla. W/P		34-25-35N	95-42-32W	027/207 to Stick		
J912R is amended by adding:						
Dallas-Ft. Worth, Tex. VORTAC	164	82	Dallas-Ft. Worth	027/207 to COP	18000	45000
Stick, Okla. W/P				027/207 to Stick		
J914R is amended to delete:						
Greater Southwest, Tex. VORTAC	153.0	76.5	Greater Southwest	102/282 to COP	18000	45000
Tenna, Tex. W/P		32-21-29N	95-38-04W	106/286 to Tenna		
J914R is amended by adding:						
Dallas-Ft. Worth, Tex. VORTAC	154	77	Dallas-Ft. Worth	104/284 to COP	18000	45000
Tenna, Tex. W/P				107/287 to Tenna		
J934R is amended to delete:						
Greater Southwest, Tex. VORTAC	155.2	77.6	Greater Southwest	065/245 to COP	18000	45000
Texarkana, Ark. W/P				068/248 to Texarkana		
J934R is amended by adding:						
Dallas-Ft. Worth, Tex. VORTAC	154	77	Dallas-Ft. Worth	067/247 to COP	18000	45000
Texarkana, Ark. W/P				067/247 to Texarkana		
J938R is amended to read in part:						
Palis, Calif. W/P	112				28000	45000
Leafs, Calif. W/P				260/080 to Leafs		
J941R is amended to delete:						
Greater Southwest, Tex. VORTAC	44	22	Greater Southwest	296/116 to COP	18000	45000
Bridgeport, Tex. W/P				296/116 to Bridgeport		
J941R is amended by adding:						
Dallas-Ft. Worth, Tex. VORTAC	44	22	Dallas-Ft. Worth	293/113 to COP	18000	45000
Bridgeport, Tex. W/P				292/112 to Bridgeport		
J942 R is amended to delete:						
Greater Southwest, Tex. VORTAC	44	22	Greater Southwest	296/116 to COP	18000	45000
Bridgeport, Tex. W/P				296/116 to Bridgeport		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J942 R is amended by adding:						
Dallas-Ft. Worth, Tex. VORTAC	44	22	Dallas-Ft. Worth	293/113 to COP	18000	45000
Bridgeport, Tex. W/P				292/112 to Bridgeport		
J949R is amended to read:						
Kayes, Okla. W/P	150	75	Kayes	156/336 to COP	18000	45000
Dallas-Ft. Warth, Tex VORTAC				158/338 to Dallas-Ft. Warth		
Dallas-Ft. Warth, Tex. VORTAC	162	81	Dallas-Ft. Warth	154/334 to COP	18000	45000
Navasata, Tex. W/P				154/334 to Navasata		
J950R is amended to read:						
Refix, Tex. W/P	140	70	Refix	331/151 to COP	18000	45000
Scurry, Tex. W/P				330/150 to Scurry		
Scurry, Tex. W/P	172	86	Scurry	332/152 to COP	18000	45000
Dibbs, Okla. W/P				330/150 to Dibbs		
J964R is amended to read in part:						
Bucko, Calif. W/P	137			246/066 to COP	18000	45000
Merle, Calif. W/P				244/064 to Merle		
Merle, Calif. W/P	122				29000	45000
Fruit, Calif. W/P				216/036 to Fruit		
J965R is amended to read in part:						
Palis, Calif. W/P	112				28000	45000
Leafs, Calif. W/P				260/080 to Leafs		
J966R is amended to read in part:						
Leafs, Calif. W/P	112				28000	45000
Palis, Calif. W/P				080/260 to Palis		
J967R is amended to read in part:						
Fruit, Calif. W/P	122				29000	45000
Merle, Calif. W/P				036/216 to Merle		
Merle, Calif. W/P	98			058/238 to COP	18000	45000
Stani, Calif. W/P				058/238 to Stani		
J937R is amended to read in part:						
Leafs, Calif. W/P	139				28000	45000
Saived, Calif. W/P				053/233 to Saived		
J991R is amended to delete:						
Greater Southwest, Tex. VORTAC	212	106	Greater Southwest	008/188 to COP	18000	45000
Tulsa, Okla. VORTAC				009/189 to Tulsa		

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J991R is amended by adding:						
Dallas-Ft. Worth, Tex. VORTAC	209	105	Dals-Ft. Worth	009/189 to COP	18000	45000
Tulsa, Okla. VORTAC				009/189 to Tulsa		
J992R is amended to read:						
Refix, Tex. W/P	157	79	Refix	348/168 to COP	18000	45000
Yanti, Tex. W/P				348/168 to Yanti		
Yanti, Tex. W/P	197	95	Yanti	348/168 to COP	18000	45000
Tulsa, Okla. VORTAC				348/168 to Tulsa		

§95.6003 VOR FEDERAL AIRWAY 3
Is amended to delete:

FROM	TO	MEA
Dunbar INT, S.C.	Pinehurst, N.C. VOR	2400
Pinehurst, N.C. VOR	Raleigh, N.C. VOR	2000

§95.6003 VOR FEDERAL AIRWAY 3
Is amended by adding:

FROM	TO	MEA
Dunbar INT, S.C.	Sandhills, N.C. VOR	2400
Sandhills, N.C. VOR	Raleigh, N.C. VOR	2000

§95.6003 VOR FEDERAL AIRWAY 3
Is amended to read in part:

FROM	TO	MEA
Pease, N.H. VOR *2200–MOCA	Parso INT, Me.	*3500
Parso INT, Me.	Augusta, Me. VOR	3500

§95.6004 VOR FEDERAL AIRWAY 4
Is amended to delete:

FROM	TO	MEA
INT. 204 M rad Manhattan VOR & 071 M rad Salina VOR	Manhattan, Kans. VOR	
Via N alter.	Via N alter.	3000

§95.6004 VOR FEDERAL AIRWAY 4
Is amended by adding:

FROM	TO	MEA
Chapman INT, Kans.	Manhattan, Kans. VOR	
Via N alter.	Via N alter.	3000

§95.6008 VOR FEDERAL AIRWAY 8
Is amended to read in part:

FROM	TO	MEA
Akron, Colo. VOR	INT 081 M rad Akron VOR & 235 M rad Hayes Center VOR	
Via S alter. *5800–MOCA	Via S alter.	*6500

§95.6012 VOR FEDERAL AIRWAY 12
Is amended to read in part:

FROM	TO	MEA
Columbia, Mo. VOR	Herman INT, Mo.	2600

§95.6016 VOR FEDERAL AIRWAY 16
Is amended to read in part:

FROM	TO	MEA
Nates INT, Tex. Via S alter.	Midland, Tex. VOR Via S alter.	5000

§95.6018 VOR FEDERAL AIRWAY 18
Is amended to delete:

FROM	TO	MEA
Millsap, Tex. VOR *2700–MOCA	Greater Southwest, Tex. VOR	*2900
Greater Southwest, Tex. VOR	Hubbard INT, Tex.	2200
Hubbard INT, Tex. *2000–MOCA	Quitman, Tex. VOR	*3000

§95.6018 VOR FEDERAL AIRWAY 18
is amended by adding:

FROM	TO	MEA
Millsap, Tex. VOR	Dallas-Fort Worth, Tex. VOR	2900
Dallas-Fort Worth, Tex. VOR *2200–MOCA	Quitman, Tex. VOR	*3000

§95.6021 VOR FEDERAL AIRWAY 21
Is amended to read in part:

FROM	TO	MEA
Ogden, Utah VOR	*Corinne INT, Utah	
	N-bound	10000
	S-bound	7600
*13000–MRA		

§95.6039 VOR FEDERAL AIRWAY 39
Is amended to delete:

FROM	TO	MEA
Pinehurst, N.C. VOR *2200–MOCA	South Boston, Va. VOR	*2500

§95.6039 VOR FEDERAL AIRWAY 39
Is amended by adding:

FROM	TO	MEA
Sandhills, N.C. VOR *2200–MOCA	South Boston, Va. VOR	*2500

§95.6039 VOR FEDERAL AIRWAY 39
Is amended to read in part:

FROM	TO	MEA
Concord, N.H. VOR	Augusta, Me. VOR	3500

§95.6051 VOR FEDERAL AIRWAY 51
Is amended to read in part:

FROM	TO	MEA
Commerce INT, Ga. Via W alter.	Dawsonville INT, Ga. Via W alter.	4600
Dawsonville INT, Ga. Via W alter. *7000–MRA	*Nella INT, Ga. Via W alter.	5600
Nella INT, Ga. Via W alter. *5200–MOCA	Madala INT, Ga. Via W alter.	*7000
Madala INT, Ga. Via W alter.	Ducktown INT, Tenn. Via W alter.	6000

§95.6066 VOR FEDERAL AIRWAY 66
Is amended to delete:

FROM	TO	MEA
Greenwood, S.C. VOR Via S alter. *2100–MOCA	Pinehurst, N.C. VOR Via S alter.	*4000
Pinehurst, N.C. VOR Via S alter.	Raleigh-Durham, N.C. VOR Via S alter.	2000

§95.6066 VOR FEDERAL AIRWAY 66
Is amended by addieg:

FROM	TO	MEA
Greenwood, S.C. VOR Via S alter. *2100–MOCA	Sandhills, N.C. VOR Via S alter.	*4000
Sandhills, N.C. VOR Via S alter.	Raleigh-Durham, N.C. VOR Via S alter.	2000

§95.6071 VOR FEDERAL AIRWAY 71
Is amended by addieg:

FROM	TO	MEA
Bismarck, N.D. VOR *3800–MOCA	Williston, N.D. VOR	*5600

§95.6074 VOR FEDERAL AIRWAY 74
Is amended to read in part:

FROM	TO	MEA
Dodge City, Kans. VOR *4000–MRA	*Saler INT, Kans.	4300

§95.6094 VOR FEDERAL AIRWAY 94
Is amended to read in part:

FROM	TO	MEA
Notes INT, Tex.	Midland, Tex. VOR	5000

§95.6097 VOR FEDERAL AIRWAY 97
Is amended to delete:

FROM	TO	MEA
Janesville, Wis. VOR *2200–MOCA	Glars INT, Wis.	*2800
Glars INT, Wis. *2700–MOCA	Lone Rock, Wis. VOR	*3400

§95.6097 VOR FEDERAL AIRWAY 97
Is amended by addieg:

FROM	TO	MEA
Janesville, Wis. VOR *2200–MOCA	Thebo INT, Wis.	*2800
Thebo INT, Wis. *2800–MOCA	Lone Rock, Wis. VOR	*3400
Janesville, Wis. VOR Via W alter. *2200–MOCA	Glars INT, Wis. Via W alter.	*2800
Glars INT, Wis. Via W alter. *2800–MOCA	Lone Rock, Wis. VOR Via W alter.	*3400

§95.6116 VOR FEDERAL AIRWAY 116
Is amended to read in part:

FROM	TO	MEA
Keeler, Mich. VOR *2400–MOCA	Jackson, Mich. VOR	*3000

§95.6123 VOR FEDERAL AIRWAY 123
Is amended to read in part:

FROM	TO	MEA
Swan Point INT, Md. *1600–MOCA	INT. 072 M rad Washington VOR & 240 M rad Woodstown VOR	*7000
INT. 072 M rad Washington VOR & 240 M rad Woodstown VOR	Woodstown N.J. VOR	2000

§95.6155 VOR FEDERAL AIRWAY 155
Is amended to delete:

FROM	TO	MEA
Chesterfield, S.C. VOR	Pinehurst, N.C. VOR	2300
Pinehurst, N.C. VOR	Raleigh, N.C. VOR	2000

§95.6155 VOR FEDERAL AIRWAY 155
Is amended by addieg:

FROM	TO	MEA
Chesterfield, S.C. VOR	Sandhills, N.C. VOR	2300
Sandhills, N.C. VOR	Raleigh, N.C. VOR	2000

§95.6165 VOR FEDERAL AIRWAY 165
Is amended to read in part:

FROM	TO	MEA
Lake Hughes, Calif. VOR	Jeffy INT, Calif.	8000
Jeffy INT, Calif. *8400–MCA Lopez INT, S-bound	*Lopez INT, Calif.	9000

§95.6167 VOR FEDERAL AIRWAY 167
Is amended to read in part:

FROM	TO	MEA
Turner INT, Mass. *1600–MOCA	Peak INT, Mass.	*2500

§95.6170 VOR FEDERAL AIRWAY 170
Is amended to read in part:

FROM	TO	MEA
INT 231 M rad New Castle, VOR & 067 M rad Andrews, VOR	Pelle INT, Md.	2200 MAA–13000

§95.6171 VOR FEDERAL AIRWAY 171
Is amended to read in part:

FROM	TO	MEA
Davis INT, Ill. *2500–MOCA	Glars INT, Wis.	*2800
Glars INT, Wis. *2800–MOCA	Lone Rock, Wis. VOR	*3400

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
Grino INT, Ariz.	Peaks INT, Ariz.	10000
Peaks INT, Ariz.	Teddi INT, Ariz.	
	NE-bound	12000
	SW-bound	10000
Teddi INT, Ariz.	*Salts INT, Ariz.	#12000

*1400–MRA
#MEA is established with a gap in navigation signal coverage

§95.6217 VOR FEDERAL AIRWAY 217
is amended to read in part:

FROM	TO	MEA
Sqeak INT, Minn.	Baudette, Minn. VOR	*5000

*2800–MOCA

§95.6220 VOR FEDERAL AIRWAY 220
is amended to read in part:

FROM	TO	MEA
Akron, Colo. VOR	McCook, Neb. VOR	*6500

*5800–MOCA

§95.6247 VOR FEDERAL AIRWAY 247
is amended by adding:

FROM	TO	MEA
Scottsbluff, Neb. VOR	Douglas, Wyo. VOR	7800

§95.6261 VOR FEDERAL AIRWAY 261
is amended to read:

FROM	TO	MEA
Wichita, Kans. VOR	Chapman INT, Kans.	*5000

*3400–MOCA

Chapman INT, Kans.	Manhattan, Kans. VOR	3000

§95.6288 VDR FEDERAL AIRWAY 288
is amended to read in part:

FROM	TO	MEA
Lucia, Utah VOR	*Corinne INT, Utah	**13000

*13000–MCA Corinne INT, W-bound and E-bound
*13000–MRA
**9400–MOCA

Corinne INT, Utah	Ft. Bridger, Wyo. VOR	*13000

*11100–MOCA

§95.6298 VDR FEDERAL AIRWAY 298
is amended to read in part:

FROM	TO	MEA
Signal INT, Wyo.	*Dunoir, Wyo. VOR	11200

*11800–MCA Dunoir VOR, E-bound

§95.6327 VOR FEDERAL AIRWAY 327
is amended to read in part:

FROM	TO	MEA
Oates INT, Ariz.	Flagstaff, Ariz. VOR	
	N-bound	10500
	S-bound	10000

§95.6328 VOR FEDERAL AIRWAY 328
is amended to read in part:

FROM	TO	MEA
Big Piney, Wyo. VOR	Jackson, Wyo. VOR	13500

§95.6358 VOR FEDERAL AIRWAY 358
is amended to read:

FROM	TO	MEA
Waco, Tex. VOR	Peoria INT, Tex.	2000
Peoria INT, Tex.	Dallas-Fort Worth, Tex. VOR	2800
Dallas-Fort Worth, Tex. VOR	Ardmore, Okla. VOR	2700

§95.6402 HAWAII VDR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Palms INT, Hawaii VOR	Roper INT, Hawaii	2000
Roper INT, Hawaii	*Lanai, Hawaii VOR	4000

*4400–MCA Lanai VOR, E-bound

Keiki INT, Hawaii	Merlo INT, Hawaii	3000
Merlo INT, Hawaii	*Harpo INT, Hawaii	6000

*7000–MCA Harpo INT, E-bound

§95.6412 HAWAII VDR FEDERAL AIRWAY 12
is amended to read in part:

FROM	TO	MEA
*Sills INT, Hawaii	Older INT, Hawaii	
	E-bound	4000
*7000–MRA	W-bound	7000
Older INT, Hawaii	Honolulu, Hawaii VOR	4000
Koko Head, Hawaii VOR	Bambo INT, Hawaii	4500
Bambo INT, Hawaii	Maggi INT, Hawaii	*5000

*1000–MOCA

Maggi INT, Hawaii	*Shark INT, Hawaii	
	NE-bound	13000
	SW-bound	5000

*13000–MRA

§95.6415 HAWAII VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
*Molokai, Hawaii VOR	Loret INT, Hawaii	7000

*5000–MCA Molokai VOR, E-bound

Loret INT, Hawaii	*Maui, Hawaii VOR	8000

*6800–MCA Maui VOR, W-bound

§95.6416 HAWAII VDR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Upolu Point, Hawaii VOR	Makua INT, Hawaii	7000
Makua INT, Hawaii	*Arbor INT, Hawaii	**8000

*8000–MRA
**5500–MOCA

§95.6417 HAWAII VDR FEDERAL AIRWAY 17
Is amended to read:

FROM	TO	MEA
Makai INT, Hawaii	Merlo INT, Hawaii	*4000

*2700–MOCA

Merlo INT, Hawaii	Maui, Hawaii VOR	6000

§95.6419 HAWAII VOR FEDERAL AIRWAY 19
Is amended to read in part:

FROM	TO	MEA
Romie INT, Hawaii	Hicus INT, Hawaii	**2000

*3000–MRA
**1000–MOCA

Hicus INT, Hawaii	Int. 075 M rad Maui VOR & 002 M rad Hilo VOR	*6000

*1000–MOCA

§95.6451 VOR FEDERAL AIRWAY 451
Is amended to read in part:

FROM	TO	MEA
Coastal INT, Mass.	Whitman, Mass. VOR	1900

§95.6452 VOR FEDERAL AIRWAY 452
Is amended to read in part:

FROM	TO	MEA
Moses Point, Alas. VOR	Galena, Alas. VOR	*6000

*5200–MOCA

§95.6459 VOR FEDERAL AIRWAY 459
Is amended to read in part:

FROM	TO	MEA
Lake Hughes, Calif. VOR	Jeffy INT, Calif.	8000
Jeffy INT, Calif..	*Lopez INT, Calif.	9000

*8400—MCA Lopez INT, S-bound

§95.6496 VOR FEDERAL AIRWAY 496
Is amended to read in part:

FROM	TO	MEA
Lebanon, N.H. VOR	Grump INT, N.H.	5000
Grump INT, N.H.	Neets INT, N.H.	3900
Neets INT, N.H.	Kennebunk, Me. VOR	3600

§95.7004 JET ROUTE NO. 4 is amended to read in part:

FROM	TO	MEA	MAA
Abilene, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000
Dallas-Fort Worth, Tex. VORTAC	Shreveport, La. VORTAC	18000	45000

§95.7009 JET ROUTE NO. 9 is amended to delete:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Hector, Calif. VORTAC	18000	45000
Hector, Calif. VORTAC	Boulder City, Nev. VORTAC	18000	45000

§95.7009 JET ROUTE NO. 9 is amended by adding:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Daggett, Calif. VORTAC	18000	45000
Daggett, Calif. VORTAC	Boulder City, Nev. VORTAC	18000	45000

§95.7021 JET ROUTE NO. 21 is amended to read in part:

FROM	TO	MEA	MAA
Waco, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000
Dallas-Fort Worth, Tex. VORTAC	Oklahoma City, Okla. VORTAC	18000	45000

§95.7025 JET ROUTE NO. 25 is amended to read in part:

FROM	TO	MEA	MAA
Waco, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000
Dallas-Fort Worth, Tex. VORTAC	Tulsa, Okla. VORTAC	18000	45000

§95.7033 JET ROUTE NO. 33 is amended to read:

FROM	TO	MEA	MAA
Humble, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000

§95.7036 JET ROUTE NO. 36 is amended to read in part:

FROM	TO	MEA	MAA
Great Falls, Mont. VORTAC	Int. 074 M rad Great Falls VORTAC & 280 M rad Miles City VORTAC	18000	45000
Int. 074 M rad Great Falls VORTAC & 280 M rad Miles City VORTAC	Dickinson, N.D. VORTAC	#28000	45000

#MEA is established with a gap in navigation signal coverage

§95.7042 JET ROUTE NO. 42 is amended to read in part:

FROM	TO	MEA	MAA
Dallas-Fort Worth, Tex. VORTAC	Texarkana, Ark. VORTAC	18000	45000

§95.7052 JET ROUTE NO. 52 is amended to read in part:

FROM	TO	MEA	MAA
Ardmore, Okla. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000
Dallas-Fort Worth, Tex. VORTAC	Texarkana, Ark. VORTAC	18000	45000

§95.7058 JET ROUTE NO. 58 is amended to read in part:

FROM	TO	MEA	MAA
Wichita Falls, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000
Dallas-Fort Worth, Tex. VORTAC	Alexandria, La. VORTAC	18000	45000

§95.7063 JET ROUTE NO. 63 is amended to read in part:

FROM	TO	MEA	MAA
Tunna INT, N.Y.	Pling INT, N.Y.	24000	45000
Pling INT, N.Y.	Monay INT, N.Y.	21000	45000
Monay INT, N.Y.	Kennedy, N.Y. VORTAC	18000	45000

§95.7066 JET ROUTE NO. 66 is amended to read in part:

FROM	TO	MEA	MAA
Dallas-Fort Worth, Tex. VORTAC	Little Rock, Ark. VORTAC	18000	45000

§95.7072 JET ROUTE NO. 72 is amended to read in part:

FROM	TO	MEA	MAA
Wichita Falls, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000

§95.7076 JET ROUTE NO. 76 is amended to read in part:

FROM	TO	MEA	MAA
Wichita Falls, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000

§95.7087 JET ROUTE NO. 87 is amended to read in part:

FROM	TO	MEA	MAA
Humble, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000
Dallas-Fort Worth, Tex. VORTAC	Tulsa, Okla. VORTAC	18000	45000

§95.7096 JET ROUTE NO. 96 is amended to delete:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Ontario, Calif. VORTAC	18000	45000
Ontario, Calif. VORTAC	Parker, Calif. VORTAC	18000	45000

§95.7096 JET ROUTE NO. 96 is amended by adding:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Seal Beach, Calif. VORTAC	18000	45000
Seal Beach, Calif. VORTAC	Thermal, Calif. VORTAC	18000	45000
Thermal, Calif. VORTAC	Parker, Calif. VORTAC	18000	45000

§95.7100 JET ROUTE NO. 100 is amended to delete:

FROM	TO	MEA	MAA
Las Angeles, Calif. VORTAC	Hector, Calif. VORTAC	18000	45000
Hector, Calif. VORTAC	Baulder City, Nev. VORTAC	18000	45000

§95.7100 JET ROUTE NO. 100 is amended by adding:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Daggett, Calif. VORTAC	18000	45000
Daggett, Calif. VORTAC	Baulder City, Nev. VORTAC	18000	45000

§95.7105 JET ROUTE NO. 105 is amended to read in part:

FROM	TO	MEA	MAA
Dallas-Fort Worth, Tex. VORTAC	Fayetteville, Ark. VORTAC	18000	45000

§95.7107 JET ROUTE NO. 107 is amended to delete:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Hector, Calif. VORTAC	18000	45000
Hector, Calif. VORTAC	Baulder City, Nev. VORTAC	18000	45000

§95.7107 JET ROUTE NO. 107 is amended by adding:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Daggett, Calif. VORTAC	18000	45000
Daggett, Calif. VORTAC	Baulder City, Nev. VORTAC	18000	45000

§95.7131 JET ROUTE NO. 131 is amended to read in part:

FROM	TO	MEA	MAA
San Antonio, Tex. VORTAC	Dallas-Fort Worth, Tex. VORTAC	18000	45000
Dallas-Fort Worth, Tex. VORTAC	Texarkana, Ark. VORTAC	18000	45000

§95.7169 JET ROUTE NO. 169 is added to read:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Seal Beach, Calif. VORTAC	18000	45000
Seal Beach, Calif. VORTAC	Thermal, Calif. VORTAC	18000	45000
Thermal, Calif. VORTAC	Blythe, Calif. VORTAC	18000	45000

By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-328 is amended to read in part:			
Big Piney, Wyo. VOR	Jackson, Wyo. VOR	17	Jackson

[FR Doc.77-3478 Filed 2-4-77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-120, Amdt. 3; Doc. 29008]

PART 371—ADVANCE BOOKING CHARTERS

Foreign-Originating Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 2, 1977.

By notice of proposed rulemaking SPDR-47, 41 FR 30027 (July 21, 1976) the Civil Aeronautics Board proposed amendments to Part 371 of its Special Regulations (14 CFR Part 371) that would relieve United States citizens operating foreign-originating charters from certain regulatory requirements not imposed on foreign citizens operating such charters.

For the reasons set forth in SPR-119, issued contemporaneously herewith, the Board has decided to adopt the proposed amendments.

Accordingly, the Board hereby amends Part 371 of its Special Regulations (14 CFR Part 373), effective March 9, 1977, as set forth below.

1. The table of contents is amended by changing the title of § 371.23 from "Jurisdiction over foreign charter operators" to "Charters that originate in a foreign country" so that the table of contents reads as follows:

* * * * *

Subpart C—Requirements Applicable to Charter Operators

* * * * *

Sec.

371.22 * * *

371.23 Charters that originate in a foreign country.

* * * * *

2. The title of § 371.23 is changed to "Charters that originate in a foreign country," the existing paragraph of that section is lettered (a), and a new paragraph (b) is added so that the section reads as follows:

§ 371.23 Charters that originate in a foreign country.

(a) The Board declines * * *

(b) Notwithstanding the other provisions of this part, a charter operator who is a citizen of the United States shall not be subject to the following requirements with respect to ABC's that originate in a foreign country:

Sec.
371.25(a) (1) and (2)
371.28
371.30
371.31
371.32
371.50(b).

(Secs. 101, 204, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; (49 U.S.C. 1301, 1324, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-3851 Filed 2-4-77;8:45 am]

[Reg. SPR-121, Amdt. 15; Doc. 29008]

PART 372a—TRAVEL GROUP CHARTERS

Foreign-Originating Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 2, 1977.

By notice of proposed rulemaking SPDR-47, 41 FR 30027 (July 21, 1976) the Civil Aeronautics Board proposed amendments to Part 372a of its Special Regulations (14 CFR Part 372a) that would relieve United States citizens operating foreign-originating charters from certain regulatory requirements not imposed on foreign citizens operating such charters.

For the reasons set forth in SPR-119, issued contemporaneously herewith, the Board has decided to adopt the proposed amendments.

Accordingly, the Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a), effective March 9, 1977, as set forth below.

1. The table of contents is amended by changing the title of § 372a.20a from "Jurisdiction over foreign charter organizers" to "Charters that originate in a foreign country," so that the table of contents reads as follows:

* * * * *

Subpart C—Requirements Applicable to Charter Organizer and Foreign Charter Organizer

Sec.
372a.20 * * *
372a.20a Charters that originate in a foreign country.

* * * * *

2. The title of § 372a.20a is changed to *"Charters that originate in a foreign country,"* the existing paragraph of that section is lettered (a), and a new paragraph (b) is added so that the section reads as follows:

§ 372a.20a Charters that originate in a foreign country.

(a) The Board declines * * *

(b) Notwithstanding the other provisions of this part, a charter organizer who is a citizen of the United States shall not be subject to the following requirements with respect to travel group charters that originate in a foreign country:

Sec.
372a.22(b)(4)(iii)
372a.25

(Secs. 101, 204, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; (49 U.S.C. 1301, 1324, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-3847 Filed 2-4-77;8:45 am]

[Reg. SPR-122, Amdt. No. 13; Doc. 29008]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERS

Foreign-Originating Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 2, 1977.

By notice of proposed rulemaking SPDR-47, 41 FR 30027 (July 21, 1976) the Civil Aeronautics Board proposed amendments to Part 373 of its Special Regulations (14 CFR Part 373) that would relieve United States citizens operating foreign-originating charters from certain regulatory requirements not imposed on foreign citizens operating such charters.

For the reasons set forth in SPR-119, issued contemporaneously herewith, the Board has decided to adopt the proposed amendments.

Accordingly, the Board hereby amends Part 373 of its Special Regulations (14 CFR 373), effective March 9, 1977, as set forth below.

1. The table of contents is amended by changing the title of 373.4 from "Jurisdiction over foreign study group charters" to "Charters that originate in a foreign country," so that the table of contents reads as follows:

Subpart A—General Provisions

* * * * *

Sec.
373.3 * * *
373.4 Charters that originate in a foreign country.

* * * * *

2. The title of § 373.4 is changed to "Charters that originate in a foreign country," the existing paragraph is lettered (a), and a new paragraph is added so that the section reads as follows:

§ 373.4 Charters that originate in a foreign country.

(a) The Board declines * * *

(b) Notwithstanding the other provisions of this part, a charter operator who is a citizen of the United States shall not be subject to the following requirements with respect to study group charters that originate in a foreign country:

Sec.
373.8
373.10(b)(1) and (2)
373.15
373.16
373.18.

(Secs. 101, 204, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; (49 U.S.C. 1301, 1324, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-3850 Filed 2-4-77;8:45 am]

[Reg. SPR-123, Amdt. No. 17; Doc. 29008]

PART 378—INCLUSIVE TOUR CHARTERS

Foreign-Originating Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 2, 1977.

By notice of proposed rulemaking SPDR-47, 41 FR 30027 (July 21 1976) the Civil Aeronautics Board proposed amendments to Part 378 of its Special Regulations (14 CFR Part 378) that would relieve United States citizens operating foreign-originating charters from certain regulatory requirements not imposed on foreign citizens operating such charters.

For the reasons set forth in SPR-119, issued contemporaneously herewith, the Board has decided to adopt the proposed amendments.

Accordingly, the Board hereby amends Part 378 of its Special Regulations (14 CFR Part 378), effective March 9, 1977, as set forth below.

1. The table of contents is amended by changing the title of § 378.3a from "Jurisdiction over foreign tour operators" to "Tours that originate in a foreign country" so that the table of contents reads as follows:

Subpart A—General Provisions

* * * * *

Sec.
378.3 * * *
378.3a Tours that originate in a foreign country.

* * * * *

2. The title of § 378.3a is changed to *"Tours that originate in a foreign country,"* the existing paragraph is lettered (a), and a new paragraph (b) is added so that the section reads as follows:

§ 378.3a Tours that originate in a foreign country.

(a) The Board declines * * *

(b) Notwithstanding the other provisions of this part, a tour operator who is a citizen of the United States shall not be subject to the following requirements with respect to inclusive tour charters that originate in a foreign country:

Sec.
378.10
378.12(b)
378.13
378.16
378.17
378.18
378.20.

3. Section 378.12 is amended by placing each of the two sentences in separate paragraphs lettered (a) and (b), to read as follows:

§ 378.12 Methods of competition.

(a) No tour operator or foreign tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

(b) Advertising by tour operators or foreign tour operators of tour prices shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

(Secs. 101, 204, 416, Federal Aviation Act of 1958, as amended, 727 Stat. 737, 743, 771; (49 U.S.C. 1301, 1324, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-3849 Filed 2-4-77;8:45 am]

[Reg. SPR-119, Amdt. 9; Doc. 29008]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Foreign-Originating Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 2, 1977.

By notice of proposed rulemaking SPDR-47, 41 FR 30027 (July 21, 1976) the Civil Aeronautics Board gave notice that it had under consideration amendments to Part 378a of its Special Regulations (14 CFR Part 378a) that would relieve United States citizens operating foreign-originating charters of certain regulatory requirements not imposed on foreign citizens operating such charters. Comments supporting the proposal were filed by the American Express Company, Trans World Airlines, Inc. (TWA), and Pan American World Airways, Inc. No comments opposing the proposal were filed.

The Board has decided to adopt its proposed amendments with some modification, and except as modified herein the Board adopts as final its tentative findings and conclusions set forth in SPDR-47. Parallel amendments are simultaneously being adopted in Parts 371, 372a, 373, and 378.

The purpose of these amendments is to enable U.S. charter operators to compete more effectively with foreign charter operators in marketing foreign-originating charters. This will be accomplished by relieving U.S. citizens operating foreign-originating charters of certain "consumer protection" regulatory requirements which the Board has consistently refrained from imposing on foreign citizens operating foreign-originating Advance Booking Charters (ABC's), Travel Group Charters (TGC's), Study Group Charters (SGC's), Inclusive Tour Charters (ITC's), and One-stop-inclusive Tour Charters (OTC's).

As all three comments noted, the proposed rules would not place the two subject classes of operators on a precisely equal footing. For instance, although the Board has consistently declined to exercise jurisdiction over foreign charter operators who operate foreign-originating charters,[1] and has exempted them from the prohibitions on discrimination and unfair competitive practices,[2] the Board did not propose to do so with respect to U.S. citizens operating foreign-originating charters.

In its comment, TWA suggested that the Board fully equalize the competitive positions of these two classes of operators by either declining jurisdiction over the U.S. citizens involved or assuming jurisdiction over the foreign citizens involved. The Board, however, is not aware of any problems that have arisen in connection with its regulatory approach with respect to foreign citizens operating foreign-originating charters. Regarding U.S. citizens who operate foreign-originating charters, TWA adduced no good reason why those operators should not be subject to Board enforcement sanctions if they violate requirements from which they have not been exempted. Therefore, the Board has decided not to follow either of the courses suggested by TWA.

American Express, which filed the petition that prompted SPDR-47, stated that the proposed rules would leave U.S. citizens at a competitive disadvantage with respect to foreign citizens operating foreign-originating charters and requested that the Board grant to U.S. citizens operating such charters the same exemption enjoyed by foreign citizens from the prohibitions against unjust discrimination and unfair methods of competition. In the alternative, it requested that U.S. operators at least be exempted from the requirement, set forth in § 378.12 of the ITC rule and § 378a.27 of the OTC rule, that tour advertising be limited to the total tour price without a breakdown into component parts.

The Board is not persuaded that it should amend its rules so as to broadly allow U.S. citizens to engage in unjust discrimination or unfair competitive practices, even with respect to foreign-originating charters. However, the Board does accept the argument that U.S. tour operators should be granted the same relief as foreign tour operators from the specific requirement that tour advertising must be limited to the total tour price. This will further equalize those U.S. operators' competitive position vis-a-vis foreign operators who are not subject to that requirement. Therefore, the final rules amending the ITC and OTC rules incorporate such an exemption in addition to those proposed in SPDR-47.

In order to clarify the scope of this additional exemption, the Board is adopting two editorial amendments to §§ 378.12 and 378a.27, placing the two sentences in each of those sections into two separate paragraphs lettered (a) and (b).

Under §§ 378.19 and 378a.44, a U.S. or foreign direct air carrier operating a foreign-originating ITC or OTC for a foreign tour operator must file a brief prospectus containing certain basic information, including the name and address of the foreign tour operator, the proposed date and time of each flight, the type of aircraft to be used, the charter price of the aircraft, the tour itinerary, and the tour price per passenger. In addition, for ITC's only, the prospectus must state the number of persons expected to participate and the individually ticketed air fare as computed according to § 378.2(b)(4). American Express recommended that, in order to ensure compliance with the regulations, the Board require that direct air carriers and foreign carriers file such a prospectus when they operate foreign-originating ITC's or OTC's for U.S. tour operators.

Because the Board has declined to exercise its jurisdiction over foreign tour operators operating foreign-originating tours, those operators are not subject to direct Board sanctions, and the Board cannot require such information directly from foreign tour operators involved. The filing of the subject prospectus is thus part of the Board's regulatory technique of indirectly regulating foreign tour operators by prohibiting direct air carriers who are subject to the Board's jurisdiction from operating such tours unless the direct carrier demonstrates that the charter is in compliance with the basic requirements of the applicable rules.

Since U.S. tour operators operating foreign-originating charters will continue to be directly subject to the Board's jurisdiction and sanctions, we are not persuaded of a need to ensure their compliance through this indirect method of regulation. Therefore, neither U.S. nor foreign direct air carriers will at this time be required to file a prospectus when they operate foreign-originating charters for U.S. tour operators. Instead, we shall rely on our retention of jurisdiction over U.S. operators, enabling us to apply normal inspection and enforcement techniques, as our method for ensuring their compliance with those of our charter rules that continue to apply to them. Moreover, since our Notice of Proposed Rulemaking SPDR-47 did not include a proposal to require direct carriers to make any filings for U.S. tour operators, we could not now impose this requirement on direct carriers. Should it subsequently prove to be necessary to impose any preflight filing requirement with respect to foreign-originating charters operated by U.S. operators, we will duly consider proposing that such requirement be imposed, either upon the U.S. operator or upon the direct carrier.

Finally the Board is making the following technical changes to the rules that were proposed. In SPDR-47 the proposed rule inadvertently included the record retention provisions set forth in §§ 371.33, 372a.31, 378.7 and 378a.33 among the requirements from which U.S. tour operators would be relieved with respect to foreign-originating tours. As indicated above, our ability to ensure compliance by these U.S. operators through inspection and enforcement, presupposes that their records will be available. Accordingly, the record retention requirements will not be included among those that are inapplicable to U.S. tour operators

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[1] Sections 371.23, 372a.20a, 378.3a, and 378a.23.

[2] E.g., §§ 371.26, 371.27, 378.11, 378.12, 378a.26, and 378a.27.

operating foreign-originating tours. Also, the proposed rule included reference to the provisions of §§ 378a.50 and 378a.51. However, subsequent to the publication of SPDR–47, § 378a.50(c), the only portion of § 378a.50 applicable to tour operators, and § 378a.51 were revoked by SPR–117, 42 FR 2309, January 11, 1977, and SPR–105, 41 FR 35160, August 20, 1976, respectively. References to §§ 378a.50 and 378a.51 have therefore been deleted from the final rule therein.

In light of the foregoing, the Board hereby amends Part 378a of its Special Regulations (14 CFR Part 378a), effective March 9, 1977, as set forth below.

1. The table of contents is amended by changing the title of § 378a.23 from *"Jurisdiction over foreign tour operators"* to *"Tours that originate in a foreign country,"* so that the table of contents reads as follows:

• • • • •

Subpart C—Requirements Applicable to Tour Operators

Sec.

• • • • •

378a.22 • • •

387a.23 Tours that originate in a foreign country.

• • • • •

2. The title of § 378.23 is changed to *"Tours that originate in a foreign country,"* the existing paragraph of that section is lettered (a), and a new paragraph (b) is added so that the section reads as follows:

§ 378a.23 Tours that originate in a foreign country.

(a) The Board declines • • •

(b) Notwithstanding the other provisions of this part, a tour operator who is a citizen of the United States shall not be subject to the following requirements with respect to OTC's that originate in a foreign country:

Sec.
378a.25(a)(1) and (2)
378a.27(b)
378a.28
378a.30
378a.31
378a.32
§ 378a.105
§ 378a.107(c) (2), (3) and (4).

3. Section 378a.27 is amended by placing each of the two sentences into separate paragraphs lettered (a) and (b), to read as follows:

§ 378a.27 Methods of competition.

(a) No tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

(b) Advertising by tour operators or foreign tour operators shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

(Secs. 101, 204, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; (49 U.S.C. 1301, 1324, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–3848 Filed 2–4–77;8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 3—RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

Preliminary Procedures

AGENCY: U.S. Department of Commerce.

ACTION: Final Rule.

SUMMARY: To maintain continuity of representation and availability of a spokesman on behalf of the parties during the pendency of appeals, this amendment adds the requirement that two persons be named and sign submissions to the Board.

EFFECTIVE DATE: February 1, 1977.

FOR FURTHER INFORMATION CONTACT: Hugh J. Dolan, Chairman, Appeals Board, 377–3135.

Section 3.3 of the Rules is revised by designating the present text as (a) and adding a new paragraph (b) as follows:

§ 3.3 Forwarding of appeals.

(a) When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing, or date of receipt, if otherwise conveyed, and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal, whether through the contracting officer or otherwise, the contractor, the contracting officer and government counsel will be promptly advised of its receipt. The contractor will be furnished a copy of these rules and notices of appearance will be requested.

(b) All submissions, with the exception of the appeal file, will be transmitted under the name and signature of at least two representatives of the party on whose behalf they are made. The full address and telephone numbers of such representatives will be set forth in the notice of appearance.

HUGH J. DOLAN,
Chairman, Appeals Board.

[FR Doc.77–3734 Filed 2–4–77;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 140—REIMBURSEMENT

Reimbursement for Railroad Work; Updating

• *Purpose.* The purpose of this document is to amend Appendix A—Rates for Labor Surcharges, of Subpart I of 23 CFR Part 140 by updating the allowable rates for labor surcharges and payroll taxes. •

As the matter affected relates to grants, benefits or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

The Federal Highway Administration (FHWA) amends Appendix A of Subpart I of Part 140 of Title 23, Code of Federal Regulations as set forth below:

1. The following is added to the labor surcharges table in Appendix A(I):

1976	1.275	400	15.35	5.5	20.60
1977	1.375	400	15.35	8.0	23.10

2. The following is added to the payroll tax table in Appendix A(I):

Jan. 1, 1976 to Dec. 31, 1976	12
Jan. 1, 1977 until changed	12½

3. Also, in the payroll tax table the words "until changed" are deleted from the lines beginning "Jan. 1, 1975" and the date "Dec. 31, 1975" is substituted therefor.

Effective date: January 1, 1977.

Issued on: January 19, 1977.

J. R. COUPAL, JR.,
Deputy Administrator.

[FR Doc.77–3719 Filed 2–4–77;8:45 am]

SUBCHAPTER E—PLANNING

PART 490—SPECIAL PROGRAMS

Economic Growth Center Development Highways

• *Purpose.* The purpose of this amendment is to delete certain requirements for economic growth center planning studies and to delete an obsolete reference on the subject of Federal-aid funding shares. •

Title 23, Code of Federal Regulations, Section 490.107 (e), (f) and (g) are hereby deleted since the States need no longer comply with these requirements. Due to these deletions, the following two sections are renumbered:

1. 23 CFR 490.107(h) is now designated 23 CFR 490.107(e).

2. 23 CFR 490.107(i) is now designated 23 CFR 490.107(f).

The phrase "as set forth in Volume 6, Chapter 3, Section 2, Subsection 2 of the Federal-Aid Highway Program Manual" in 23 CFR 490.109(c) is hereby deleted since it is no longer applicable to this section.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore, general notice of proposed rulemaking is not required.

Effective date: February 8, 1977.

Issued on: January 28, 1977.

L. P. LAMM,
Acting Federal Highway Administrator.

[FR Doc.77-3730 Filed 2-4-77;8:45 am]

Title 40—Protection of Environment

[FRL 679-4]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New Jersey State Implementation Plan

The purpose of this notice is to announce Environmental Protection Agency (EPA) approval of a revision to the New Jersey State Implementation Plan. This approval permits 18 facilities located in Cumberland, Salem and Cape May Counties to continue to use, until July 12, 1977, fuel oil with a sulfur content higher than would otherwise be required by the applicable State regulation. The names of the 18 facilities affected by this action, their locations, and applicable sulfur in fuel limitations appear at the end of this notice.

A notice of receipt of New Jersey's proposal was published in the December 16, 1976 FEDERAL REGISTER (41 FR 54954). The reader is referred to this publication for a full discussion of the background associated with this current action. In the December 16 notice it is indicated that 17 of the 18 facilities affected by this current approval action previously were permitted by EPA to use higher sulfur fuel oil until January 12, 1977. Final approval action for the additional facility, owned by Owens Illinois, Inc. in Bridgeton City, New Jersey, was taken on December 22, 1976 (41 FR 55714).

EPA's December 16 proposal also contained a discussion of the air quality impact of the temporary use of higher sulfur fuel by the 18 facilities on the City of Philadelphia. In that FEDERAL REGISTER notice and in a December 10, 1976 letter, the State of Pennsylvania was invited to comment on this issue.

On January 10, 1977, the Pennsylvania Bureau of Air Quality and Noise Control responded stating that it had no indication that the approval of New Jersey's proposal would cause the contravention of national ambient air quality standards in four counties outside of Philadelphia. The State further indicated, however, that approval of this revision would have an air quality impact on the City of Philadelphia where a marginal violation of the ambient sulfur dioxide standard was recently observed at one monitoring site.

As discussed in EPA's December 16 proposal, New Jersey pointed out in its submission that EPA, in a July 13, 1976 FEDERAL REGISTER notice (41 FR 28826), had attributed this recent violation to emissions from a power plant located in Pennsylvania. The power plant is currently on a compliance schedule to bring its emissions into conformance with the Pennsylvania State Implementation Plan. In its letter, Pennsylvania correctly makes reference to the fact that this presumption as to the cause of the recent violation is being tested by a diffusion modeling study of the entire Metropolitan Philadelphia Air Quality Control Region. The State concludes that, "In view of this study and the relatively short time involved, we have no objection to the continuation of the New Jersey variances for the specified time period."

Based upon its analysis of the situation, EPA concurs with the position of the State of Pennsylvania. Between now and July 12, 1977, when this approval expires, the major diffusion modeling study referred to previously will be completed. Among other things, this study is expected to lead to the understanding and correction of the marginal sulfur dioxide air quality problem which was recently observed in Philadelphia. Given the limited duration of this revision and the commitment to any necessary corrective action, EPA believes that this approval will not endanger the attainment and maintenance of ambient air quality standards. However, should the agency's current belief as to the cause of the marginal violation in Philadelphia prove incorrect, EPA reserves the right to take any necessary corrective action.

The State of Delaware, Division of Environmental Control commented that it opposed EPA's approval of the proposed revision because of the potential for violation of the State's secondary annual average ambient air quality standard. The State of Delaware recognizes that, while sources in New Jersey may contribute to the potential for violation of the Delaware secondary standard, "the concentration of SO_2 at any station is due * * * to sources located in nearly all directions." Consequently, as is being done, this potential problem should be addressed on a regional, Air Quality Control Region basis. The culmination of the present diffusion modeling program previously discussed will allow EPA and State air pollution control agencies to address this issue in detail.

The State of Delaware also expressed concern over the air quality impact of this action at a monitoring site which recorded values close to, but not exceeding, the primary twenty-four hour ambient air quality standard for sulfur dioxide. Since the State of Delaware has found that, "the data do not indicate that the variances are having an effect," and there have been no violations observed, the proposed revision is approvable in this regard. However, the Region II Office of EPA will arrange to closely check all air quality data and react to any air quality degradation to ensure that ambient air quality standards be maintained.

The only additional comment received was from one of the 18 New Jersey facilities affected by this action. The facility requested prompt approval action on the part of EPA.

It should be noted that through this action all terms and conditions of the temporary variance issued by New Jersey to the 18 facilities named at the end of this notice are reincorporated into the New Jersey State Implementation Plan. These include, but are not limited to, special monitoring and reporting requirements, and a condition for revocation based upon a finding of a contravention of ambient air quality standards or a threat to public health or welfare.

As stated earlier, EPA finds this revision to be consistent with current EPA policies and goals set forth in the requirements of section 110(a)(2) (A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51 in that it is not expected to result in the contravention of any applicable ambient air quality standard.

This revision will become effective immediately upon publication since it does not result in the imposition of additional substantive burdens on the affected sources and can be implemented without delay if the sources so desire.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c-5 and 1857g))

Dated: January 31, 1977.

JOHN QUARLES,
Acting Administrator.

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

Subpart FF—New Jersey

1. Section 52.1570 is amended by adding a new paragraph (c)(16) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

* * * * *

(16) A revision submitted by the New Jersey Department of Environmental Protection consisting of an October 27, 1976 letter indicating the extension, to July 12, 1977, of "variances" to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27-9.1 et seq., Sulfur in Fuel, for 18 facilities; and supplemental technical information submitted in a November 22, 1976 letter. The extended "variances" including all their terms and conditions are made a part of the New Jersey State Implementation Plan. The facilities affected by these "variances", their location and applicable sulfur in fuel oil limitation until July 12, 1977 are as follow:

Source	Location	Sulfur in fuel oil limitation (by weight; percent)
National Bottle Corp.	Salem City, Salem County.	2.0
E. I. DuPont de Nemours & Co.	Deepwater, Salem County.	1.5
Heinz-USA	Salem City, Salem County.	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County.	1.5
Anchor Hocking Corp.	Salem City, Salem County.	2.0
Atlantic City Electric Deepwater Station.	Penns Grove, Salem County.	1.5
E. I. DuPont de Nemours & Co.	Carney's Point, Salem County.	1.5
Mannington Mills, Inc.	Salem City, Salem County.	2.0
Atlantic City Electric B. L. England Station.	Beesley Point, Cape May County.	2.0
Hunt Wesson Foods, Inc.	Bridgeton City, Cumberland County.	2.5
Kerr Glass Manufacturing Corp.	Millville City, Cumberland County.	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County.	2.5
Leone Industries	Bridgeton City, Cumberland County.	2.5
Owens Illinois, Inc.	do	1.5
Progresso Food Corp.	Vineland City, Cumberland County.	2.5
Bridgeton Dyeing & Finishing Corp.	Bridgeton City, Cumberland County.	2.5
Whitehead Bros. Co.	Haleyville, Cumberland County.	2.5
Vineland Chemical Co.	Vineland City, Cumberland County.	2.5

[FR Doc.77-3703 Filed 2-4-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Doc. No. HM-148; Amdt. No. 172-33]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Correction of ORM Entries

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment corrects entries in the Hazardous Materials Table for ORM-A n.o.s. and ORM-B n.o.s. to reflect regulation of materials so described in air transportation only, rather than in air and water transportation as presently shown in the Table as a result of previous amendments under Docket HM-103/112.

EFFECTIVE DATE: This amendment is effective on February 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. C. H. Thompson, Acting Director, Materials Transportation Bureau, 2100 2nd Street, S.W., Washington, D.C. 20590. (202-426-0656).

SUPPLEMENTARY INFORMATION: On December 30, 1976 (41 FR 57018), the Materials Transportation Bureau (MTB) published its last major correction to amendments appearing under Docket HM-103/112 on April 15, 1976 (41 FR 15972). The shipping names ORM-A n.o.s. and ORM-B n.o.s. were shown in the Hazardous Materials Table in the April 15 publication as applicable only to transportation by air and water, shipment of such materials by other modes being not subject to the regulations. However, ORM-A n.o.s. and ORM-B n.o.s. materials were proposed in a notice appearing on January 24, 1974 (39 FR 3022) to apply solely to air shipment, and it was the intent of that notice that any material meeting either ORM-A or ORM-B definition would only be regulated when shipped and transported by air unless otherwise indicated by an individual entry specifically identifying the material.

That intent is evident from an examination of the 1974 notice, which indicates that the ORM-A and ORM-B classes were derived from C.A.B. No. 82, Air Transport Restricted Articles Tariff 6-D and from the International Air Transport Association Restricted Articles Regulations (39 FR 3025). The text proposed regulation of both n.o.s. entries (39 FR 3076) as well as most specifically identified ORM-A and ORM-B materials by air only. Some specifically identified materials (e.g., Chloroform (ORM-A) and Calcium Oxide (ORM-B) were proposed to be regulated by water as well as air.

The ORM-B class was in part also derived from a previously established rulemaking under Docket HM-57 which dealt generally with materials having corrosive effects on steel, aluminum and human skin. On September 8, 1975 (40 FR 41527), MTB noted that its "disposition of the classification of materials corrosive only to aluminum will be in the amendments * * * under Docket No. HM-112." In both the previous January 24, 1974 HM-112 notice and the subsequent April 15, 1976 HM-112 amendments, references proposed and implemented in 49 CFR 173.240 (Corrosive Material; definition) excluded aluminum corrosion and the April 15 preamble observed that materials corrosive only to aluminum "will be classed as ORM-B and regulated for air transportation only" (41 FR 15984).

The necessary correction to the ORM-A n.o.s. and ORM-B n.o.s. entries in the Table, consisting of a removal of the "W" in column 1 of each entry, was overlooked in HM-103/112 publications and is being made herein. As this amendment relieves a previously stated requirement and does not impose any burden on the general public, public proceedings are unnecessary.

This amendment is effective February 7, 1977 to avoid any further disruption to shippers and carriers of ORM-A n.o.s. and ORM-B n.o.s. materials.

In view of the foregoing, Part 172 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 172.101 the Hazardous Materials Table is amended by revising the entries "ORM-A n.o.s." and "ORM-B n.o.s." to read as follows:

§ 172.101 *Hazardous materials table*

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in 1 package		Water shipments		
•/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	•	•	•	•	•	•	•	•	•	•
A	ORM-A n.o.s.	ORM-A	None	173.505	173.510	No limit	No limit			
A	ORM-B n.o.s.	ORM-B	do	173.505	173.510	do	do			
•	•	•	•	•	•	•	•	•	•	•

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

Issued in Washington, D.C. on January 28, 1977.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.77-3497 Filed 2-4-77;8:45 am]

[Doc. No. HM-137; Amdt. No. 172-34]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Transportation of Gallium Metal

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment corrects typographical errors in the "Gallium metal, liquid". and "Gallium metal, solid" entries in the Hazardous Materials Table republished under Docket HM-103/112 on December 30, 1976 (41 FR 57018). As republished, those entries erroneously permit transportation of liquid Gallium metal aboard cargo-only aircraft and forbid transportation of solid Gallium metal aboard passenger aircraft. This amendment restates, without change, the Gallium metal entries as originally published under Docket HM-137 (41 FR 37114, September 2, 1976).

EFFECTIVE DATE: This amendment is effective on February 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. C. H. Thompson, Acting Director, Office of Hazardous Materials Operations, Materials Transportation Bureau, 2100 2nd Street, S.W., Washington, D.C. 20590 ((202) 426-0656).

SUPPLEMENTARY INFORMATION: The effective date and absence of public notice and opportunity for comment are justified for reasons stated in the original September 2, 1976, publication.

In view of the foregoing, Part 172 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 172.101 the Hazardous Materials Table is amended by revising the entries "Gallium metal, liquid" and "Gallium metal, solid" to read as follows:

§ 172.101 *Hazardous materials table*

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in 1 package		Water shipments		
•/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
•	•	•	•	•	•	•	•	•	•	•
	Gallium metal, liquid	ORM-B	None	None	173.861	Forbidden	Forbidden	1	5	None.
	Gallium metal, solid	ORM-B	do	do	173.862	40 lb	40 lb	1,3	1	Shade from radiant heat.
•	•	•	•	•	•	•	•	•	•	•

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

Issued in Washington, D.C. on January 28, 1977.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.77-3496 Filed 2-4-77;8:45 am]

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

[Docket No. 71-19; Notice 06; Docket No. 75-32; Notice 02]

PART 567—CERTIFICATION

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars

This notice responds to petitions for reconsideration of the newly established Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars*, by amendments to the standard in the areas of tire and rim selection, rim marking, and tire label information. A minor amendment of Part 567, "Certification," is also made. In addition, the decision that the agency no longer regulates mobile structure trailers (mobile homes) is also set forth, along with appropriate conforming amendments of Standard No. 120, Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, and § 571.3, *Definitions*, of Part 571.

Standard No. 120 (49 CFR 571.120) establishes that multipurpose passenger vehicles (MPV's), trucks, buses, motorcycles, and trailers shall be equipped with tires and rims that are adequate to support the fully-loaded vehicle under contemplated operating conditions. The legislative history of the National Traffic and Motor Vehicle Safety Act (the Act) (15 U.S.C. 1381, et seq.) and § 202 of that Act establish Congress' concern

that motor vehicles could be equipped with inadequate tires and that regulation would be necessary to protect against this problem:

SEC. 202. In standards established under title I of this Act the Secretary shall require that each motor vehicle be equipped by the manufacturer or by the purchaser thereof at the time of the first purchase thereof in good faith for purposes other than resale with tires which meet the maximum permissible load standards when such vehicle is fully loaded with the maximum number of passengers it is designed to carry and a reasonable amount of luggage.

Standard No. 120 was promulgated January 19, 1976 (41 FR 3478, January 26, 1976), and 17 petitions for reconsideration of particular provisions were filed by vehicle, tire, and rim manufacturers, and by trade associations representing these manufacturers. In view of the length of time that has been taken to respond to these petitions for reconsideration, the effective dates for implementation of several of the standard's provisions were delayed (41 FR 18659, May 6, 1976) (41 FR 36657, August 31, 1976). The standard's basic provision for tire and rim selection (S5.1) was not delayed and became effective September 1, 1976.

Tire and rim selection. The primary effect of Standard No. 120 is fulfillment of § 202 of the Act by specification of the minimum load-carrying characteristics of tires on motor vehicles not already subject to the passenger car tire and rim selection requirements of Standard No. 110, *Tire Selection and Rims*, of Part 571. The rim selection requirements of the standard are limited (use of a rim designated as suitable by the tire manufacturer for use with its product; use of "DOT" labeled rims on and after September 1, 1979) in anticipation of more comprehensive regulation of rims as part of an upcoming wheel standard.

Tire selection consist of two elements: With one exception, each vehicle must be equipped with tires that comply with Standard No. 119, *New Pneumatic Tires for Vehicles Other than Passenger Cars* (or Standard No. 109, *New Pneumatic Tires*), and the load rating of the tires on each axle of the vehicle must together at least equal the gross axle weight rating (GAWR) for that axle. The term GAWR is defined in § 571.3 of Part 571 as "* * * the value specified by the vehicle manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces." The GAWR concept formalizes the decision each manfacturer makes about the load-bearing ability of the tires, rims, axle, brakes, and suspension components (at a minimum) chosen to support and control the loaded vehicle.

The Truck Equipment Body Distributors Association (TEBDA) questioned the requirement that, with one exception, each vehicle subject to Standard No. 120 be equipped with tires that conform to Standard No. 119 (or Standard No. 109). TEBDA's March 17, 1976, letter concerned certification of trucks equipped for agricultural service with Goodyear "Terra-Tires." The "Terra-Tire" is one example of tires that are placed on specialized motor vehicles which operate both on and off the highway. The tires are specially designed and are unable to be certified to either of the tire performance standards.

Section S5.1.1 specifies that "each vehicle equipped with pneumatic tires for highway service shall be equipped with times that meet the requirement of [the tire] standard[s] * * *." This language is intended to exclude from the requirement for Standard 119 (or 109) tires those vehicles which the manufacturer (or person later in the chain of distribution) decides to equip with tires other than "tires for highway service." The decision is left with the manufacturer at this time in view of the absence of data that demonstrates problems in the use of these tires that would justify their elimination. Any pattern of accident occurrence that points to unsafe utilization of non-highway service tires would presumably constitute a safety-related defect and could lead to revision of Standard No. 120 to regulate them. At this time, the answer to TEBDA is that the tire selection requirements of S5.1.1 (and S5.1.2 as a logical extension of S5.1.1) would not apply to a vehicle equipped with non-highway service tires. It is emphasized that this exclusion from Standard No. 120 bears no direct relationship to the determination of whether a particular vehicle qualifies as a "motor vehicle" as that term is defined in § 102(3) of the Act.

The second requirement for tire selection (S5.1.2) is that "[t]he sum of the maximum load ratings of the tires fitted to an axle shall be not less than the gross axle weight rating (GAWR) of the axle system * * *." Comparable further specification exits when multiple ratings appear on the certification label, or the tires used on the vehicle are not listed on the certification label.

Because no petition directly raised objections to the requirements of S5.1.2, the agency first addresses issues raised in a separate and outstanding NHTSA proposal dealing with tire choice and its relationship to GAWR. The action (Definition of "Gross Axle Weight Rating," 40 FR 58152, December 15, 1975) proposed that the GAWR determination be based on, among other things, the vehicle's maximum attainable speed or the maximum load rating of the tire established by the tire manufacturer at 60 mph, whichever is lower. The proposed modification was intended to reflect the industry practice of assigning (in most cases) and labeling (in accordance with Standards 119 and 109) a tire's basic load-carrying capabilities in recognition of the unrestricted highway speeds to which it is normally exposed. This formalization of GAWR determination was intended to prevent manufacturers from assigning higher capabilities to tires than their 60-mph ratings, based on arbitrarily low speeds.

Most comments supported the GAWR proposal, although several truck manufacturers asked that the term "maximum attainable speed" be specifically defined as it is elsewhere in NHTSA regulations. Ford Motor Company opposed the proposed change in the definition of GAWR as an arbitrary selection of only one of the many criteria that enter into the determination of GAWR. The company suggested that other means exist to prevent assignment of arbitrary GAWR's based on tire ratings other than those established at 60 mph and so labeled on the tire sidewall.

The NHTSA agrees with Ford and notes that the "other means" to regulate this practice exist in the tire selection requirements of S5.1.2 of Standard No. 120. At the time of the GAWR proposal, Standard No. 120 had not been made final. Since its implementation on September 1, 1976, a manufacturer is free to determine GAWR as in the past, but the maximum load ratings (marked on the tire sidewall) of tires on the vehicle must at least equal the GAWR listed. For this reason, the NHTSA's proposal for amendment of the GAWR definition is considered unnecessary and is therefore withdrawn. Further notice and opportunity for comment will precede any further action on the proposal set forth in that notice.

Several issues were raised in regard to the GAWR proposal that should be addressed for purposes of clarification. The Heavy & Specialized Carriers Conference of the American Trucking Associations (HSCC) cautioned the NHTSA against requiring an "unrestricted speed GAWR" on the Part 567 certification label in view of two State laws (or regulations) that no vehicle can operate on the state highways at gross vehicle weights greater than those listed on the vehicle in accordance with Federal regulations. It is common practice to load some "heavy hauler" vehicles to a gross vehicle weight that exceeds the unrestricted speed ratings of the vehicle tires, because the vehicle's tires are capable of carrying greater weight at reduced speeds.

As issued, Standard No. 120 required that the maximum load ratings of the tires at least equal the GAWR. This effectively limits the GVWR to the sum of these GAWR's (except in the case of semi-trailers). In the agency's view, however, the problem cited by HSCC can be avoided by listing additional GAWR's (calculated for reduced speed operation) at the end of the certification plate following the required data on the label. This practice has been followed by members of the Truck Trailer Manufacturers Association (TTMA) and was confirmed as permissible by the NHTSA in a March 5, 1975, letter to the TTMA. In order to aid resolution of issues that may arise between States that wish to refer to the certification label and operators that wish to continue the additional rating system, the agency hereby makes an interpretive amendment to Part 567 to specify where additional ratings may appear.

Based on this understanding of the relationship between choice of tires under S5.1.2 of Standard No. 120 and the de-

termination of GAWR under § 567.4 of Part 567, a modification of the requirements of Standard No. 120 is justified. In the case of a vehicle that is incapable of the 60-mph speed used by tire manufacturers to establish the maximum load rating that is stamped on the tire sidewall (typically a powered vehicle and not a trailer), it would not be reasonable to require the GAWR's to be strictly limited to the sum of the maximum load ratings of the tires on the vehicle. This is because the vehicle will never achieve the speeds for which maximum load ratings were established. In many cases, provision is made to rate tires for a greater load at the lower (but maximum) speed of which a vehicle is capable. In recognition of this extremely limited specialized situation, the agency amends S5.1.2 to permit installation of tires with reduced speed capabilities in the case of vehicles whose maximum attainable speed is not greater than 50 mph. This amendment is considered to be a technical adjustment of language to fully implement the intent of the final rule as that was established. A separate amendment of § 571.3 is made to establish the basis for determination of a vehicle's maximum attainable speeds.

Volkswagen raised a separate issue concerning the requirement that the sum of maximum load ratings at least equal the GAWR of the axle system. This provision, in the case of an MPV, truck, bus, or trailer that is equipped with passenger car tires, requires that the maximum load ratings on the tires be reduced by approximately 10 percent before calculating the sum. The purpose of this 10-percent reduction in tire rating is to account for the generally harsher treatment (impulse and surge loading in the case of MPV's off-road) to which the tires of a vehicle other than a passenger car are exposed that is not accounted for in passenger car tire ratings. Volkswagen requested data showing that MPV's actually experience more abusive treatment in use.

The MPV category is based in part on the existence of characteristics that make these vehicles less amenable to passenger car standards. If Volkswagen has data indicating that the two categories actually experience identical usage, the NHTSA would prefer to adjust the definition to ensure that these vehicles are subject to all passenger car standards. Until that time, the existing rationale for excusing these vehicles from some passenger car standards dictates the use of higher strength tires.

An earlier noted, the rim selection requirements of Standard No. 120 are not substantial, consisting of a requirement that the rims be listed by the tire manufacturer as suitable for use with its tires, and a requirement that, on and after September 1, 1979, the rims used on a vehicle be labeled as specified in S5.2 of the standard. The September 1, 1979, date for use of labeled rims replaced a March 1, 1977, date that proved impractical in view of large inventories of unlabeled rims that exist and will exist long after rim labeling is begun. In establishing the later effective date, the agency noted that it was considering the possibility of eliminating this requirement entirely, to simplify the phase-in of properly marked rims as they become available. Experience with phase-in of newly regulated equipment in other areas such as tires and brake hoses has demonstrated that the requirement for labeled equipment on and after a particular date can create substantial inventory and potential economic waste problems. In view of experience that the delay of labeling requirements has not substantially impeded certification verification and defect actions, the NHTSA has decided to withdraw the requirement (that appears as the last sentence of S5.1.1). It is noted that withdrawal of this requirement does not affect the requirement of S5.1.2 that rims be listed as suitable by the tire manufacturer for use with the tires that equip the vehicle, or the requirement of S5.2 that rims be labeled with specified information.

Mobile structure trailers. With regard to the applicability of this standard and other standards as a general matter, the NHTSA takes this opportunity to publish in the FEDERAL REGISTER its conclusion that enactment of the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) (the Mobile Home Act) impliedly repealed this agency's authority to regulate mobile homes. This conclusion was announced in a May 5, 1976, letter to the Department of Housing and Urban Development that stated in relevant part:

> The National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) (the "Mobile Home Act") established within the Department of Housing and Urban Development a comprehensive program for the regulation of mobile homes. We have concluded that one result of that statute's enactment was the implied repeal of the NHTSA's authority, with respect to mobile homes. Accordingly, we consider that the enactment has the effect of amending the Vehicle Safety Act's definition of "motor vehicle" to exclude "mobile homes" as the latter term is defined in the Mobile Home Act.

The effect of this conclusion is that tire and rim selection for mobile homes (known as "mobile structure trailers" by the NHTSA) is no longer subject to Standard No. 120 or other regulations issued under authority of the Act. For this reason, references to "mobile structure trailer" in Standard No. 120, Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, and the general definitions section of Part 571 (§ 571.3) are deleted.

On the same subject, a May 25, 1976 (and supplementing July 7, 1976), letter from Firestone to the NHTSA asked whether tires manufactured exclusively for mobile homes and tires that are used on mobile homes (although manufactured for other uses) are subject to regulation under the Act. Similar questions were raised as to the status of rims, some of which are designed exclusively for use on mobile homes and some of which are used on mobile homes and other vehicles.

As for tires, Standard No. 109 applies to "tires for use on passenger cars" and Standard No. 119 applies to "tires designed for highway use on [specified motor vehicles]." By these terms, neither standard applies to tires designed exclusively for use on mobile homes. In the case of tires actually used on mobile homes but designed for use also on vehicles subject to the Act, the agency considers such tires to be subject to the standards' requirements because they constitute motor vehicle equipment as that term is defined in § 102(4) of the Act.

As for rims, Standard No. 110 contains specifications only for rims that equip passenger cars and therefore contains no requirements that would directly require performance of a rim that was installed on a mobile home. Standard No. 120 applies to rims "for use on" MPV's, trucks, buses, motorcycles, and trailers (other than mobile structure trailers) and therefore would not apply to rims designed exclusively for use on mobile homes. In the case of rims designed for use on any of the motor vehicle types listed, the NHTSA would consider Standard No. 120's requirements applicable, and labeling in accordance with S5.2 would be required.

Rim marking. The second requirement of Standard No. 120 is an equipment requirement specifying five items of information (six in the case of multipiece wheels) that must appear on any rim for use on MPV's, trucks, buses, trailers, or motorcycles. The requirements for location of the information varies according to the type of information and whether the rim is part of a single or multipiece wheel. In answer to a question raised by Kelsey-Hayes and Motor Wheel, it is confirmed that these marking requirements have no bearing on the use of the rim on passenger cars, except as future labeling requirements in Standard No. 110 might prohibit one or more of the items required by S5.2. This eventuality is considered to be extremely unlikely.

Based on a comprehensive review of the petitions for reconsideration, the agency has decided that some requested modifications in labeling requirements are justified. The Japanese Automobile Manufacturers Association and Suzuki asked that required labeling be permitted to be embossed as well as impressed on the rim. Volkswagen (and representatives from Motor Wheel and Goodyear in a February 4, 1976, meeting with the NHTSA) asked that rim labeling be permitted on the disc portion of a single-piece wheel. The agency considers these suggestions to constitute justifiable options that would not diminish the level of motor vehicle safety represented by the standard, and the standard is accordingly amended.

Motor Wheel requested amendment of the standard to state that labeling of multipiece rims is permitted in the bolt hole area. The agency does not consider

the addition of advisory information to be a desirable drafting practice because the mention of bolt hole locations would imply that some restriction on location exists when in fact it does not. In answer to another question from Motor Wheel, more than one "rim type designation" on rim components of a multipiece wheel is permitted by the standard.

Motor Wheel and Goodyear also asked if numbers that contain decimals or "trailing zeros" (e.g., 7.50) could be shortened by deleting the decimal and "trailing zero." The agency believes that abbreviation by dropping the zero will not be confusing and amends the standard to include an example of such abbreviation. Confusion would result from dropping the decimal.

In response to a request by Motor Wheel and Budd Company for a specific provision in S5.1.2 that the marking requirements only apply to newly manufactured wheels, the agency notes the general applicability statement in § 571.7, governing the applicability of all standards found in Part 571, states that "* * * each standard set forth in subpart B of this part applies according to its terms to all motor vehicles or items of motor vehicle equipment the manufacture of which is completed on or after the effective date of the standard." Thus, the standard only applies to rims manufactured on or after the effective date of S5.2.

Manufacturers asked for several revisions of the marking requirements which the agency has considered and concludes are unjustified. This discussion treats the requests in the order that the markings in question appear in S5.2.

With regard to the requirement for marking with a designation that indicates the source of the rim's published dimensions (S5.2(a)), Daido Corporation asked whether the Japanese Industrial Standards' symbol (a stylized combination of the letters J, I, and S) or the letters "JIS" would meet the requirements of S5.2(a)(3) for use of letter "J." The agency interprets its labeling requirements as strictly as any other portion of its requirements and concludes that neither "JIS" nor the JIS symbol would conform to the requirement of S5.2(a)(3). In response to a similar request by Volkswagen to permit "DIN" in place of "D," the agency has considered the idea of permitting the manufacturer the option of a choice of designations, and concludes they are undesirable in the interests of maintaining uniformity and comprehension.

Grove Manufacturing suggested that the single letter designations of "D" and "E" could be mistaken for the load ranges that appear on tires and on the certification label. The agency concludes that the designations on the rim are sufficiently separated to preclude confusion and therefore the recommendation by Grove is not undertaken.

The "rim size designation" required by S5.2(b) is defined in S4 to mean the rim diameter and width. Daido and Volkswagen asked that a width designation followed by a diameter designation be considered as satisfying the requirement for designation of diameter and width. The agency specified the existing order to distinguish rim designations from tire designations. This order of information is being considered as the uniform practice to be adopted by the International Standards Organization. For reasons of uniformity, the requests are denied.

Volkswagen asked that the "DIN" symbol be permitted to signify compliance of the rim with Standard No. 120 in place of the "DOT" symbol required by S5.2(c) for this purpose. The agency does not find that the requirement of § 114 of the Act for certification is satisfied by use of a designation that has a wholly different meaning. Volkswagen's request is therefore denied.

Certification label. The third requirement of Standard No. 120 is that information about suitable tires and rims for use on the vehicle, along with appropriate inflation pressure and speed restriction information, be placed on a label on the vehicle (S5.3). As amended April 29, 1976 (41 FR 18659, May 6, 1976), the standard requires that the information appear on the certification labels of vehicles manufactured on or after September 1, 1977.

Some manufacturers and the Truck Trailer Manufacturers Association (TTMA) objected to the provision of this information on grounds that valid information already appears on the tires and rims that equip the vehicle, and that the information could mislead a person to think that only the listed tires and rims could be used on the vehicle. With regard to the first objection, the NHTSA disagrees and notes that an improper choice of tires or rims (as could occur by replacing original equipment with "custom" rims or the equivalent in tires) could permanently mislead vehicle owners as to the suitable selection of tires and rims. As for the possibility of misleading, the agency believes that a heading over the tire-rim listings (specifically, "Suitable Tire-Rim Choice") can be added to the requirements for optional use by a manufacturer who believes the information would be otherwise misleading. With regard to General Motors' note that an owner should be guided by all available information on tire choice (e.g., information in the owner's manual), the agency notes its longstanding position that manufacturers may add statements referring the reader to other publications for additional information.

It is apparent from the examples cited by manufacturers that the decision to place all required data on the certification label could prove cumbersome in some cases, particularly those involving a heavy truck with several available axle combinations. In view of these problems, the agency has decided to remove the restriction on location and permit the information to appear on the certification label or on a separate label that conforms to the requirements for certification labels. The NHTSA notes that this option to provide information on a separate label responds to concern of the Truck Body and Equipment Association (TBEA) for the responsibilities of its final-stage manufacturing membership. The agency does not believe the tire and rim information would be as useful in a location entirely separate from the certification label, and it therefore declines to adopt General Motors' suggestion to use the Vehicle Identification label.

Motorcycle manufacturers and General Motors pointed out that the requirements for listing tire and rim information after GVWR in the case of vehicles, such as motorcycles, that only utilize one GVWR listing, is redundant and therefore wasteful of space. Other manufacturers suggested that the tire-rim information was redundant in the case of multiple GVWR listings, although this is not the case because of the need to associate the appropriate GVWR with GAWR's that may exceed the GVWR. In any event, these comments suggest that GVWR and GAWR could be better linked by revision of the example format to reduce the amount of information that must be listed. The solution is to permit listing of the GVWR alone, followed immediately by corresponding GAWR's and appropriate tire-rim information. The clearer format would be used for single and multiple listings. This revision is described in the new example that accompanies the rule changes at the end of this notice. In conformity with this simplification, the rule is also amended to delete the requirements for GVWR tire-rim-inflation listings. Depending on manufacturers' reactions to the simplified format, a similar change could be undertaken for the passenger car example found in Part 567 (§ 567.4(h)(1)).

With regard to the items of information that must be listed in accordance with S5.3 General Motors and the TTMA argued that "tire * * * appropriate *as a minimum* for the GAWR" [emphasis added] could be construed to require tires with load ratings less than those that the manufacturer would choose to recommend. To eliminate any ambiguity, the agency replaces "at a minimum" with "as specified by S5.1.2".

Suzuki asked whether "cold inflation pressure" means the maximum inflation pressure specified by the tire manufacturer. The TTMA also asked for clarification on this point. The answer is that the requirement does not call for maximum pressure, but the pressure specified by the tire manufacturer as sufficient to carry the load specified by the vehicle manufacturer as the tire's share of the assigned GAWR.

Michelin Tire Corporation noted that listing inflation pressure could be misleading in the case of tire designations that call for different inflation pressures depending on the tire construction. It is the agency's view that any possibility of confusion can easily be avoided by an indication that the tire designation represents a radial tire, so that a person substituting a non-radial tire size with the same designation is aware that the two tires are not identical.

The TBEA requested clarification of the term "maximum speed" as it appeared in the example that accompanied

the final rule. The TBEA appeared to misunderstand the example as a reference to the speed capabilities of the vehicle instead of the speed restriction of the tires. The agency has in mind only the rare tire types constructed for transit buses and mining and logging operations and so designated. Goodyear and the TTMA appeared to have the same mistaken impression of the requirement.

Speed-restricted vehicles have now been addressed under S 5.1.2. In view of the confusion that arose over the requirement, and the agency's assumption that the users of these tires are knowledgeable in the use of the tires, it has been decided to drop the requirement of S5.3(d) altogether.

The TTMA raised several other questions with regard to the information that appears along with the GAWR. In answer to these questions, the effective dates of the standard are such that the manufacturer will be required to list the information specified by S5.3 on and after September 1, 1977. Also, it is not permissible to "bracket" the GVWR and GAWR values for a particular vehicle by specifying the minimum and maximum values that any tire-rim choice could provide. Section 567.4 of Part 567 requires that the GVWR and GAWR's representing the manufacturer determination of the particular vehicle's characteristics must be listed.

The standard does not require the information specified in S5.3 to be listed alongside the additional GVWR's and GAWR's that a manufacturer might list at the end of its certification label as reduced speed ratings. Lastly, the agency does not agree that the GAWR ratings for a semi-trailer are not related to the trailer's GVWR. While the trailer's axles do not support the entire weight of the vehicle, it is still the case that the various GVWR's that could be assigned to a semi-trailer are affected by the GAWR values that can be assigned, and that the GVWR probably differs depending on the GAWR value assigned. In this sense the GAWR's assigned to a semitrailer's axles do "correspond" to its GVWR.

In accordance with Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this action on the public and private sectors, including possible loss of safety benefits. The new options, simplification, and reduction of marking and labeling requirements should make compliance with the standard less costly, while the changes are not expected to significantly reduce the level of motor vehicle safety. The exception for speed-restricted vehicles provided in S5.1.2 represents a correction of the requirements to reflect the agency's intent not to prevent the assignment of greater load-carrying capabilities to vehicles at lower speeds. Permitting this practice to continue will result in the avoidance of new costs in the economy.

In consideration of the postponement of effective dates already granted for rim marking and the tire information labeling, the agency concludes that the present effective date schedule permits adequate time for compliance.

In view of the three notices that have modified the text of Standard No. 120, the entire standard (incorporating the amendments made by this notice) is published for the convenience of persons affected.

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

I. In Part 567, § 567.4(h) is amended in part to read:

§ 567.4 Requirements for manufacturers of motor vehicles.

* * * * *

(h) Multiple GVWR–GAWR ratings.

(1) * * *

(2) (For multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles) The manufacturer may, at its option, list more than one GVWR–GAWR-tire-rim-combination on the label, as long as the listing conforms in content and format to the requirements for tire-rim-inflation information set forth in Standard No. 120 of this chapter (§ 571.120).

(3) At the option of the manufacturer, additional GVWR–GAWR ratings for operation of the vehicle at reduced speeds may be listed at the bottom of the certification label following any information that is required to be listed.

II. In Part 571, three amendments are made.

§ 571.3 [Amended]

1. Section 571.3 is amended by the deletion of the definition of "mobile structure trailer" and the addition of a new definition following the definition of "service brake" to read:

"Speed attainable in 2 miles" means the speed attainable by accelerating at maximum rate from a standing start for 2 miles on a level surface.

§ 571.108 [Amended]

2. Section S4.1.1.25 of Standard No. 108 (49 CFR 571.108) is deleted and reserved.

3. Standard No. 120 (49 CFR 571.120) is amended to read as set forth below.

Effective date: Changes to the text of the FEDERAL REGISTER may be made immediately. The provisions of Standard No. 120 are in effect at this time, except as otherwise provided in the standard.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on January 28, 1977.

JOHN W. SNOW,
Administrator.

§ 571.120 Standard No. 120: tire selection and rims for motor vehicles other than passenger cars.

S1. *Scope.* This standard specifies tire and rim selection requirements and rim marking requirements.

S2. *Purpose.* The purpose of this standard is to provide safe operational performance by ensuring that vehicles to which it applies are equipped with tires of adequate size and load rating and with rims of appropriate size and type designation.

S3. *Application.* This standard applies to multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and to rims for use on those vehicles.

S4. *Definitions.* All terms defined in the Act and the rules and standards issued under its authority are used as defined therein.

"Rim base" means the portion of a rim remaining after removal of all split or continuous rim flanges, side rings, and locking rings that can be detached from the rim.

"Rim size designation" means rim diameter and width.

"Rim diameter" means nominal diameter of the bead seat.

"Rim width" means nominal distance between rim flanges.

"Rim type designation" means the industry or manufacturer's designation for a rim by style or code.

"Weather side" means the surface area of the rim not covered by the inflated tire.

S5. *Requirements.*

S5.1 *Tire and rim selection.*

S5.1.1 Except as specified in S5.1.3, each vehicle equipped with pneumatic tires for highway service shall be equipped with tires that meet the requirements of Standard No. 109 (§ 571.109) or Standard No. 119 (§ 571.119), and with rims that are listed by the manufacturer of the tires as suitable for use with those tires, in accordance with S4.4 of Standard No. 109 or S5.1 of Standard No. 119, as applicable.

S5.1.2 Except in the case of a vehicle which has a speed attainable in 2 miles of 50 mph or less, the sum of the maximum load ratings of the tires fitted to an axle shall be not less than the gross axle weight rating (GAWR) of the axle system as specified on the vehicle's certification label required by 49 CFR Part 567. If the certification label shows more than one GAWR for the axle system, the sum shall be not less than the GAWR corresponding to the size designation of the tires fitted to the axle. If the size designation of the tires fitted to the axle does not appear on the certification label, the sum shall be not less than the lowest GAWR appearing on the label. When a tire listed in Appendix A of Standard No. 109 is installed on a multipurpose passenger vehicle, truck, bus, or trailer, the tire's load rating shall be reduced by dividing by 1.10 before calculating the sum.

S5.1.3 In place of tires that meet the requirements of Standard No. 119 a truck, bus, or trailer may, at the request of the purchaser, be equipped at the place of manufacture of the vehicle with used tires owned or leased by the purchaser if the sum of the maximum load ratings meets the requirements of S5.1.2. On and after January 1, 1978, used tires

employed under this provision must be originally manufactured to comply with Standard No. 119, as evidenced by the DOT symbol.

S5.2 *Rim marking.* On and after August 1, 1977, each rim or, at the option of the manufacturer in the case of a singlepiece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than one-eighth inch high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.005 inch. The information listed in paragraphs (a) through (c) of this paragraph shall appear on the weather side. In the case of rims of multipiece construction, the information listed in paragraphs (a) through (e) of this paragraph shall appear on the rim base and the information listed in paragraphs (b) and (d) of this paragraph shall also appear on each other part of the rim.

(a) A designation which indicates the source of the rim's published nominal dimensions, as follows:

(1) "T" indicates The Tire and Rim Association.

(2) "E" indicates The European Tyre and Rim Technical Organisation.

(3) "J" indicates Japanese Industrial Standards.

(4) "D" indicates Deutsche Industrie Norm.

(5) "M" indicates The Society of Motor Manufacturers & Traders, Ltd.

(6) "B" indicates British Standards Institution.

(7) "S" indicates Scandinavian Tire and Rim Organization.

(8) "N" indicates an independent listing pursuant to S4.4.1(a) of Standard No. 109 or S5.1(a) of Standard No. 119.

(b) The rim size designation, and, in case of multipiece rims, the rim type designation. For example: N 20 x 5.50, or N 20 x 5.5.

(c) The symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable motor vehicle safety standards.

(d) A designation that identifies the manufacturer of the rim by name, trademark, or symbol.

(e) The month, day, and year, or the month and year, of manufacture, expressed in numerals. For example,

"September 4, 1976" may be expressed as:

$$90476, \quad \frac{904}{76}, \text{ or } \frac{76}{904}$$

"September 1976" may be expressed as:

$$976, \quad \frac{9}{76}, \text{ or } \frac{76}{9}$$

S5.3 *Label information.* (For vehicles manufactured on and after September 1, 1977). The information specified in S5.3.1 through S5.3.3 shall, in the format set forth following this section, appear either—

(a) After each GAWR listed on the certification label required by § 567.4 or § 567.5 of this chapter or, at the option of the manufacturer.

(b) On a tire information label affixed to the vehicle in the manner, location, and form described in § 567.4(b) through (f) of Part 567 of this chapter, as appropriate for each GVWR–GAWR combination listed on the certification label.

S5.3.1 The size designation of tires (not necessarily those on the vehicle) appropriate (as specified in S5.1.2) for the GAWR.

S5.3.2 The size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for those tires.

S5.3.3 Cold inflation pressure for those tires.

Truck example

SUITABLE TIRE—RIM CHOICE

GVWR: 17280.
GAWR: Front—6280 with 7.50—20(D) tires, 20x6.00 rims, at 75 psi cold single.
GAWR: Rear—11000 with 7:50—20(D) tires, 20x6.00 rims, at 65 psi cold dual.
GVWR: 17340.
GAWR: Front—6300 with 7.00—20(E) tires, 20x5.50 rims, at 90 psi cold single.
GAWR: Rear—11040 with 7.00—20(E) tires, 20x5.50 rims, at 80 psi cold dual.

S6. *Vehicles manufactured from September 1, 1976, to February 28, 1977.* Notwithstanding any other provision of this standard, a vehicle to which this standard applies that is manufactured during the period from September 1, 1976, to February 28, 1977, shall meet each requirement of this standard, with the following exception: In place of tires that meet Standard No. 119 (§ 571.119), the vehicle may be equipped with tires that meet every requirement of that standard other than the tire marking requirements of S6.5 of that standard.

[FR Doc.77-3500 Filed 2-1-77;10:56 am]

National Highway Safety Administration

[Docket No. 75-21; Notice 2]

PART 556—EXEMPTION FOR INCONSEQUENTIAL DEFECT OR NONCOMPLIANCE

Petitions by Manufacturers

This notice amends Title 49 of the Code of Federal Regulations to add Part 556, "Exemption for Inconsequential Defect or Noncompliance", which establishes procedures for petitioning by manufacturers for exemption from notice and remedy requirements of the National Traffic and Motor Vehicle Safety Act on grounds that a defect or noncompliance is inconsequential as it relates to motor vehicle safety.

A notice of proposed rulemaking to establish Part 556 was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37047). Fifteen comments were received from vehicle and equipment manufacturers and trade associations representing these groups. The National Motor Vehicle Safety Advisory Council did not take a position on the proposal. The Vehicle Equipment Safety Commission did not comment on the proposal.

The NHTSA is adding Part 556 to Title 49 to establish procedures that will implement the legislative mandate of section 157 of the National Traffic and Motor Vehicle Safety Act (the Act) (as amended by Pub. L. 93-492, 88 Stat. 1470, October 27, 1974; 15 U.S.C. 1417). The new regulation prescribes procedures for the submission of petitions, including

filing time and petition content. Other provisions are included concerning the processing and disposition of petitions, meetings to present oral comments, and the recision of exemptions.

Comments on the proposal were in agreement with the intent of the regulation. Several comments suggested modification of certain sections with respect to content and language.

International Harvester (IH) requested that the proposed language of §§ 556.1 and 556.2 of Part 556 be modified to ensure that the requirements for notification and remedy would be suspended pending a determination on the inconsequentiality petition.

It is the agency's view that the modifications recommended by IH are unnecessary. When the agency initially determines that a defect or noncompliance has occurred, it notifies the manufacturer who is provided a 30-day period in which to submit an inconsequentiality petition. The manufacturer's duty to notify and remedy does not become mandatory until the agency makes two final determinations: the first, that a noncompliance or defect in fact exists, and the second, that it is not inconsequential. These determinations are not made until after receipt of submissions, written and oral, from the manufacturer and other interested parties. Under Part 556, the agency would dispose of the petition for inconsequentiality concurrently with its final determination of a defect or noncompliance. Therefore, the notification and remedy provisions would never become effective until there has been a final determination of the petition for inconsequentiality.

When a manufacturer determines that a defect or noncompliance exists, on the other hand, he will be exempted temporarily from notice and remedy requirements until the NHTSA finally disposes of his petition for exemption. The agency interprets the requirement in the proposed amendment to Part 577 that manufacturers provide notification of a defect or noncompliance unless exempted by the Administrator pursuant to section 157 of the Act to mean that notification need not occur until after the disposition of an inconsequentiality petition.

Association Peugeot-Renault suggested that the phrase "has determined" in the first sentence of § 556.4(a) be changed to "has finally determined" for purposes of clarification. There is no distinction between these phrases with respect to manufacturer-initiated determinations of a defect or noncompliance. The distinction becomes meaningful only when the NHTSA makes an initial determination as opposed to a final determination. Therefore, the agency has decided to retain the language "has determined", since it is not ambiguous, and it is consistent with Parts 573 and 577.

Comments were received from American Motors Corporation (AMC), Volkswagen, Chrysler, General Motors (GM), and the Motor Vehicle Manufacturers Association (MVMA) requesting clarification of the use of the term "defect" in the regulation. These comments expressed the opinion that the legislative history of section 157 of the Act as well as other provisions of the Act clearly indicate that any defect requiring action must be related to motor vehicle safety.

The NHTSA agrees that the Act and its underlying history are directed to manufacturer responsibility for defects that relate to motor vehicle safety. In view of possible ambiguity in the use of the word "defect" alone, the qualifying words "related to motor vehicle safety" have been added throughout the regulation where appropriate.

The agency is modifying paragraph (b)(4) of § 556.4 to require submission of the number of motor vehicles or replacement equipment and the period in which they were produced for which an exemption is sought. This information is considered necessary and falls within the ambit of the proposal.

Several commenters suggested that the agency delete paragraph (c) of § 556.4, because 18 U.S.C. 1001 applies to all willful submissions of false information to any department or agency from any source, thereby making paragraph (c) redundant. The agency agrees that the reference to this criminal penalty is not necessary to the purpose of the regulation, and it is, therefore, deleted.

Many commenters requested a change in paragraph (d) of § 556.4. AMC, Chrysler, GM, and the MVMA all requested that the 15-day time limit on petitions be deleted. They argued that manufacturers should be able to petition within a reasonable time after a defect is determined to exist as allowed in Part 577. This may not occur until after the final determination is made by the NHTSA.

The agency has concluded that the modification described above would unduly delay remedy of defects and noncompliances, as well as enforcement and compliance actions. The requested modification would allow a manufacturer to proceed through an agency-initiated defect determination, and then, within a reasonable time, petition for a determination of inconsequentiality. This serial procedure would be time-consuming and redundant, allowing potentially dangerous vehicles to go unremedied longer than necessary. It is true that Part 577 specifies notification of the public within a "reasonable time" (conforming to the requirements of section 153(b)(1) of the Act) in the case of a manufacturer's determination. Reasonable time is appropriate in the context of Part 577, since notification might need to be made to thousands of individuals. Part 556 requires only the filing of a single petition and, therefore, should be subject to a time limitation.

White Motor Company and IH proposed that the NHTSA define 15 days to mean 15 working days. Association Peugeot-Renault and Uniroyal, on the other hand, suggested that the agency extend the time limit to 30 days. Some commenters pointed out that the proposed requirement of receipt of the petition within 15 days might leave the manufacturer with only four working days to conduct tests and draft the petitions. After careful consideration, the NHTSA has decided to require petitions to be submitted within 30 days. This provides a reasonable limit on the time for filing a petition for exemption. Moreover, it assures that all submissions will be received prior to the meeting authorized under section 152(a) of the Act.

The MVMA and GM suggested that the language in paragraph (3)(i) of § 556.5 be changed for clarity. They argued that the wording of that paragraph indicates that a public meeting prior to the disposition of a petition for exemption is mandatory. Their modification would require someone to request a meeting before the NHTSA would establish a time and place for it.

This aspect of paragraph (3)(i) was proposed to allow the agency to publish the time and location of a meeting concurrently with the publication in the FEDERAL REGISTER of the manufacturer's petition for an inconsequentiality determination. Since issuance of the proposal, the agency has had more experience with section 157 petitions. To date meetings have not been required for disposition of these petitions. Therefore, the final rule incorporates the language suggested by the MVMA and GM to establish that public meetings will be held "upon request of the petitioner or interested persons."

Many commenters requested that paragraph (a)(3)(ii) of § 556.5 be amended to allow the manufacturer to choose to have a meeting on the inconsequentiality petition that is separate from a meeting held pursuant to section 152(a) of the Act. These commenters believe that prejudice may result if they are required to argue simultaneously that no defect or noncompliance exists and that any defect or noncompliance that may be found is inconsequential.

The language of § 556.4 paragraph (d) was intended to ensure that a petition for inconsequentiality would not constitute a concession of the existence of a defect. Consideration of the petition at the section 152(a) meeting is analogous to the consideration of more formal alternative pleadings in other legal forums. Separate hearings or meetings are not held merely because there exist two alternative defenses. Therefore, the agency does not agree that the consolidation of the two arguments would result in prejudice. Accordingly, the request for separate meetings is denied.

Several comments were made concerning a modification of § 556.6 to require formal adversarial hearings. The meetings proposed by the agency are fact-finding, not adversarial. The purpose of the meetings is to yield further information to facilitate the decision-making process. The informal meetings process is less time-consuming than adversarial proceedings and it yields equally reliable factual information. Further, Congress has authorized the agency in section 157 of the Act to proceed informally. The agency will retain, therefore, the informal meeting procedure.

Association Peugeot-Renault would delete the last sentence in paragraph (b) of § 556.6. They believed that a decision made by the NHTSA on an inconsequentiality petition should be based entirely upon matters covered at a meeting. The agency does not agree. These meetings

serve to gather information. They are a supplement to other sources of information utilized by the NHTSA. Decisions must be based upon thorough consideration of all information received from all sources.

The NHTSA in deciding section 157 petitions has afforded an opportunity for manufacturers to appeal the denial of an exemption based upon inconsequentiality of defect or non-compliance. The agency intends to continue this process and, in addition, to allow any interested person to appeal the grant or denial of an exemption by submitting written data, views, or arguments. To reflect this policy, the agency modifies the proposed § 556.7 to allow an appeal procedure within the agency.

Several commenters requested minor modifications of § 556.8. GM suggested that the agency publish guidelines to establish procedures for recision of an exemption. The agency concludes that the section provides sufficient guidelines for the recision process. No recision will be made prior to the receipt of new data and notice and opportunity to comment thereon. In the unlikely circumstance that procedure proves to be insufficient, future opportunity exists for a revision of the procedures. A minor modification of the wording of § 556.8 is made for clarity.

AMC, MVMA, and GM suggested that the agency amend section 556.9 to state that confidential material would not be subject to public inspection. The agency has determined that this modification is unnecessary. Section 112 paragraph (e) of the Act defines the limits for the resale of confidential material. A repetition of this restriction in Part 556 would be redundant.

In accordance with recently-enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200; April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this action on the public and private sectors, including possible loss of safety benefits. Since this part is merely procedural and fulfills the mandate of section 157 of the Act, there will be at most minimal costs associated with its implementation and no loss of safety benefits.

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended by the addition of a new Part 556 titled "Exemption for Inconsequential Defect or Noncompliance," as set forth below.

Effective date: March 9, 1977.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegation of authority at 49 CFR 1.50.)

Issued on January 31, 1977.

JOHN W. SNOW,
Administrator.

Title 49 Code of Federal Regulations is amended by the addition of Part 556 as follows:

Sec.
556.1 Scope.
556.2 Purpose.
556.3 Application.
556.4 Petition for exemption.
556.5 Processing of petition.
556.6 Meetings.
556.7 Disposition of petition.
556.8 Recission of exemption.
556.9 Public inspection of relevant information.

AUTHORITY: Sec. 157, Pub. L. 93-492, 88 Stat. 1470; (15 U.S.C. 1417), delegation of authority at 49 CFR 1.50.

§ 556.1 Scope.

This part sets forth procedures, pursuant to section 157 of the Act, for exempting manufacturers of motor vehicles and replacement equipment from the Act's notice and remedy requirements when a defect or noncompliance is determined to be inconsequential as it relates to motor vehicle safety.

§ 556.2 Purpose.

The purpose of this part is to enable manufacturers of motor vehicles and replacement equipment to petition the NHTSA for exemption from the notification and remedy requirements of the Act due to the inconsequentiality of the defect or noncompliance as it relates to motor vehicle safety, and to give all interested persons an opportunity for presentation of data, views, and arguments on the issue of inconsequentiality.

§ 556.3 Application.

This part applies to manufacturers of motor vehicles and replacement equipment.

§ 556.4 Petition for exemption.

(a) A manufacturer who has determined the existence, in a motor vehicle or item of replacement equipment that he produces, of a defect related to motor vehicle safety or a noncompliance with an applicable Federal motor vehicle safety standard, or who has received notice of an initial determination by the NHTSA of the existence of a defect related to motor vehicle safety or a noncompliance, may petition for exemption from the Act's notification and remedy requirements on the grounds that the defect or noncompliance is inconsequential as it relates to motor vehicle safety.

(b) Each petition submitted under this part shall—

(1) Be written in the English language;

(2) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, Washington, D.C. 20590;

(3) State the full name and address of the applicant, the nature of its organization (e.g., individual, partnership, or corporation) and the name of the State or country under the laws of which it is organized.

(4) Describe the motor vehicle or item of replacement equipment, including the number involved and the period of production, and the defect or noncompliance concerning which an exemption is sought; and

(5) Set forth all data, views, and arguments of the petitioner supporting his petition.

(c) In the case of defects related to motor vehicle safety or noncompliances determined to exist by a manufacturer, petitions under this part must be submitted not later than 30 days after such determination. In the case of defects related to motor vehicle safety or noncompliances initially determined to exist by the NHTSA, petitions must be submitted not later than 30 days after notification of the determination has been received by the manufacturer. Such a petition will not constitute a concession by the manufacturer of, nor will it be considered relevant to, the existence of a defect related to motor vehicle safety or a noncomformity.

§ 556.5 Processing of petition.

(a) The NHTSA publishes a notice of each petition in the FEDERAL REGISTER. Such notice includes:

(1) A brief summary of the petition;

(2) A statement of the availability of the petition and other relevant information for public inspection; and

(3) (i) In the case of a defect related to motor vehicle safety or a noncompliance determined to exist by the manufacturer, an invitation to interested persons to submit written data, views, and arguments concerning the petition, and, upon request by the petitioner or interested persons, a statement of the time and place of a public meeting at which such materials may be presented orally if any person so desires.

(ii) In the case of a defect related to motor vehicle safety or a noncompliance initially determined to exist by the NHTSA, an invitation to interested persons to submit written data, views, and arguments concerning the petition or to submit such data, views, and arguments orally at the meeting held pursuant to section 152(a) of the Act following the initial determination, or at a separate meeting if deemed appropriate by the agency.

§ 556.6 Meetings.

(a) At a meeting held under this part, any interested person may make oral (as well as written) presentations of data, views, and arguments on the question whether the defect or noncompliance described in the FEDERAL REGISTER notice is inconsequential as it relates to motor vehicle safety.

(b) Sections 556 and 557 of Title 5, United States Code, do not apply to any meeting held under this part. Unless otherwise specified, any meeting held under this part is an informal, nonadversary, fact-finding proceeding, at which there are no formal pleadings or adverse parties. A decision to grant or deny a petition, after a meeting on such petition, is not necessarily based exclusively on the record of the meeting.

(c) The Administrator designates a representative to conduct any meeting

held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the meeting. A transcript of the proceeding is kept and exhibits may be kept as part of the transcript.

§ 556.7 Disposition of petition.

Notice of either a grant or denial of a petition for exemption from the notice and remedy requirements of the Act based upon the inconsequentiality of a defect or noncompliance is issued to the petitioner and published in the FEDERAL REGISTER. The effect of a grant of a petition is to relieve the manufacturer from any further responsibility to provide notice and remedy of the defect or noncompliance. The effect of a denial is to continue in force, as against a manufacturer, all duties contained in the Act relating to notice and remedy of the defect or noncompliance. Any interested person may appeal the grant or denial of a petition by submitting written data, views, or arguments to the Administrator.

§ 556.8 Rescission of decision.

The Administrator may rescind a grant or denial of an exemption issued under this part any time after the receipt of new data and notice and opportunity for comment thereon, in accordance with § 556.5 and § 556.7.

§ 556.9 Public inspection of relevant information.

Information relevant to a petition under this part, including the petition and supporting data, memoranda of informal meetings with the petitioner or any other interested person concerning the petition, and the notice granting or denying the petition, are available for public inspection in the Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Copies of available information may be obtained in accordance with Part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 7).

[FR Doc.77-3509 Filed 2-4-77;8:45 am]

[Docket No. 73-8; Notice 04]

PART 572—ANTHROPOMORPHIC TEST DUMMY

Dummy Calibration Test Procedures and Dummy Design Specifications

This notice amends Part 572, Anthropomorphic Test Dummy, to specify several elements of the dummy calibration test procedures and make minor changes in the dummy design specifications. Part 572 is also reorganized to provide for accommodation of dummies other than the 50th-percentile male dummy in the future.

Part 572 (49 CFR Part 572) establishes, by means of approximately 250 drawings and five calibration tests, the exact specifications of a test device that simulates an adult occupant of a motor vehicle, for use in evaluating certain types of crash protection systems provided in accordance with Standard No. 208, Occupant Crash Protection (49 CFR 571.208). Interested persons are advised that NHTSA Docket Nos. 69-7 and 74-14 concerning Standard No. 208 are related to this rulemaking.

Proposed occupant protection requirements in Standard No. 208 were reviewed by the Sixth Circuit in 1972 ("Chrysler v. Department of Transportation," 472 F. 2d 659 (6th Cir. 1972)), and the dummy previously specified for use in testing was invalidated as insufficiently objective. The NHTSA subsequently established new dummy specifications under Part 572 for the limited purpose of qualifying passive restraint systems which manufacturers choose to offer on an optional basis (38 FR 20449, August 1, 1973). After examining test experience with the Part 572 dummy, the NHTSA specified its use in a proposal to mandate passive restraint systems (39 FR 10271, March 19, 1974).

Recently, the agency proposed minor changes in calibration procedures and dummy drawings (40 FR 33462, August 8, 1975) in response to the comments of manufacturers and others on the March 1974 notice. The August 1975 proposal only addressed the issue of dummy objectivity raised by the Sixth Circuit, while issues of dummy similarity to humans, sensitivity to test environment, and dummy positioning in a vehicle have been treated elsewhere (41 FR 29715, July 19, 1976).

It is noted that the most recent Department of Transportation proposals on Standard No. 208 (41 FR 24070, June 14, 1976) reflected a modification of performance requirements that reduce the number and types of tests in which the Part 572 dummy would be used in Standard No. 208 dynamic tests. Specifically, rollover and lateral testing would no longer be required if a lap belt were installed in the front seating positions. The NHTSA's July 1976 proposal noted above would conform existing tests in Standard No. 208 to the modified approach. It would also increase the permissible femur force loads that could be registered on the dummy during impact, and restrict femur force requirements to compressive forces. Interested persons should be aware of these significant potential changes in the use of the dummy in Standard No. 208.

As for the dummy objectivity treated by the proposal that underlies this notice, manufacturers' comments stressed the complexity of the test environment in which the device is used and their uncertainty as to how much the dummy characteristics contribute to the variability that is encountered. In somewhat contradictory fashion, several of the manufacturers repeated requests for a "whole systems" calibration of the dummy that would be conducted under conditions approximating the barrier crash whose complex variables had just been emphasized.

As is the case with any measuring instrument, variations in readings can result from imperfection in the instrument or variations in the phenomenon being measured (in this case, the complex events that occur as a passenger car impacts a barrier at 30 mph, or is impacted laterally by a 4,000-pound moving barrier, or is rolled over). While the "Chrysler" court delayed Standard No. 208 so that variation in the dummy's behavior could be corrected, it found the standard (and the dynamic test procedures) practicable and "designed to meet the need for motor vehicle safety" (472 F2d at 674, 675). To meet the need for motor vehicle safety, the dynamic tests are realistic simulations of the actual crash environment. Variations in the precise circumstances to which the dummy is exposed from test to test are expected.

Simulation of such crashes to provide a "whole systems" calibration of the dummy would not be reasonable, however, because of the variations that are inherent in the 30-mph (and the other) impacts. Unless the inputs to the dummy during calibration are precisely controlled, as is the case with the five subassembly tests, the "whole systems" calibration would be meaningless. To conduct precisely controlled 30-mph barrier crash tests as part of the dummy calibration procedure would be very expensive, since dummy calibration is normally performed before and after each compliance test. The good results obtained in subassembly calibration, and supported by the controlled "whole dummy" test results referred to in the preamble to the proposal, make such a "whole systems" test redundant. The agency concludes that introduction into Part 572 of an extremely expensive and unfamiliar additional calibration is unjustified.

General Motors (GM), Chrysler Corporation, Ford Motor Company, and the Motor Vehicle Manufacturers Association (MVMA) stated that the dummy construction is unsuited to measurements of laterally-imposed force, thereby rendering the dummy unobjective in the "lateral impact environment." While the agency does not agree with these objections, the modified performance levels put forward by the Department of Transportation and the agency would allow manufacturers to install lap belts if they do not wish to undertake lateral or rollover testing. Any manufacturer that is concerned with the objectivity of the dummy in such impacts would provide lap belts at the front seating positions in lieu of conducting the lateral or rollover tests.

Ford and Chrysler argued that the test dummy is in sufficiently specified despite the approximately 250 detailed drawings that set forth dummy construction. Their concern seems to be limited to minor contour dimensions that they consider critical to dummy objectivity. To eliminate any such concern the agency will place a specimen of the dummy in the data and drawings package and incorporate it by reference into Part 572.

The MVMA stated that its reading of the docket comments indicated that the dummy cannot be assembled as it is designed. The agency is aware that dimensional tolerances could, at their extremes, "stack up" to cause and need

in rare instances for selective fitting of components. Manufacturers can avoid any such problem by reducing the dispersion of tolerances or by select fitting of components to avoid tolerance "stack-up." Of the three dummy manufacturers' comments on this proposal, only Humanoid Systems (Humanoid) listed discrepancies. The agency has reviewed the asserted discrepancies and concludes that the specifications themselves, the manufacturing practices just noted, or the calibration procedures are adequate to resolve the cited problems. To simplify the dummy, certain studs located at the side of the dummy femurs (used for mounting photographic targets and unnecessary to NHTSA test procedures) are deleted because of their potential for reducing repeatability under some circumstances. These studs are designated F/02, G/02, F/25, and G/25.

Bayerische Moterenverken recited test experience that demonstrated different performance characteristics among the products of different dummy manufacturers, although they are all warranted to meet the specifications of the regulations. NHTSA Report DOT-HS-801-861 demonstrates that some manufacturer-warranted dummies did not meet all calibration requirements of Part 572. The agency, however, is not in a position to assume responsibility for the contractual terms established between private parties.

Humanoid noted that experience with the vinyl flesh specification of the dummy led to resolution of aging problems on which it had earlier commented. The company did recommend latitude in vinyl formulation to permit market competition. General Motors also expressed concern that specification of the Part 572 dummy not stifle innovation. Alderson Research Laboratories (ARL) once again asked that the agency specify a one-piece casting in place of the welded head presently specified. The agency sympathizes with this interest in improvement of the dummy manufacturing techniques. However, the dummy is a test instrument crucial to the validity of an important motor vehicle safety standard and as such, it cannot be loosely described for the benefit of innovation.

Volkswagen requested improvement in aging and in storage techniques for the dummy. The agency considers that it has met its responsibilities by specifying calibration tests that will signal improper storage or age-related changes. Further development in this area is within the province of the manufacturers and users. Significant improvements in aging or storage factors will, of course, not be ignored by the agency.

Although Ford and American Motors Corporation (AMC) made no comment on the specifics of the NHTSA proposal, Chrysler Corporation and several other vehicle manufacturers, as well as the dummy manufacturers, supported the proposed changes. The National Motor Vehicle Safety Advisory Council took no position on the proposal. The Vehicle Equipment Safety Commission did not comment on the proposal. Having carefully reviewed all of the comments submitted and additional data compiled by the agency, the changes are adopted, essentially as proposed. The agency proposed modification of the five calibration procedures for dummy sub-assemblies, along with minor changes in the drawings that describe all components of the dummy.

Head

The head calibration involves dropping the head 10 inches so that its forehead strikes a rigid surface and registers acceleration levels that must fall within a certain range. No comments were received on the small relocation of measurement points or the specification of "instant release" of the head, and these modifications are made as proposed.

The proposal included a specification of 250 microinches (rms) for the finish of the steel plate on which the head is dropped. The agency had considered other factors (particularly friction at the skull-skin interface of the dummy forehead) that might affect the accelerometer readings. It was found that, in most instances, the dummy as received from the manufacturer conformed to the specifications. When deviations were encountered, treatment of the head in accordance with manufacturer recommendations eliminated the effect of these factors on results. Comparison of data on 100 head drop tests conducted since issuance of the proposal confirms that conclusion. Ninety-seven percent of these head drops registered readings within the specified limits, with a mean response value of 232g and a standard deviation of 14g, indicating a coefficient of variance of 6 percent. Of the three failures, the response values were 203g, 204g and 263g. All of the drop tests fell within the specified 0.9- to 1.5-ms time range at the 100g level. The surface finish of the drop plate was 63 microinches (rms). In view of this data, it does not appear necessary to adjust either the response range as advocated by Humanoid or the time range as recommended by Ford. The test results, however, support the request by a number of comments to change the proposed 250-microinch finish to a value below 100 microinches (rms). On the basis of the comments and NHTSA test data, the impact plate surface finish is specified as any value in the range from 8 to 80 microinches (rms).

General Motors asked whether coating of the steel plate is permitted. Coating is permitted so long as the 8- to 80-microinch range for the surface is maintained.

Humanoid recommended that any lubrication or surface smoothness introduced by the dummy manufacturers be made uniform in the interests of component interchange. Volkswagen also recommended a skull-to-skin interface finish specification. The NHTSA, however, does not believe that differing procedures for preparation of the skull-skin interface prevent interchange of the heads, and the requests are therefore not granted.

In view of the agency decision to incorporate by reference a specimen of the Part 572 dummy in the drawings and data package, it is also considered unnecessary to specify, as requested by Humanoid, thickness and performance specification for the headform at 45 and 90 degrees from the midsaggital plane. With regards to Humanoid's view that head drop tests are irrelevant to performance of the dummy as a measuring instrument, the agency considers them closely tied to the characteristics of the dummy that affect its repeatability as a measuring device.

Renault and Peugeot recommended consideration of a revision in the test criteria of Standard No. 208, in the case of safety belts, to replace the limitation on head acceleration with a limitation on submarining. The agency considers the present limit on head acceleration a valuable means to limit head loading and neck hyperflexion in belt systems as well as other systems. It is a requirement that is already being met on a production basis by Volkswagen.

Toyota stated that the 10g limit on lateral acceleration during the head drop would be impossible to satisfy. The NHTSA's own test experience did not exhibit any evidence of the noted problem. None of the manufacturers of dummies objected to the proposal, and Alderson Research Laboratories (ARL) supported the 10g limit. It is therefore made final as proposed.

ARL once more requested consideration of the one-piece headform in place of the welded headform presently specified. If, as ARL states, its customers accept and utilize the one-piece casting, the agency does not understand the necessity to modify the specification. ARL's request for consideration of a one-piece neck bracket is subject to the same response. As earlier noted, the justification to "freeze" the dummy specification is clear from its use as a measurement instrument that is the basis of manufacturer compliance with, and agency verification testing to, a major motor vehicle safety standard.

Neck

Comments generally agreed with the proposed changes in the dummy neck calibration (attachment of the head form to the neck, and attachment of the neck to the end of a pendulum which impacts an energy absorbing element, inducing head rotation which must fall within specified limits). General Motors clarified that its engineers' reason for recommending a non-articulated neck instead of an articulated neck concerned the cost, maintenance, and complexity of the latter's construction. Volkswagen agreed with Sierra Engineering Company (Sierra) that a smaller tolerance for the pendulum's speed at impact should be considered. Humanoid agreed with the agency's view that the articulated neck does not provide the desired level of repeatability at this time. Having considered these comments the agency makes final the proposed location change for the accelerometers, deletion of § 572.7(c)(5), and clarification of the "t4" point and the 26g level.

Manufacturers made several additional recommendations. Humanoid expressed support of AMC's view that the neck calibration should be conducted at barrier impact velocity. The agency has reviewed these comments and finds that the specified energy levels are adequate for the intended purpose of establishing dynamic response characteristics and the measurement of repeatability of dummy necks under dynamic test conditions. Testing at higher levels would bring other dummy components besides the neck into direct impact interaction, thereby obscuring or completely masking the measured phenomena.

Volkswagen cautioned against an entirely free selection of damping materials because of variation in rebound characteristics produced with different materials that can achieve conforming deceleration time histories. The agency agrees that a limit on rebound should be established to compliment the choice of damping materials and has added such a specification to the end of the text of § 572.7(b).

Humanoid noted interference in the attachment of the neck bracket to the backplate of the sterno-thoracic structure, due to the presence of a welding bead. The agency has found no interference in the dummies manufactured by two companies and concludes that the interference must be associated with Humanoid's manufacturing technique.

THORAX

The NHTSA proposed several additional specifications for test probe orientation, dummy seating, and limb positioning for the calibration test. The calibration consists of striking the torso of the seated dummy at two speeds with a specified striker to measure thorax resistance, deflection, and hysteresis characteristics. Comments did not object to the changes and they are incorporated as proposed.

The agency also proposed several changes in the drawings for the thorax sub-assembly of the dummy and, without objection, they are made final in virtually the same form. ARL indicated that four heat seals should be used on the zipper. ARL clarified that the longer socket head cap screw is intended to permit sufficient thread engagement, not more latitude in the ballast configuration as stated in the proposal. Humanoid's request to know the clavicle contours that constitute the Part 572 specification is met by placing the dummy specimen in the drawings and data package as earlier noted. Humanoid and Toyo Kogyo suggested an increase in clavicle strength. The agency's experience with the clavicle since the last consideration of this suggestion has been that all dummies are not significantly susceptible to clavicle breakage. Accordingly, the agency does not consider the modification necessary.

The major suggestion by vehicle and dummy manufacturers was a slight revision of the thorax resistance and deflection values, which must not be exceeded during impact of the chest. The present values (1400 pounds and 1.0 inch at 14 fps, 2100 pounds and 1.6 inches at 22 fps) were questioned by GM, which recommends an increase in both resistance and deflection values to better reflect accurate calibration of a correctly designed dummy. Comparable increases were recommended by Humanoid and Sierra. ARL noted that the present values are extremely stringent.

The agency's experience with calibration of the thorax since issuance of the proposal confirms that a slight increase in values is appropriate, although not the amount of increase recommended by the manufacturers. The values have accordingly been modified to 1450 pounds and 1.1 inches at 14 fps, and 2250 pounds and 1.7 inches at 22 fps. The agency does not set a minimum limit on the values as recommended by General Motors, because the interaction of the deflection and resistance force values make lower limits unnecessary. The changes in values should ease ARL's concern about the seating surface, although the agency's own experience does not indicate that a significant problem exists with the present specifications of the surface.

In conjunction with these changes, the agency has reduced the maximum permissible hysteresis of the chest during impact to 70 percent as recommended by GM.

GM requested a clarification of the dummy limb positioning procedures for purposes of thorax impact testing, citing the possibility of limb misadjustment between steps (1) and (4) of § 572.8(d). The agency has added wording to subparagraph (4) to make clear that the limbs remain horizontally outstretched. The agency does not consider GM's suggested wording to be adequate for calibration. For example, the attitude of the test probe at impact is not specified. For this reason, the requested modification is not undertaken.

Humanoid requested clarification of paragraph (7) of § 572.8(d) that specifies measurement of horizontal deflection "in line with the longitudinal centerline of the probe". Humanoid expressed concern that, as the thorax rotated backwards, the horizontal measurement could not be made. A clarification has been added to the cited language.

Humanoid also requested a less temperature-sensitive rib damping material than is presently employed. The NHTSA concludes that its strict limitation on permissible temperature and humidity conditions for calibration testing adequately controls the effects of temperature on this damping material.

LUMBAR SPINE, ABDOMEN

The NHTSA proposed minor modifications of the lumbar spine construction, and several changes in the procedures for lumbar spine calibration, which consists of spine flexion from the upright position, followed by release of the force which was required to attain this deflection, and measurement of the return angle. Manufacturers supported the majority of the changes, and they are made final in this notice. The agency proposed that measurements be taken when "flexing has stopped", and Toyota, noting the difficulty of establishing this point under some circumstances, suggested that the measurement be made 3 minutes after release. This modification is reasonable and is included in the final action.

Testing at NHTSA's Safety Research Laboratory demonstrates the need to clarify proposed § 572.9(c)(3) to specify return of the lumbar spine sufficiently so that it remains in "its initial position in accordance with Figure 11" unassisted. An appropriate further specification has been made.

Humanoid requested that the four-bolt attachment of the push plate be revised to two-bolt attachment in view of Humanoid's practice of providing a two-bolt plate. The agency has undertaken its data collection using four-bolt attachment, and to preserve the uncontested validity of these data, declines to modify the proposed specification.

ARL requested reconsideration of NHTSA's decision to leave unchanged the lumbar cable ball and socket attachment design. The agency has continued to examine test results and cannot conclude that the present attachment design has caused a calibration or compliance problem. Accordingly, ARL's request is denied. An ARL request to limit the reference to the strength requirements of the military specification in the case of lumbar cable swaging is granted. If such a limitation were not specified, the other elements of the military specification might arguably be included in the NHTSA's specification.

Calibration of the abdomen of the dummy is accomplished by application of a specified force to the abdomen while the dummy torso is placed on its back, with a required "force/deflection" curve resulting. The proposal added a range of force application rates to make the procedure more uniform, as well as a 10-pound preload and further specification of the horizontal surface. Manufacturers did not oppose these changes.

Manufacturers did oppose the proposed specification changes that would require the dummy abdominal sac to be sealed. Various reasons unrelated to abdomen performance were listed (e.g., transportation of sealed sac in unpressurized aircraft compartment) and available data show successful calibration in both configurations. In view of the expressed preference for the unsealed design, the leak test has been removed from the drawings, and the vent is retained.

Humanoid requested that the shape of the abdominal insert be modified to conform more closely to the dummy's abdominal cavity. The shape of the insert affects the dummy performance, however, and the agency does not consider a change with unknown consequences advisable at this time. The agency also concludes that Humanoid's request to

drop all specification of wall thickness for the abdominal sac is also unadvisable for this reason.

Ford, the MVMA, and Humanoid noted an asymmetry of the dummy pelvic castings and requested a justification for it. The asymmetry is apparently an artifact of the adoption of Society Automotive Engineers specifications, whose origin is unknown. In the agency's judgment, based on experience with numerous Part 572 dummies and evaluation of test results, no degradation in performance is attributable to the asymmetry. While the agency intends to further review the asymmetry noted, no action will be taken without evidence that the specification affects testing.

LIMBS

Little comment was received on the changes proposed for limb calibration, which consists of impacting the knees of a seated dummy with a test probe of a specified weight at a specified speed and measuring the impact force on the dummy femurs. In response to Toyota's request for clarification, the positioning in accordance with § 572.11 is followed by the leg adjustments specified in § 572.10(c), which have the effect of changing leg position from that achieved under § 572.11.

The proposed specification of vinyl skin thickness over the knee face was supported in comments, although two manufacturers requested that the thickness tolerance be moved upward to thicken the skin somewhat. Humanoid did suggest elimination of the femur calibration as useless, but the agency considers such a control important to repeatable performance of the dummy.

Ford interpreted information contained in contract work undertaken for the NHTSA (DOT–HS–4–00873) to show that femur force loads registered too high in 50 percent of cases conducted under the calibration conditions of the standard. In NHTSA tests of 100 dummy knees on Part 572 dummies (DOT–HS–801 861, the 2,500-pound limit was exceeded only twice. The same data indicated a tendency for the femur to register lower than previously estimated, and a minor reduction of the lower limit is established in this action. The agency considers the small reduction to fall within the ambit of the proposal to improve conditions for calibration.

Ford's and Humanoid's observations with regard to off-center impacts that result in bending or torque have been dealt with in the recent agency proposal to limit femur force requirements of Standard No. 208 to compressive force. As for Humanoid's concern that unacceptable variation is possible in the femur load cell, it is noted that General Motors and Volkswagen have both certified thousands of vehicles based on impact readings taken from this dummy with these femur cells installed.

GENERAL TEST CONDITIONS

The agency proposed minor changes in the general test conditions of § 572.11 that apply to dummy test, such as a minimum period of dummy exposure to the temperature and humidity at which calibration tests are conducted. With correction of accelerometer locations, a clarification of dummy positioning, and an increase of zipper heat seals from three to four, the contemplated changes are made as proposed.

Sierra requested a broader range of humidity conditions for the calibration tests, stating that a range of 10- to 90-percent humidity would not affect results of "performance tests." The company cited freezing and desert heat conditions as reasons for a 6-hour conditioning rather than the 4-hour conditioning proposed by the agency. Humanoid and Toyota also addressed this aspect of the general test conditions. It appears that Sierra misunderstood the temperature and humidity specifications as applicable to vehicle performance tests. This rulemaking action addresses only calibration tests which presumably would be conducted indoors in a temperature-controlled setting. Because the dummies are not expected to be stored in areas of great temperature extremes prior to calibration testing, the proposed ranges of humidity and temperature conditions are considered to be effective to stabilize the affected dummy properties. While instrumentation would be affected by the 90-percent humidity condition suggested by Sierra, the agency has reduced the lower humidity condition to a 10-percent level in agreement that the change does not affect the ability to calibrate the dummy.

Sierra objected that a dummy manufacturer's warranty of conformity of its products to Part 572 would be complicated by a time specification for temperature and humidity conditioning. The company believed that its customers would require that 4 hours of conditioning occur whether or not the dummy had already stabilized at the correct temperature. The agency sees no reason why a purchaser would insist on a senseless condition but, in any case, has no control over the contractual dealings between the dummy manufacturer and the purchaser. The NHTSA cannot delete necessary stabilizing conditions from its regulations simply because a purchaser wishes to make an unreasonable contractual specification based on it. The same rationale is responsive to Sierra's request for shorter recovery intervals between repeated tests.

Toyota supplied data to demonstrate that more consistent thorax and knee impact tests could be achieved by using cotton pants on the dummy. The agency's data do not agree with Toyota's, and no other manufacturer took issue with the agency's proposal to delete all clothing requirements. This deletion is made final as proposed.

ARL asked why the agency's proposed prohibition against painting dummy components is qualified to state "except as specified in this part or in drawings subtended by this part." This qualification simply preserves the agency's opportunity to specify painted components in the future.

No conclusive evidence of preferable storage methods was submitted by commenters. The agency therefore does not specify that the dummy calibrations be preceded by positioning in a specific posture. To avoid the possibility of introducing a variable, however, the eye bolt in the dummy head has been relabeled on the drawings as "not for use in suspending dummy in storage."

Interested persons are advised that the first stage of choosing a replacement foaming agent for the specified Nitrosan are complete. Details are available in document HS–802–030 in the public docket.

In accordance with recently enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this action on the public and private sectors, including possible loss of safety benefits. The changes made are all to existing specifications and calibration procedures and are intended as clarifications of specifications already established. Therefore, the cost of the changes are calculated as minimal, consisting at most of relatively small modifications of test equipment and minor dummy components. The number and complexity of calibration tests is not affected by the changes. At the same time, the clarification will improve a manufacturer's ability to conduct compliance tests of safety systems and will thereby contribute to an increase in motor vehicle safety.

NOTE.—The economic and inflationary impacts of this rulemaking have been carefully evaluated in accordance with Office of Management and Budget Circular A–107, and an Inflation Impact Statement is not required.

In anticipation of the use of dummies other than the 50th-percentile male dummy in compliance testing, the agency takes this opportunity to reorganize Part 572 so that the 50th-percentile dummy occupies only one subpart.

In consideration of the foregoing, 49 CFR Part 572, *Anthropomorphic Test Dummy*, and the dummy design drawings incorporated by reference in Part 572, are amended as follows:

1. The word "dummy" in the title of Part 572 is changed to "Dummies."

Subpart A—General

2. A new heading "Subpart A—General" is added preceding § 572.1.

3. Section 572.1 is amended to read:

§ 572.1 Scope.

This part describes the anthropomorphic test dummies that are to be used for compliance testing of motor vehicles and motor vehicle equipment with motor vehicle safety standards.

§ 572.2 [Amended]

4. In § 572.2, the phrase "a measuring tool" is changed to "measuring tools" and the phrase "or item of motor vehicle

equipment" is added after the word "vehicle".

§ 572.3 [Amended]

5. In § 572.3, the word "section" is changed to "part" and the phrase "a tool to" is changed to "tools that".

6. In § 572.4, paragraph (c) is deleted and paragraph (a) is amended to read:

§ 572.4 Terminology.

(a) The term "dummy," when used in this Subpart A, refers to any test device described by this part. The term "dummy," when used in any other subpart of this part, refers to the particular dummy described in that part.

* * * * *

Subpart B—50th Percentile Male

7. A new heading "Subpart B—50th Percentile Male" is added preceding § 572.5.

8. In § 572.5, paragraph (a) is amended to read:

§ 572.5 General description.

(a) The dummy consists of the component assemblies specified in Figure 1, which are described in their entirety by means of approximately 250 drawings and specifications that are grouped by component assembly under the following nine headings:

SA 150 M070—Right arm assembly
SA 150 M071—Left arm assembly
SA 150 M050—Lumbar spine assembly
SA 150 M060—Pelvis and abdomen assembly
SA 150 M080—Right leg assembly
SA 150 M081—Left leg assembly
SA 150 M010—Head assembly
SA 150 M020—Neck assembly
SA 150 M030—Shoulder-thorax assembly

The drawings and specifications are incorporated in this part by reference to the nine headings, and are available for examination in Docket 73–8, Room 5108, 400 Seventh Street, S.W., Washington, D.C. Copies may be obtained from Keuffle and Esser Company, 1521 North Danville Street, Arlington, Virginia 22201. The drawings and specifications are subject to change, but any amendment will be accomplished by appropriate administrative procedures and noted by publication in the FEDERAL REGISTER, and be available for examination and copying as noted in this paragraph. The drawings and specifications are on file in the reference library of the FEDERAL REGISTER, National Archives and Records Service, General Services Administration, Washington, D.C.

9. Section 572.6 *Head*, is amended by amended by revising paragraphs (b) and (c)(2) to read:
read:

§ 572.6 Head.

* * * * *

(b) When the head is dropped from a height of 10 inches in accordance with paragraph (c) of this section, the peak resultant accelerations at the location of the accelerometers mounted in the head form in accordance with § 572.11(b) shall be not less than 210g, and not more than 260g. The acceleration/time curve for the test shall be unimodal and shall lie at or above the 100g level for an interval not less than 0.9 milliseconds and not more than 1.5 milliseconds. The lateral acceleration vector shall not exceed 10g.

(c) Test procedure: * * *

(2) Drop the head from the specified height by a means that ensures instant release onto a rigidly supported flat horizontal steel plate, 2 inches thick and 2 feet square, which has a clean, dry surface and any microfinish of not less than 8 microinches (rms) and not more than 80 microinches (rms).

* * * * *

10. Section 572.7 *Neck*, is amended by deleting paragraph (c)(5) and revising paragraph (c)(3)(ii) and the last sentence of paragraph (b) to read as follows:

§ 572.7 Neck.

* * * * *

(b) * * * The peak resultant acceleration recorded at the location of the accelerometers mounted in the head form in accordance with § 572.11(b) shall not tence of paragraph (b) to read as exceed 26g. The pendulum shall not reverse direction until T=123 ms.

(c) * * *

(3) * * *

(ii) Establish t_1 at the point where the rising a–t curve first crosses the 5g level, t_2 at the point where the rising a–t curve first crosses the 20g level, t_3 at the point where the decaying a–t curve last crosses the 20g level, and t_4 at the point where the decaying a-t curve first crosses the 5g level.

* * * * *

11. Section 572.8 *Thorax*, is amended by specifying new values for thorax resistance and deflection in paragraph (c), deleting paragraph (d)(9), adding a new sentence to paragraph (d)(4), and revising paragraphs (d)(1), (d)(3), and (d)(5) to read:

§ 572.8 Thorax.

* * * * *

(c) When impacted by a test probe conforming to § 572.11(a) at 14 fps and at 22 fps in accordance with paragraph (d) of this section, the thorax shall resist with forces measured by the test probe of not more than 1450 pounds and 2250 pounds, respectively, and shall deflect by amounts not greater than 1.1 inches and 1.7 inches, respectively. The internal hysteresis in each impact shall not be less than 50 percent and not more than 70 percent.

(d) Test procedure:

(1) With the dummy seated without back support on a surface as specified in § 572.11(i) and in the orientation specified in § 572.11(i), adjust the dummy arms and legs until they are extended horizontally forward parallel to the midsagittal plane.

* * * * *

(3) Align the test probe specified in § 572.11(a) so that at impact its longitudinal centerline coincides within 2 degrees of a horizontal line in the dummy's midsagittal plane.

(4) * * * Limb support, as needed to achieve and maintain this orientation, may be provided by placement of a steel rod of any diameter not less than one-quarter of an inch and not more than three-eighths of an inch, with hemispherical ends, vertically under the limb at its projected geometric center.

(5) Impact the thorax with the test probe so that its longitudinal centerline falls within 2 degrees of a horizontal line in the dummy's midsagittal plane at the moment of impact.

* * * * *

(7) Measure the horizontal deflection of the sternum relative to the thoracic spine along the line established by the longitudinal centerline of the probe at the moment of impact, using a potentiometer mounted inside the sternum.

(8) Measure hysteresis by determining the ratio of the area between the loading and unloading portions of the force deflection curve to the area under the loading portion of the curve.

12. Section 572.9 *Lumbar spine, abdomen, and pelvis*, is revised to read:

§ 572.9 Lumbar spine, abdomen, and pelvis.

(a) The lumbar spine, abdomen, and pelvis consist of the assemblies designated as numbers SA 150 M050 and SA 150 M060 in Figure 1 and conform to the drawings subtended by these numbers.

(b) When subjected to continuously applied force in accordance with paragraph (c) of this section, the lumbar spine assembly shall flex by an amount that permits the rigid thoracic spine to rotate from its initial position in accordance with Figure 11 by the number of degrees shown below at each specified force level, and straighten upon removal of the force to within 12 degrees of its initial position in accordance with Figure 11.

Flexion (degrees)	*Force (±6 pounds)*
0	0
20	28
30	40
40	52

(c) Test procedure:

(1) Assemble the thorax, lumbar spine, pelvic, and upper leg assemblies (above the femur force transducers), ensuring that all component surfaces are clean, dry, and untreated unless otherwise specified, and attach them to the horizontal fixture shown in Figure 5 at the two link rod pins and with the mounting brackets for the lumbar test fixtures illustrated in Figures 6 to 9.

(2) Attach the rear mounting of the pelvis to the pelvic instrument cavity rear face at the four ¼" cap screw holes and attach the front mounting at the femur axial rotation joint. Tighten the mountings so that the pelvic-lumbar adapter is horizontal and adjust the femur friction plungers at each hip socket joint to 240 inch-pounds torque.

(3) Flex the thorax forward 50° and then rearward as necessary to return it to its initial position in accordance with Figure 11 unsupported by external means.

(4) Apply a forward force perpendicular to the thorax instrument cavity rear face in the midsagittal plane 15 inches above the top surface of the pelvic-lumbar adapter. Apply the force at any torso deflection rate between .5 and 1.5 degrees per second up to 40° of flexion but no further, continue to apply for 10 seconds that force necessary to maintain 40° of flexion, and record the force with an instrument mounted to the thorax as shown in Figure 5. Release all force as rapidly as possible and measure the return angle 3 minutes after the release.

(d) When the abdomen is subjected to continuously applied force in accordance with paragraph (e) of this section, the abdominal force-deflection curve shall be within the two curves plotted in Figure 10.

(e) Test procedure:

(1) Place the assembled thorax, lumbar spine, and pelvic assemblies in a supine position on a flat, rigid, smooth, dry, clean horizontal surface, ensuring that all component surfaces are clean, dry, and untreated unless otherwise specified.

(2) Place a rigid cylinder 6 inches in diameter and 18 inches long transversely across the abdomen, so that the cylinder is symmetrical about the midsagittal plane, with its longitudinal centerline horizontal and perpendicular to the midsagittal plane at a point 9.2 inches above the bottom line of the buttocks, measured with the dummy positioned in accordance with Figure 11.

(3) Establish the zero deflection point as the point at which a force of 10 pounds has been reached.

(4) Apply a vertical downward force through the cylinder at any rate between 0.25 and 0.35 inches per second.

(5) Guide the cylinder so that it moves without significant lateral or rotational movement.

13. Section 572.10 *Limbs*, is amended by replacing the value "1900" in paragraph (b) with the value "1850", and by revising paragraphs (c) (1) and (c) (2) to read:

§ 572.10 Limbs.

* * * * *

(c) Test procedure:

(1) Seat the dummy without back support on a surface as specified in § 572.11(i) that is 17.3±0.2 inches above a horizontal surface, oriented as specified in § 572.11(i), and with the hip joint adjustment at any setting between 1g and 2g. Place the dummy legs in planes parallel to its midsagittal plane (knee pivot centerline perpendicular to the midsagittal plane) and with the feet flat on the horizontal surface. Adjust the feet and lower legs until the lines between the midpoints of the knee pivots and the ankle pivots are at any angle not less than 2 degrees and not more than 4 degrees rear of the vertical, measured at the centerline of the knee pivots.

(2) Reposition the dummy if necessary so that the rearmost point of the lower legs at the level one inch below the seating surface remains at any distance not less than 5 inches and not more than 6 inches forward of the forward edge of the seat.

* * * * *

14. Section 572.11 *Test conditions and instruments*, is amended by adding new paragraphs (i)(6) and (l) and by revising paragraph (b), the last four sentences of paragraph (c), paragraphs (h), (i) (1) and (4), and (k) to read as follows:

§ 572.11 Test conditions and instrumentation.

* * * * *

(b) Accelerometers are mounted in the head on the horizontal transverse bulkhead shown in the drawings subreferenced under assembly No. SA 150 M010 in Figure 1, so that their sensitive axes intersect at a point in the midsagittal plane 0.5 inches above the horizontal bulkhead and 1.9 inches ventral of the vertical mating surface of the skull with the skull cover. One accelerometer is aligned with its sensitive axis perpendicular to the horizontal bulkhead in the midsagittal plane and with its seismic mass center at any distance up to 0.3 inches superior to the axial intersection point. Another accelerometer is aligned with its sensitive axis parallel to the horizontal bulkhead and perpendicular to the midsagittal plane, and with its seismic mass center at any distance up to 1.3 inches to the left of the axial intersection point (left side of dummy is the same as that of man). A third accelerometer is aligned with its sensitive axis parallel to the horizontal bulkhead in the midsagittal plane, and with its seismic mass center at any distance up to 1.3 inches dorsal to the axial intersection point.

(c) * * * One accelerometer has its sensitive axis oriented parallel to the attachment surface in the midsagittal plane, with its seismic mass center at any distance up to 1.3 inches inferior to the intersection of the sensitive axes specified above. Another accelerometer has its sensitive axis oriented parallel to the attachment surface and perpendicular to the midsagittal plane, with its seismic mass center at any distance up to 0.2 inches to the right of the intersection of the sensitive axes specified above. A third accelerometer has its sensitive axis oriented perpendicular to the attachment surface in the midsagittal plane, with its seismic mass center at any distance up to 1.3 inches dorsal to the intersection of the sensitive axes specified above. Accelerometers are oriented with the dummy in the position specified in § 572.11(i)

* * * * *

(h) Performance tests are conducted at any temperature from 66 °F to 78 °F and at any relative humidity from 10 percent to 70 percent after exposure of the dummy to these conditions for a period of not less than 4 hours.

(i) For the performance tests specified in §§ 572.8, 572.9, and 572.10, the dummy is positioned in accordance with Figure 11 as follows:

(1) The dummy is placed on a flat, rigid, smooth, clean, dry, horizontal,

steel test surface whose length and width dimensions are not less than 16 inches, so that the dummy's midsagittal plane is vertical and centered on the test surface and the rearmost points on its lower legs at the level of the test surface are at any distance not less than 5 inches and not more than 6 inches forward of the forward edge of the test surface.

* * * * *

(4) The dummy is adjusted so that the rear surfaces of the shoulders and buttocks are tangent to a transverse vertical plane.

* * * * *

(6) The lower legs are positioned in planes parallel to the midsagittal plane so that the lines between the midpoint of the knee pivots and the ankle pivots are vertical.

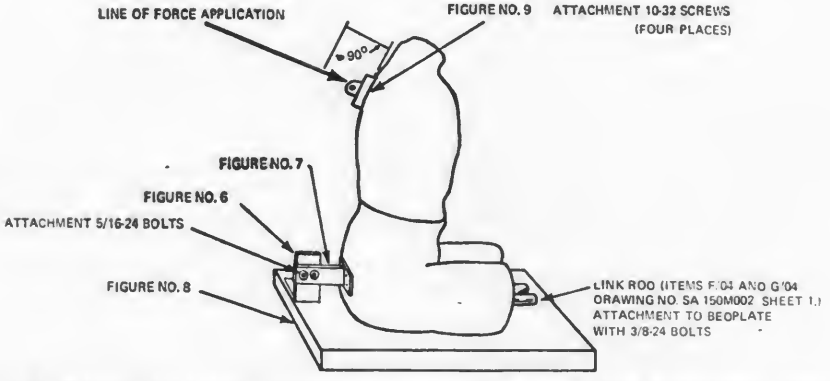
* * * * *

(k) Performance tests of the same component, segment, assembly, or fully assembled dummy are separated in time by a period of not less than 30 minutes unless otherwise noted.

(l) Surfaces of dummy components are not painted except as specified in this part or in drawings subtended by this part.

15. Figure No. 5 is revised by the addition of a second bolt hole to the mounting bracket and two vertical bolts to secure the link rods to the bedplate (at the points already provided in the bedplate Figure No. 8), as pictured below.

FIGURE NO. 5
LUMBAR FLEXION TEST



16. Figures No. 6 and 7 are revised to provide another bolt attachment point, as pictured below.

FIGURE NO. 6
SUPPORT BRACKET
LUMBAR TEST FIXTURE

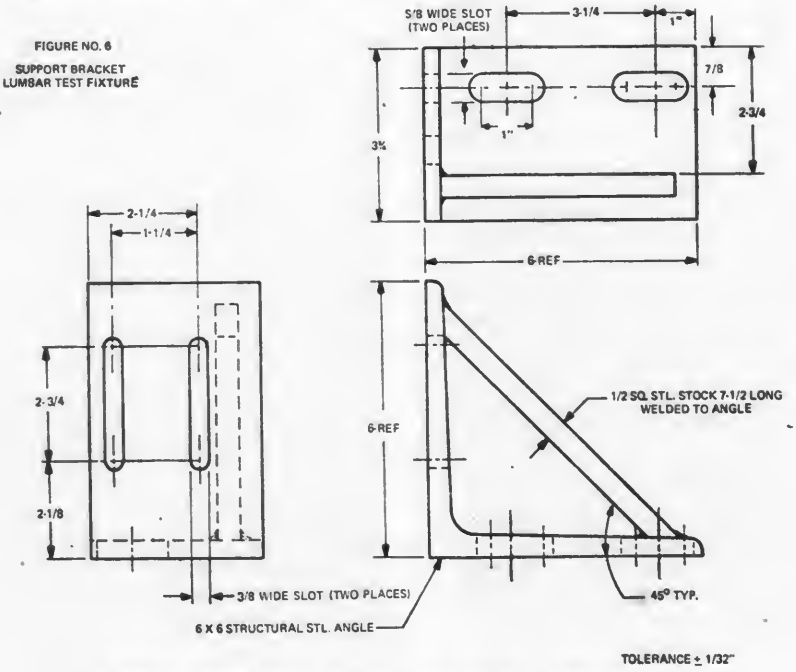
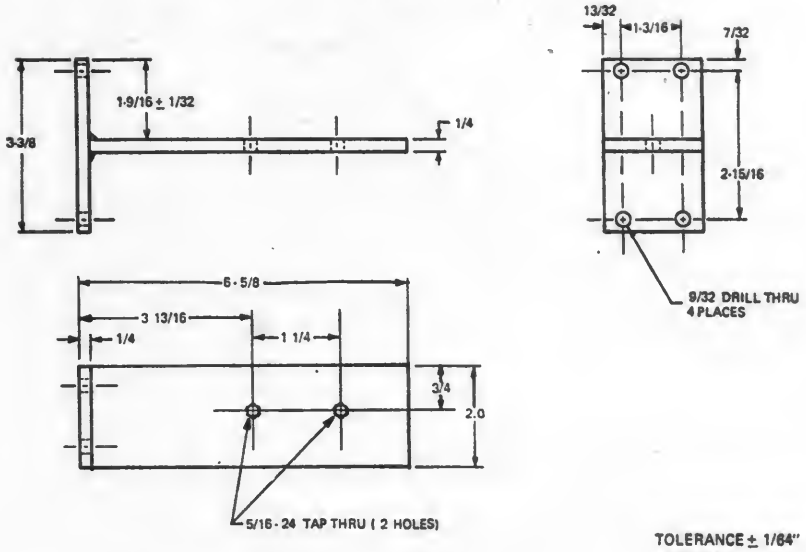


FIGURE NO. 7

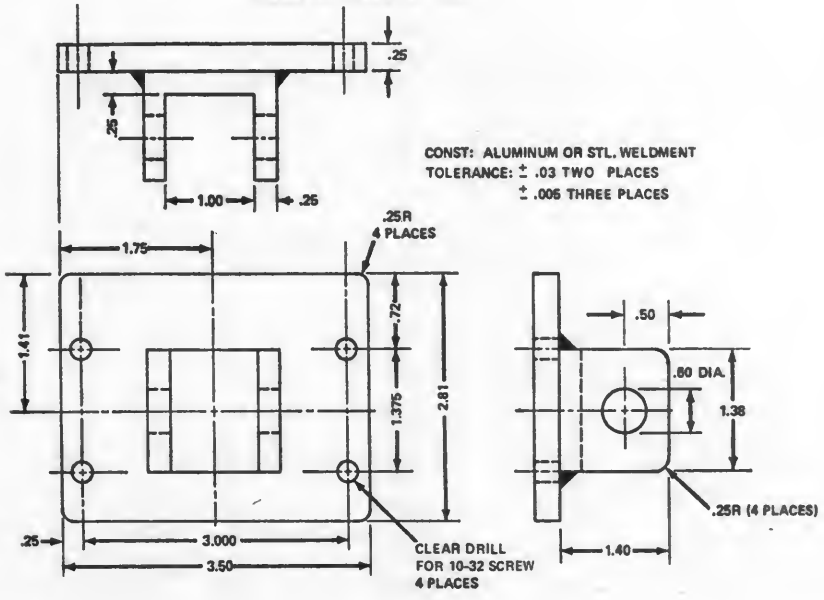
MOUNTING BRACKET-LUMBAR TEST FIXTURE



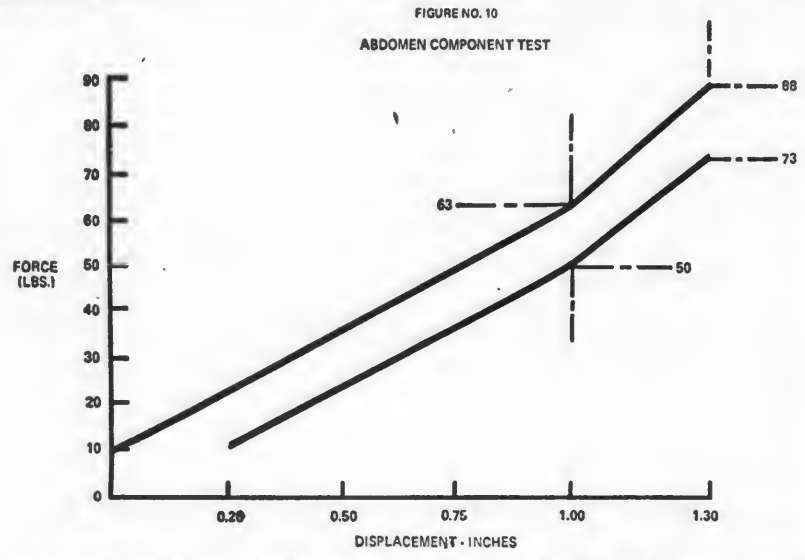
TOLERANCE ± 1/64"
MATERIAL: STEEL
WELDED CONSTRUCTION

17. Figure No. 9 is revised to provide external attachment points for the push plate, as pictured below.

FIGURE 9
Loading Plate- Lumbar Test Fixture



18. Figure No. 10 is revised to reflect the initial 10-pound application of force, as pictured below.



19. General Motors drawing No. 73051–3 is deleted from the list of drawings subtended by number SA 150 M010.

20. In drawing No. 292–1605 subtended by number SA 150 M020, the Kd and Cd specifications are referenced to indicate that the dynamic spring rate and damping characteristic of the neck material are not mandatory.

21. In drawing No. ATD 3151–6 subtended by SA 150 M030,

(a) Four ⅜-inch-diameter bolt holes are added to the back of the chest flesh to conform to the four-hole pattern of the push plate described in Figure No. 9;

(b) Dimensions are added to locate the height, profile, and diameter of the neck opening, and the flesh thickness in the 1-inch-wide band forming the neck opening;

(c) A revised zipper assembly (ATD–3154) specifies a ⅞-inch-wide tape and four heat seal lines on each side of the zipper; and

(d) Location of the arm openings in the chest flesh are added.

22. With regard to clavicle specifications,

(a) In item C/13 listed in SA 150 M030, the socket head cap screw is modified to one and one-quarter inches; and

(b) The counterbore in clavicle drawing ATD 3061 subtended by SA 150 M030, is increased to a $1\frac{19}{32}$-inch depth.

23. In Item J/08 listed in SA 150 M090, the length of the socket head cap screw is modified to the length necessary to ensure adequate thread engagement.

24. In drawing ATD 7107 subtended by number SA 150 M050, the 100 percent rope strength swaging requirement is changed to refer to the strength requirement of MIL–C–5688A specification to prescribe in greater detail the test procedure to measure the swaging strength and establish a 60-percent minimum strength requirement.

25. In drawing no. ATD 3250–2 subtended by number SA 150 M060, an overall insert height of $8\frac{3}{4}$ inches is added to the specifications, and a $6\frac{3}{4}$ inch dimension, measured from a plane through the ¾-inch hole in the abdominal insert to the plane indicated for cutting off excess material.

26. In drawings No. ATD 3801–1 and ATD 3801–2 subtended by number SA 150 M080 and SA 150 M081, the knee flesh over 180 degrees of the knee face is specified as one-quarter of an inch in thickness.

27. In drawing No. ATD 3738 subtended by numbers SA 150 M080 and SA 150 081, the paint specifications are deleted.

28. In drawing No. SA 150 M002, subtended by number SA 150 M080 and M081, items F/02, G/02, F/25, and G/25 are deleted.

29. In drawing No. SA 150 M002, the note "not for use in suspending dummy in storage" is added with reference to the eye bolt.

30. All General Motors drawings that are specified as alternatives for other drawings are deleted.

Effective date: August 8, 1977.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on January 31, 1977.

JOHN W. SNOW,
Administrator.

[FR Doc.77–3513 Filed 2–4–77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S. O. No. 1257]

PART 1033—CAR SERVICE

Priority in Movement of Fuel and Other Essential Commodities

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 1st day of February 1977.

It appearing, that because of severe weather in the eastern portion of the United States available fuel supplies are seriously depleted; that excessive accumulations of snow and ice and extreme cold have also disrupted normal movement of freight by railroad; that shortages of fuel have caused numerous industries to discontinue operations, resulting in extensive unemployment; that supplies of foodstuffs for farm animals and for humans are also being depleted; that there are needs for emergency supplies of equipment and chemicals used in removing snow from streets and highways; that certain other articles of commerce must continue to move to points of use promptly; that railroads in certain areas are unable to move currently all traffic available; that the establishment of priorities for the movement of certain commodities is essential to the national welfare; that in the opinion of the Commission an emergency exists; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exist for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1257 Second Revised Service Order No. 1257.

(a) *Priority in movement of fuel and other essential commodities.* Any railroad which is unable to transport all of the freight traffic which it would normally move by any particular train or engine may give priority in movement, over all other traffic of all essential commodities consigned for domestic use including but not limited to the following:

Liquid fuels, including liquefied petroleum gas, diesel fuel, fuel oil, gasoline, etc.
Coal.
Animal and poultry feed.
Food for human consumption.
Grain, soybeans and other agricultural products for processing into foods for either human or animal consumption.
Snow removal equipment and supplies, including salt and chemicals when consigned to a federal, state, county or municipal body.
Water and sewage processing supplies and equipment essential to the continuity of operation of water and sewage installations.
Electric power, gas and petroleum, petroleum products, distribution and communication systems supplies, materials and equipment required for the continued operation of such systems.

Military freight on bills of lading issued by transportation officers of the military services.

Material moving on bills of lading specifically certified as essential by the Department of Defense, Energy Research and Development Administration or the Federal Energy Administration.

Empty tank cars which last contained liquid fuel or which the car owner certifies will next be used to transport such commodity.

Empty mechanical refrigerator cars.[1]

United States mail in accordance with emergency orders of the United States Postal Service.

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[1] Addition

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., February 2, 1977.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, 17(2).) Interprets or applies secs. 1(10-17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), 17(2)).)

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3855 Filed 2-4-77;8:45 am]

proposed rules

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 31 and 32]

SELENIUM-75

Proposed Inclusion in General License for in Vitro Diagnostic Products

The purpose of this FEDERAL REGISTER announcement is to notify the public of a proposed amendment to the Nuclear Regulatory Commission's (NRC) regulations in 10 CFR Part 31, "General Licenses for Byproduct Material." Specifically, § 31.11, "General License for use of byproduct material for certain in vitro clinical or laboratory testing" would be amended to include selenium-75 in the list of radionuclides. Section 32.71, which sets out requirements for issuance of specific licenses to manufacture and distribute byproduct material for use under the above general license, would also be amended to include selenium-75.

The general license in § 31.11 permits any physician, clinical laboratory or hospital to receive, acquire, possess, transfer or use iodine-125, iodine-131, carbon-14, hydrogen-3 and iron-59 for in vitro testing of body fluids such as blood and urine. In vitro tests are laboratory tests performed outside the human body. This general license includes radiation safety requirements and restricts the iodine-125, iodine-131 and carbon-14 to individual units not exceeding 10 microcuries each, iron-59 to individual units not exceeding 20 microcuries each, and hydrogen-3 to individual units not exceeding 50 microcuries each. The storage or use of a combined amount of iodine-125, iodine-131, and iron-59 is limited to a total of 200 microcuries. There are no restrictions on the total amount of carbon-14 or hydrogen-3. In the proposed amendments, selenium-75 would be restricted to individual units not exceeding 10 microcuries each and would be included with iodine-125, iodine-131 and iron-59 in the 200 microcurie combined total possession limit.

Amersham/Searle Corporation of Arlington Heights, Illinois, filed a petition for rulemaking (PRM 31–1) with the NRC (by letter dated April 23, 1976) requesting the inclusion of selenium-75 in the § 31.11 general license. The petitioner has been distributing in vitro test kits containing selenium-75 as "exempt quantities" under § 32.18, "Manufacture, distribution and transfer of exempt quantities of byproduct material: requirements for license." Under the conditions of the § 32.18 license, the petitioner is effectively prevented from filling "standing" orders with customers. Specifically, with the particular selenium-75 product being marketed, a customer must re-order every 20 "kits" (each kit provides up to 25 individual tests). The Petitioner claims that the cost of a single purchase order in some large institutions may be equivalent to the cost of one test kit.

The radiation safety considerations for selenium-75 are similar to those for the other gamma emitters in the general license (iodine-125, iodine-131 and iron-59).

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 31 and 32 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by March 24, 1977. Copies of comments on the proposed amendment may be examined at the Commission's Public Document room at 1717 H Street NW., Washington, D.C.

1. Section 31.11 of 10 CFR Part 31 is amended by adding a new paragraph (a)(6), and amending paragraphs (c)(1) and (d)(1) to read as follows:

§ 31.11 General License for use of byproduct material for certain in vitro clinical or laboratory testing.

(a) A general license is hereby issued to any physician, clinical laboratory or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

* * * * *

(6) Selenium-75, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human being or animals.

* * * * *

(a) A person who receives, acquires, possesses, or uses byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) The general licensee shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, and/or iron-59 in excess of 200 microcuries.

* * * * *

(d) The general licensee shall not receive, acquire, possess, or use byproduct material pursuant to paragraph (a) of this section:

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued under the provisions of § 32.71 of this chapter or in accordance with the provisions of a specific license issued by an Agreement State that authorizes manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), selenium-75, or iron-59 for distribution to persons generally licensed by the Agreement State.

* * * * *

2. In 10 CFR Part 32, § 32.71 is amended by adding a new paragraph (b)(6), and amending paragraph (c)(1) to read as follows:

§ 32.71 Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license.

An application for a specific license to manufacture or distribute byproduct material for use under the general license of § 31.11 of this chapter will be approved if:

* * * * *

(b) The byproduct material is to be prepared for distribution in prepackaged units of:

* * * * *

(6) Selenium-75 in units not exceeding 10 microcuries each.

(c) Each prepackaged unit bears a durable, clearly visible label:

(1) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-131, iodine-125, selenium-75, or carbon-14; 50 microcuries of hydrogen-3 (tritium); or 20 microcuries of iron-59; and

* * * * *

(Secs. 81, 161, Pub. Law 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Maryland this 7th day of January 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-3742 Filed 2-4-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket 76-GL-13]

GENERAL ELECTRIC CF6 SERIES ENGINES

Proposed Airworthiness Directives

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of a protective shield on General Electric CF6 Series engines was published in 41 FR 31567. After publishing the notice, the agency determined that the proposed installation of a protective shield did not provide adequate protection of the fuel and oil tubes from fires originating within the compressor. Accordingly, the notice is hereby supplemented to propose an airworthiness directive that would require the installation of fuel and oil tubes with protective coverings below the compressor in lieu of the protective shield originally proposed. Furthermore, the applicability of this amended proposal is limited to CF6-50 Series engines inasmuch as the need for similar action for CF6-6 Series engines has not, as yet, been clearly defined. Should, after further study, such action be deemed necessary for CF6-6 Series engines, those engines would be the subject of separate rule making action. Applicability to the Model CF6-50C1 engine has been added inasmuch as this model was certificated subsequent to the publication of the notice.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 31, 1977, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this amended notice may be changed in the light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In accordance with Departmental Regulatory Reform dated March 23, 1976, an evaluation of the anticipated impacts has been made, and it is expected that the proposal will be neither costly nor controversial.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GENERAL ELECTRIC. Applies to General Electric Models CF6-50A, CF6-50C, CF6-50C1, CF6-50D, CF6-50E, CF6-50E1 and CF6-50H engines installed in aircraft certificated in all categories.

Compliance required by January 31, 1978 unless previously accomplished.

To prevent possible burn through of fuel or oil tubes located below the compressor section, accomplish the following in accordance with General Electric Service Bulletin (CF6-50) 72-447 dated December 30, 1976 or subsequent FAA Approved revision thereto:

(a) Replace the Fuel Manifold, Part Number 9008M43G01, 9008M43G02 or 9008-M43G03, with Part Number 9200M17G01, 9200M17G02 or 9200M17G03.

(b) Replace the Lube Supply, Part Number 9043M25G02, with Part Number 9200-M11G01.

(c) Replace the "B" Sump Scavenge Aft, Part Number 9068M88G01 or 9194M18G01, with Part Number 9200M10G01.

(d) Replace the "B" Sump Scavenge Forward, Part Number 9005M64G01, with Part Number 9191M72G01.

(e) Replace the "C" Sump Scavenge, Part Number 9054M44G01, with Part Number 9200M15G03.

(f) Replace the "D" Sump Scavenge, Part Number 9055M93G01, with Part Number 9200M16G02.

Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Company, Cincinnati, Ohio 45215. These documents may also be examined at the Federal Aviation Administration, Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at Great Lakes Region.

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

Issued in Des Plaines, Illinois on January 28, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

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

[FR Doc. 77-3773 Filed 2-4-77;8:45 am]

[14 CFR Part 39]

[Docket No. 77-GL-3]

McCAULEY MODEL D2A34C58, F2A34C58 AND D2A34C98 SERIES PROPELLERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McCauley Model D2A34C58, F2A34C58 and D2A34C98 series propeller hubs. There have been cracks and failures of the hubs that could result in separation of the propeller blades. Since this condition is likely to exist or develop in other propellers of the same design, the proposed airworthiness directive would require periodic inspection of the propeller hubs for fatigue cracking until replaced by McCauley oil-filled series hubs containing a dyed oil crack detection system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 28, 1977, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MCCAULEY PROPELLERS. Applies to the following Model D2A34C58, F2A34C58 and D2A34C98 series propellers installed on Cessna A188, A188A and A188B "Agwagon", and Transavia PL-12 "Air Truck" aircraft.

D2A34C58
D2A34C58-A
D2A34C58-B, -BM, or -BMN
D2A34C58-C, -CM, or -CMN
D2A34C58-J, -JM, or -JMN
D2A34C58-K, -KM, or -KMN
D2A34C58-L, -LM, or -LMN
D2A34C58-M or -MN

D2A34C58–N
F2A34C58–N
D2A34C98–BM or
–BMN
D2A34C98–CM or
–CMN
D2A34C98–JM or
–JMN
D2A34C98–KM or
–KMN
D2A34C98–LM or
–LMN
D2A34C98–M or
–MN
D2A34C98–N

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

(a) All Models and Series listed above:

(1) Propeller hubs with less than 500 hours time in service, inspect in accordance with paragraph (d)(2) within 525 hours total time and reinspect in accordance with paragraph (d)(2) every 100 hours time in service from last inspection.

(2) Propeller hubs with 500 or more but less than 1200 hours time in service, inspect in accordance with paragraph (d)(2) within the next 25 hours time in service after the effective date of this AD, and reinspect in accordance with paragraph (d)(2) every 100 hours time in service from last inspection.

(b) Model D2A34C58 and D2A34C58–A only. Propeller hubs with 1200 or more total hours in service, or whose total time in service is unknown, remove from service and replace in accordance with paragraph (d)(1) within the next 25 hours in service after the effective date of this AD.

(c) All Models and Series listed above except D2A34C58 and D2A34C58–A. Propeller hubs with 1200 or more hours time in service, or whose total time in service is unknown, inspect in accordance with paragraph (d)(3) within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service and reinspect in accordance with paragraph (d)(3) every 300 hours time in service from the last inspection.

(d) Required action. (1) Remove propeller from the aircraft, disassemble, inspect components and replace hub with a Model D2A34C58–BMNO, –CMNO –JMNO, –KMNO, –LMNO, –MNO, –NO, –O; F2A34C58–NO, –O, or D2A34C98–BMNO, –CMNO, –JMNO, –LMNO, –MNO, –NO or –O oil-filled series hub as applicable in accordance with McCauley Service Bulletin No. 122 dated February 15, 1977, and Service Manual No. 720415.

(2) Inspect all external surfaces of propeller hub for cracks by dye penetrant method. Replace before further flight any cracked hub with a McCauley oil-filled series hub as in paragraph (d)(1).

(3) Remove propeller from aircraft and disassemble. Inspect all internal and external hub surfaces for cracks by dye penetrant method in accordance with McCauley Service Letter 1974–3 dated March 29, 1974. Replace before further flight any cracked hub with a McCauley oil-filled series hub as in paragraph (d)(1).

(e) The foregoing inspections may be discontinued after replacement of Model D2A34C58, F2A34C58 or D2A34C98 series propeller hubs with McCauley oil-filled hubs as in paragraph (d)(1).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division,, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this Airworthiness Directive which includes incorporated material is maintained by the FAA, at its headquarters in Washington, D.C. and at the Great Lakes Region.

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

Issued in Des Plaines, Illinois on January 28, 1977.

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

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

[FR Doc.77-3774 Filed 2-4-77;8:45 am]

[14 CFR Part 39]

[Docket No. 76–EA–67]

CANADAIR AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending § 38.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL–215 type airplanes.

There has been a report of failure of lower rudder bearings due to corrosion.

Since this a deficiency which can exist or develop in aircraft of similar type design, an airworthiness directive is being proposed which will require a repetitive inspection of the bearings.

While this is an air safety item, there are at present no U.S. registered CL–215 type airplanes, and all operable airplanes have been affected by a Canadian airworthiness directive. However, the airplane is U.S. type certificated and an airworthiness directive must be issued to cover future registrations.

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

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Engineering and Manufacturing Branch, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before March 9, 1977, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Engineering and Manufacturing Branch, Eastern Region.

Any data or views 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.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

CANADA. Applies to Canadair CL–215–1A10 Airplanes, Serial Numbers 1001 to 1043 inclusive and 1046, not altered in accordance with Appendix I of Canadair Information Circular 110–CL–215 dated October 27, 1975 or an FAA approved equivalent.

Compliance is required as indicated.

To prevent failure of the lower rudder bearing due to water ingress and subsequent corrosion, accomplish the following:

(a) Prior to 1200 hours in service, and at each 1050 hours in service or one year, whichever occurs first thereafter, inspect for corrosion as outlined in paragraphs "Inspection" and "Rework" in Canadair Information Circular 110–CL–215 dated October 27, 1975 or later approved revision thereto, or an FAA approved equivalent.

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

(c) Upon request, with substantiating data submitted through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance times specified in this AD.

NOTE.—The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (40 U.S.C. 1655(c)).)

Issued in Jamaica, New York, on January 27, 1977.

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

[FR Doc.77-3476 Filed 2-4-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–EA–83]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regula-

tions that would realign V–31 between Patuxent River, Md., and Nottingham, Md.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 9, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Requests for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

V–31 is generally used for Andrews Air Force Base departures to the southwest via Patuxent River, Md., VORTAC. In an effort to improve air traffic handling capabilities in the Patuxent River-Nottingham, Md., area, it is proposed to realign V–31 from Patuxent River to Nottingham via the Patuxent River 345° and Nottingham 135° magnetic radials to Nottingham. The proposed airway realignment would reduce the distance between Nottingham and Patuxent River by eight miles with attendant savings in fuel consumption.

Although the proposed airway realignment would be partially contained within restricted area R–4007 we anticipate no difficulty in aircraft penetrating the restricted area, when necessary, due to the existing joint-use procedural agreement.

The proposed amendment would alter V–131 by deleting "From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; Nottingham," and substituting "From Patuxent River, Md.; INT Patuxent River 338°T(345°M) and Nottingham, Md., 128°T (135°M) radials; Nottingham," therefor.

(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)).)

Issued in Washington, D.C., on January 14, 1977.

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

[FR Doc.77-3472 Filed 2-4-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–RM–17]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the floor of control area on V–26 between Casper, Wyo., and Rapid City, S. Dak.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communcations received on or before March 9, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

The proposed amendment would amend the description of V–26 from Casper, Wyo., to Rapid City, S. Dak., as follows:

Casper, Wyo.; 14 miles 12 AGL, 37 miles 75 MSL, 84 miles 90 MSL, 17 miles 12 AGL, Rapid City, S. Dak.;

Air Traffic Control has a requirement for aircraft to cross Sand Creek Intersection, Wyo., at 8,000 feet MSL, then climb to the minimum en route altitude (MEA) of 13,000 feet MSL eastbound on V–26. An MEA of 8,000 feet to Sand Creek is feasible, however, the floor of control area on V–26 must be altered to a point 12 miles east of Sand Creek to provide sufficient controlled airspace for the climb.

(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))

Issued in Washington, D.C., on January 19, 1977.

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

[FR Doc.77-3474 Filed 2-4-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–CE–19]

VOR FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V–44 from Foristell, Mo., to Jefferson City, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All Communications received on or before March 9, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

The proposed amendment would extend V–44 westward to begin at Jefferson City, Mo., and go direct to Foristell, Mo., the present point of origin.

The number of flights presently being flown along this route appears to justify its designation as an airway. The airway distance between Jefferson City and Foristell would be reduced by this direct airway designation.

(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))

Issued in Washington, D.C., on January 17, 1977.

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

[FR Doc.77-3475 Filed 2-4-77;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76–NE–39]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regula-

tions that would alter the jet route structure in the vicinity of Bangor, Maine.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before March 9, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

The proposed amendment would realign Jet Route 55 in part from Kennebunk, Maine, direct Presque Isle, Maine.

Jet Route 55 is part of the North Atlantic Route System, and as such, is heavily used by North Atlantic traffic. This proposed realignment would reduce flight time and also allow air traffic control to provide more expeditious routings in this area.

(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)).

Issued in Washington, D.C., on January 24, 1977.

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

[FR Doc.77-3473 Filed 2-4-77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 32, 153, 157]

[Docket No. RM77-3]

IMPLEMENTATION OF SECTION 382(b) AND (c) OF THE ENERGY POLICY AND CONSERVATION ACT OF 1975

Acceptance of Comments

JANUARY 28, 1977.

On November 8, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM77-3, (published November 15, 1976, 41 FR 50276), calling for comments in writing by January 7, 1977. On January 10, 1977, Associated Gas Distributors (AGD) filed a motion requesting acceptance of their late-filed comments in the above-designated proceeding.

Upon consideration and for good cause shown, notice is hereby given that AGD's comments are accepted as timely filed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3765 Filed 2-4-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1612]

GOVERNMENT IN THE SUNSHINE ACT

Implementation of Provisions

Notice is hereby given that the Equal Employment Opportunity Commission (hereinafter, the Commission) proposes to amend 29 CFR by establishing Part 1612 which implements the provisions of the Government in the Sunshine Act, 5 U.S.C. 552b, (Pub. L. 94-409), with respect to public observation of Commission meetings and public access to information pertaining to Commission meetings.

These regulations set forth the procedures whereby persons can attend Commission meetings for public observation and whereby persons can request access to information concerning Commission meetings. They also set forth the procedures the Commission will follow in complying with the Government in the Sunshine Act.

The establishment of the Commission's Government in the Sunshine Act regulations is proposed pursuant to the authority of the Government in the Sunshine Act of 1976, 5 U.S.C. 552b, and section 713(a), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a).

The Equal Employment Opportunity Commission has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Comments on the proposed Commission's Government in the Sunshine Act regulations may be submitted to the Associate General Counsel, Legal Counsel Division, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

Comments received on or before March 9, 1977, will be considered.

Dated: February 1, 1977.

ETHEL BENT WALSH,
Vice Chairman.

In consideration of the foregoing, the Commission proposes to amend 29 CFR by establishing Part 1612 to read as follows:

PART 1612—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

Sec.

AUTHORITY: 5 U.S.C. 552b, and sec. 713, 78 Stat. 265; 42 U.S.C. 2000e-12.

§ 1612.1 Purpose and scope.

This part contains the regulations of the Equal Employment Opportunity Commission (Commission) implementing the Government In The Sunshine Act of 1976, 5 U.S.C. 552b which entitles the public to the fullest practicable information regarding the decisional processes of the Commission. The provisions of this part set forth the basic responsibilities of the Commission with regard to the Commission's compliance with the open meeting requirements of the Sunshine Act and offers guidance to members of the public who wish to exercise any of the rights established by the Act with regard to open meetings and records of meetings held by the Commission.

§ 1612.2 Definitions.

The following definitions apply for purposes of this Part:

"Agency" means the Equal Employment Opportunity Commission.

"Meeting" means the deliberations of at least three of the members of the agency, which is a quorum of Commissioners, where such deliberations determine or result in the joint conduct of disposition of official agency business (including conference calls), but does not include: (1) Individual members' consideration of official agency business circulated to the members in writing for disposition by notation or other separate, sequential consideration of Commission business by Commissioners; (2) Deliberations to decide whether a meeting or portions of a meeting or series of meetings should be open or closed; (3) Deliberations to decide whether to withhold from disclosure information pertaining to a meeting or portions of a meeting or series of meetings or (4) Deliberations pertaining to any change in any meeting or to changes in the public announcement of such a meeting;

"Member" means each individual Commissioner of the agency.

"Entire Membership" means the number of members holding office at the time of the meeting in question.

"Person" means any individual, partnership, corporation, association, or public or private organization.

"Public observation" means attendance at any meeting open to the public but does not include participation, or attempted participation, in such meeting in any manner.

§ 1612.3 Open meeting policy.

(a) All meetings of the Commission shall be conducted in accordance with the provisions of this part.

(b) Except as otherwise provided in § 1612.4, every portion of every meeting shall be open to public observation. Public observation does not include participation or disruptive conduct by observers. Any attempted participation or disruptive conduct by observers shall be cause for removal of persons so engaged at the discretion of the presiding member of the agency.

§ 1612.4 Exemptions to open meeting policy.

Except in a case where the agency finds that the public interest requires otherwise, the provisions of § 1612.3 shall not apply to any meeting or portion of a meeting where the agency determines that an open meeting or the disclosure of information from such meeting or portions of a meeting is likely to:

(a) Disclose matters that are (1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and (2) In fact properly classified pursuant to such Executive Order;

(b) Relate solely to the internal personnel rules and practices of the agency;

(c) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552): *Provided*, That such statute (1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Involve accusing any person of a crime or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records of information would (1) Interfere with enforcement proceedings, (2) Deprive a person of a right to a fair trial or an impartial adjudication, (3) Constitute an unwarranted invasion of personal privacy, (4) Disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) Disclose investigative techniques and procedures, or (6) Endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except where the agency has already disclosed to the public the content or nature of the disclosed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(j) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures specified in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 1612.5 Closed meeting procedures.

(a) Any member of the agency, the Executive Director, or the General Counsel may request that any meeting or portion thereof be closed to public observation or that any information from such meeting or portion thereof be withheld for any of the reasons provided in § 1612.4 by submitting such request in writing to the Executive Secretary of the agency not later than fourteen (14) calendar days prior to the commencement of the meeting.

(b) Upon receipt of any request made under paragraph (a) of this section, the Executive Secretary at the direction of the Chairman shall schedule a time at which the members of the agency shall vote upon the request, which vote shall take place not later than seven (7) calendar days prior to the scheduled meeting of the agency.

(c) At the time the Executive Secretary schedules a time for an agency vote as described in paragraph (b) of this section, he or she shall forward the request to the General Counsel who shall act upon such request as provided in § 1612.8.

(d) At the time scheduled by the Executive Secretary as provided in paragraph (b) of this section, the members of the agency, upon consideration of the request submitted and consideration of the certified opinion of the General Counsel, shall vote upon the request.

(e) If the vote of the members is to close to public observation a meeting or portions of a meeting or to withhold information from such meeting or portions thereof, the vote of a majority of the entire membership of the agency is required. Also, in the case of a vote on a request to close to public observation a portion or portions of a series of meetings and with respect to information concerning such series of meetings, the vote of a majority of the entire membership of the agency is required.

(f) Any person as defined in § 1612.2 whose interests may be directly affected by a meeting may request that the agency close the meeting for any of the reasons listed in § 1612.4 (e), (f) or (g).

(g) When a vote is taken, a separate vote will be taken for each meeting proposed to be closed to the public and with respect to any information proposed to be withheld from the public. However, a single vote may be taken with respect to a series of meetings proposed to be closed to the public, and with respect to information concerning such series of meetings, if each meeting involves the same particular matters and is scheduled to be held no later than 30 calendar days after the first meeting in the series. The vote of each member shall be recorded.

§ 1612.6 Public announcement of agency meetings.

(a) Public announcement of each meeting by the agency shall be accomplished by telephone message at telephone number _____ and by posting such announcement on the agency's bulletin board located near the entrance to the 2nd Floor of the Columbia Plaza Building at 2401 E Street NW., Washington, D.C. 20506, not later than one week prior to commencement of a meeting or the commencement of the first meeting in a series of meetings, except as otherwise provided in this section, and shall disclose:

(1) The time of the meeting;

(2) The place of the meeting;

(3) The subject matter of each portion of each meeting or series of meetings.

(4) Whether any portion(s) of a meeting shall be open or closed to public observation; and

(5) The name and telephone number of an official designated to respond to requests for information about the meeting.

(b) If the question of closing a meeting is considered by the agency but no vote is taken, the agency will, at least one week prior to the meeting, issue an announcement in accordance with paragraph (a) of this section.

(c) If a vote is taken, the agency will, within one day after the vote, make publicly available the vote of each participating member.

(d) If the vote is to close the meeting or a portion(s) thereof, the agency will also, in that announcement, set out a full written explanation of its action in closing the meeting or portions thereof and a list of all persons other than Commission personnel expected to attend the meeting, together with their affiliations.

(e) If the meeting is closed, the agency may withhold and not announce the information specified in subsection (a)(3) of this section, if and to the extent that it finds that such action is justified under § 1612.4. Information will be withheld only by a vote of a majority of the entire membership of the agency, which will be recorded.

(f) The announcement described in paragraph (a) of this section may be accomplished less than one week prior to the commencement of any meeting or series of meetings provided the agency determines by recorded vote that the agency business requires that any such meeting or series of meetings be held at an earlier date. In the event of such a determination by the agency, public announcement as described in paragraph (a) of this section shall be accomplished at the earliest practicable time.

(g) Immediately following any public announcement accomplished under the provisions of this section, the agency shall submit a notice for publication in the FEDERAL REGISTER disclosing:

(1) The time of the meeting;

(2) The place of the meeting;

(3) The subject matter of each portion of each meeting or series of meetings;

(4) Whether any portion(s) of a meeting shall be open or closed to public observation; and

(5) The name and telephone number of an official designated to respond to requests for information about the meeting.

§ 1612.7 Public announcement of changes in meetings.

(a) The agency is required to make a public announcement of any changes in its meeting or portion(s) thereof. If, after the announcement provided for in § 1612.6, the time or place of a meeting is changed or the meeting is cancelled, the agency will announce the change at the earliest practicable time. The subject matter or the determination to open or close the meeting will be changed only if (1) a majority of the entire membership of the agency determines by recorded vote that agency business so requires and that no earlier announcement of the change was possible and (2) the agency publicly announces the change and the vote of each member upon such change at the earliest practicable time.

(b) Immediately following any public announcement of any change accomplished under the provisions of this section, the agency shall submit a notice for publication in the FEDERAL REGISTER disclosing:

(1) The time of the meeting;

(2) The place of the meeting;

(3) The subject matter of each portion of each meeting or series of meetings;

(4) Whether any portion(s) of a meeting is open or closed to public observation;

(5) Any change in paragraphs (b)(1), (2), (3), or (4) of this section; and

(6) The name and telephone number of the official designated to respond to requests for information about any meeting.

§ 1612.8 General Counsel's certification in closing a meeting.

(a) Upon any proper request made pursuant to this Part, that the agency close a meeting or a portion(s) thereof, the General Counsel will certify in writing to the agency, whether in his or her opinion the closing of a meeting or a portion(s) thereof is proper under the provisions of this part and the terms of the Government in the Sunshine Act (5 U.S.C. 552b). If, in the opinion of the General Counsel, a meeting or a portion(s) thereof is proper for closing under this part and the terms of the Government in the Sunshine Act, his or her certification of that opinion shall cite each applicable particular exemption of that Act and provision of this part.

(b) A copy of the certification of the General Counsel as described in paragraph (a) of this section together with a statement of the presiding officer of the meeting setting forth the time and place of the relevant meeting or meetings, and the persons present, shall be maintained by the agency in a public file.

§ 1612.9 Recordkeeping requirements.

(a) In the case of any meeting or portion(s) thereof to be closed to public observation under the provisions of this Part, the following records shall be maintained by the Executive Secretary of the Agency:

(1) The certification of the General Counsel pursuant to § 1612.8;

(2) A statement from the presiding officer of the meeting or portion(s) thereof setting forth the time and place of the meeting, the persons present;

(3) A complete transcript or electronic recording adequate to record fully the proceedings of each meeting closed to the public observation, except that in a meeting closed pursuant to paragraph (h) or (j) of § 1612.4, the agency may maintain minutes in lieu of a transcript or recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any item will be identified in the minutes.

(b) If the agency has determined that the meeting or a portion(s) thereof may properly be closed to the public observation, the transcript, recording or minutes shall not be made available to the public until such future time, if any, as it is determined, upon request, that the reasons for closing the meeting no longer pertain: *Provided, however,* That any separable portion of a transcript, recording of minutes will be made promptly available to the public if that portion does not contain information properly withheld under § 1612.4.

(c) The agency will maintain a copy of the transcript, recording or minutes for a period of two years after the meeting, or until one year after the conclusion of the proceeding to which the meeting relates, whichever occurs later.

§ 1612.10 Public access to records.

All requests for information shall be submitted in writing to the Chairman of the agency. Requests to inspect or copy the transcripts, recordings or minutes of agency meetings or portions thereof will be considered under the provisions of § 1612.4.

§ 1612.11 Fees.

(a) Records disclosed to the public under this Part shall be furnished at the expense of the party requesting access to copies of the transcript, recording or minutes, upon payment of the actual cost of duplication.

(b) All required fees shall be paid in full prior to issuance of requested copies of records. Fees are payable to the "Treasurer of the United States."

§ 1612.12 Meetings closed by regulation.

Matters pertaining to the issuance of subpoenas, subpoena modification and revocation requests, and the agency's participation in civil actions or proceedings pertaining thereto are exempt from the open meeting requirements of subsection (b) of the Government in the Sunshine Act pursuant to subsection (d)(4).

§ 1612.13 Judicial review.

Any person may bring an action in a United States District Court to challenge or enforce the provisions of this part. Such action may be brought within sixty (60) calendar days after the meeting in question, except that if proper public announcement of the meeting is not made, the action may be instituted at any time within sixty (60) days after such announcement is made. An action may be brought where the agency meeting was held or in the District of Columbia.

[FR Doc.77-3777 Filed 2-4-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 161]

[CGD 76-032]

VESSEL TRAFFIC SYSTEMS

Proposed Prince William Sound Vessel Traffic Service

This notice proposes regulations for a vessel traffic service (VTS) that the Coast Guard would operate in Prince William Sound, Alaska, and adjacent waters. The regulations would require vessels that are required to have a radiotelephone under the Bridge-to-Bridge Radiotelephone regulations (33 CFR Part 26) to meet the VTS rules for communications, movement reporting, and transiting Valdez Narrows. The regulations would require all vessels to meet the service's navigation rules when operating in its traffic separation scheme. The regulations would also have special requirements for tank vessels of 35,000 or more gross tons.

These proposed regulations would be added to the Code of Federal Regulations as new §§ 161.301 through 161.389 in Subchapter P of Chapter I of Title 33.

Interested parties are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/81),

U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name, address, identify the notice (CGD 76–032), and give reasons in support of his comment. Comments received before April 6, 1977, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C.; at the Office of the Commander, Seventeenth Coast Guard District in Juneau, Alaska, and at the Office of the Captain of the Port for Western Alaska in Anchorage, Alaska.

The Coast Guard will hold public hearings on March 18, 1977, beginning at 9:00 a.m., in the Federal Court Room, Ninth Floor, Federal Building, Juneau, Alaska, and on March 21, 1977, beginning at 9:00 a.m., in Room 808, Hill Building, 632 West Sixth Avenue, Anchorage, Alaska. All interested persons are invited to attend the hearings and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Commander (mps), Seventeenth Coast Guard District, P.O. Box 3–5000, Juneau, Alaska 99802 of the time needed for his presentation at least ten days in advance. Written summaries or copies of oral presentations are encouraged.

On July 10, 1972, the President signed into law the "Ports and Waterways Safety Act of 1972" (Pub. L. 92–340, 86 Stat. 424). The purpose of Title I of this act is "to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss." The authority to implement the provisions of Title I of the Act, except in the St. Lawrence Seaway, has been delegated to the Commandant of the Coast Guard who may:

(1) Establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic;

(2) Require vessels which operate in an area of a vessel traffic service or system to utilize or comply with that service or system, including the carrying or installation of electronic or other devices necessary for the use of the service or system;

(3) Control vessel traffic in areas which he determines to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by—

(i) Specifying time of entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(ii) Establishing vessel traffic routing schemes;

(iii) Establishing vessel size and speed limitations and vessel operating conditions; and

(iv) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics and capabilities which he considers necessary for safe operation under the circumstances;

* * * * *

(6) Establish procedures, measures, and standards for the handling, loading, discharge, storage, stowage, and movement, including the emergency removal, control and disposition, of explosives or other dangerous articles or substances * * * on structures subject to this title * * *.

On November 16, 1973, the President signed into law the "Trans-Alaska Pipeline Authorization Act" (Pub. L. 93–153, 87 Stat. 576). Section 402 of Title IV directed "[t]he Secretary of the Department in which the Coast Guard is operating * * * to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in Title I of the Ports and Waterways Safety Act of 1972 * * *."

The Coast Guard is now operating major vessel traffic services in Puget Sound, San Francisco, and the Houston-Galveston area. The Puget Sound VTS is a mandatory system and San Francisco and Houston-Galveston are voluntary at this time. Vessel traffic services are also being developed for the lower Mississippi River and for the New York areas. This notice proposes regulations only for the Prince William Sound area.

The Coast Guard is establishing the Prince William Sound VTS, as required under the Trans-Alaska Pipeline Authorization Act, for the anticipated large increase in vessel traffic in the Prince William Sound area because of the Trans-Alaska Pipeline's Marine Terminal that is to be in Valdez in the extreme northeast corner of the Sound. From there, tank vessels from 45,000 to 190,000 deadweight tons would carry oil southward through the eastern portion of Prince William Sound into the Gulf of Alaska through Hinchinbrook Entrance. The start of pipeline operation is scheduled for the middle of 1977. By 1982, 2,000,000 barrels of oil per day would be shipped from Valdez. Ferries, container ships, tugs and barges, and commercial fishing vessels also use this waterway. Furthermore, weather conditions in Prince William Sound often make vessel transits hazardous. Strong winds and reduced visibility because of precipitation can occur anytime during the year and are usually more frequent and severe during winter months.

Prince William Sound supports one of the State's major fisheries. A fleet of over 200 vessels, operating primarily from Cordova, fish for salmon, crab, and other species throughout the Sound during most of the year. These fisheries are the major livelihood of many of the Sound's residents. The Sound is also a habitat for an abundance of wildlife. Except for Cordova and Valdez in the east and Whittier in the west, there are few permanent residents in Prince William Sound. It is an area of rare natural beauty where pollution is almost nonexistent; however, these valuable natural assets are vulnerable to pollution. Increased vessel traffic and poor weather conditions create the threat of collisions and groundings with ensuing oil pollution. The vessel traffic service in Prince William Sound would reduce the probability of these occurrences.

The regulations in this proposal would make participation in the Prince William Sound VTS mandatory for certain vessels. The regulations would apply to these vessels in the navigable waters of the United States north of Hinchinbrook Entrance and between 146°40′ west longitude and 147°20′ west longitude, plus all waters of Valdez Arm, Valdez Narrows, and Port Valdez. In the proposed regulations this area is defined as the "VTS Area".

The Coast Guard would establish a VHF–FM radiocommunications capability throughout the VTS Area and those vessels subject to the Bridge-to-Bridge Radiotelephone Act, when in or approaching the VTS Area, would be required to report their movements to a vessel traffic center (VTC). The proposal also includes a traffic separation scheme (TSS), which is a pair of one-way traffic lanes separated by a separation zone. The TSS is proposed from Hinchinbrook Entrance in the south to the northern end of Valdez Arm, ending approximately 1.3 miles south of Jack Bay. Each traffic lane would be 1500 yards wide throughout most of the Sound, tapering gradually to 800 yards in northern Valdez Arm. The separation zone would be 2000 yards wide throughout most of the Sound, tapering gradually to 600 yards in Valdez Arm.

No traffic lane is proposed for that portion of the VTS Area north of the TSS termination point south of Jack Bay. Traffic in Valdez Narrows from the Jack Bay TSS termination point on the south to Entrance Island on the north would be one-way, except when temporary deviations are authorized by the VTC. Traffic in Valdez Arm, Valdez Narrows, and Port Valdez would be under Coast Guard shoreside radar surveillance.

Under the proposal, § 161.350 identifies those vessels that would be required to operate in the TSS and therefore would be required to proceed in a traffic lane keeping the separation zone to port. This would provide better control of vessel movements and a higher degree of safety. The proposal would not restrict the direction of other vessel movement in the waters outside the TSS, except for the one-way zone in Valdez Narrows.

The traffic separation scheme would be on the next edition of nautical charts of Prince William Sound.

The proposal also includes rules for crossing, joining, and leaving the TSS. There are equipment requirements and communications procedures for vessels navigating in Valdez Narrows. The proposal includes rules for emergencies, equipment failures, and authorization to deviate from the regulations. Furthermore, the proposal includes a rule for control by the vessel traffic center of the time of entry, movement, or departure from the VTS Area under hazardous circumstances.

These proposed rules are intended to cope with vessel congestion, reduced visibility, adverse weather, and navigation hazards not only by vessel compliance with these rules, but also by providing service users with information for safe navigation. By providing this information, persons on each vessel would be aware of the surrounding vessel traffic and developing congestion and could adjust course and speed accordingly to avoid hazardous situations. The Coast Guard's radar surveillance system and the VHF–FM radiocommunications network would be the primary means of providing this information.

The radar surveillance system would have radars in Port Valdez and at Potato Point in Valdez Narrows and relay equipment, terminal equipment, and video displays in the VTC in Valdez. Radar coverage would extend through Port Valdez, Valdez Narrows, and Valdez Arm to the vicinity of Bligh Reef.

The communications network would have four VHF–FM transceiver sites, relay equipment, and, at the VTC in Valdez, terminal equipment. The base station would be at the VTC. Remote sites would be at Potato Point in Valdez Narrows, at Johnstone Point on the north shore of Hinchinbrook Island, and at Cape Hinchinbrook on the southwest corner of Hinchinbrook Island. Coverage would extend through Port Valdez, Valdez Narrows, Valdez Arm, Eastern Prince William Sound, Hinchinbrook Island, and 30 miles seaward of Cape Hinchinbrook.

The communications system of the VTS has been designed for transmission and reception of information in the VTS area with a high degree of reliability. VHF–FM Channel 13 would be used for VTS communications, but the VTC would also maintain a continuous guard on Channel 16. All transmission to or from the VTC would be recorded in the VTC. The recording equipment can provide instant playback to VTC personnel. Based on reports, persons on vessels would be informed of the positions and intentions of other vessels that could be encountered along their intended routes. Persons on vessels would also be informed of abnormal conditions along their routes, including reported defects in aids to navigation, reduced visibility, adverse weather, concentrations of fixed fishing gear, fishing vessels or other craft that could affect navigation, or ice or floating debris. Persons on vessels would also be advised of vessels along their routes that are experiencing difficulty in navigation, have equipment failures, or are carrying hazardous cargoes.

If reports from vessels or radar surveillance show a danger of collision or grounding, the VTC would coordinate traffic flow to prevent it and persons on vessels would be required to follow those VTC directions.

The Coast Guard also intends to establish a TSS in the approaches to Prince William Sound. The TSS would be in international waters from the vicinity of Middleton Island to the vicinity of Seal Rocks. This TSS would be submitted to the Inter-Governmental Maritime Consultative Organization for adoption. Because the TSS would be in the international waters approaching Prince William Sound, it is not included in this proposal; however, it would be shown on the next edition of nautical charts.

To help users of the service operate under these proposed rules, the Coast Guard would prepare an Operating Manual that describes the Prince William Sound vessel traffic service. The manual would include suggested procedures for meeting the VTS rules and other information that would not be in the rules, such as the information on TSS described in the preceding paragraph.

Certain interested parties have been consulted during the preparation of this proposal. In November of 1975, the Commander, Seventeenth Coast Guard District in Juneau, Alaska, mailed over 70 letters to public and private organizations and individuals with a potential interest in the Prince William Sound VTS asking their help. The same request was given to the public through Local Notice to Mariners and the news media. In the FEDERAL REGISTER of Friday, January 16, 1976, (41 FR 2426) the Coast Guard announced a series of public meetings for public comment before drafting this proposal. These meetings were also announced through letters to the same interested parties and to the public through Local Notice to Mariners and the news media.

Between February 18, 1976, and February 27, 1976, the staff of the Commander, Seventeenth Coast Guard District, conducted public meetings in Juneau, Anchorage, Valdez, and Cordova, Alaska, and Seattle, Washington. At each meeting, the Coast Guard presented a briefing on plans for the Prince William Sound VTS and asked for suggestions for this proposal. Interested parties represented at the public meetings were:

Alaska Department of Community and Regional Affairs.
Alaska Department of Environmental Conservation.
Alaska Department of Fish and Game.
Alaska Department of Highways.
Alaska Marine Highway System.
Alaska Mutual Savings.
Alaska Pipeline Office, Department of Interior.
Alaska State Senate.
Alyeska Pipeline Service Company
Anchorage Daily News.
Bureau of Indian Affairs.
Bureau of Land Management.
Canadian National Railroad.
Captain of the Port, Seattle.
Chevron Shipping Company.
Chugach Natives, Inc.
City of Cordova.
City of Valdez.
Copper River and Prince William Sound Advisory Committee.
Cordova District Fisheries Union.
Cordova Times.
Crowley Environmental Services.
Crowley Maritime Corporation.
El Paso LNG Company.
Engineering Computer Optecnomics, Inc.
Federal Aviation Administration.
Foss Launch and Tug Company.
Harbor Fuel Company, Valdez.
Military Sealift Command, Anchorage.
National Bank of Alaska.
National Marine Fisheries Service.
National Ocean Survey.
Northland Marine Lines.
Northwest Towboat Association.
Puget Sound Vessel Traffic Service.
Sealand Services.
Southeast Alaska Pilots.
Southwest Alaska Pilots Association.
Thirteenth Coast Guard District.
Totem Ocean Trailer Express.
University of Alaska Marine Advisory Extension Service.
U.S. Fish and Wildlife Service.
U.S. Forest Service.
U.S. Salvage Association.
The Honorable Ted Stevens, United States Senate.
Valdez Charter Service.
Valdez Dock Company.
Valdez Historical Society.
Valdez Travel Service.
Washington Tug and Barge.

Some of these parties presented oral and written comments at the public meeting. Those comments that are on the proposed regulations for the Prince William Sound VTS are discussed in the following paragraphs. A transcript of these public meetings is available from Commander (mps), Seventeenth Coast Guard District, Box 3–5000, Juneau, Alaska 99802.

Many of the commenters were concerned with how the VTS and increased vessel traffic would affect traditional fishing activities in Prince William Sound. The location of the section of the traffic separation scheme between Hinchinbrook Entrance and Bligh Reef is intended to minimize interference with commercial fishing activity.

Some persons expressed concern about the potential problem of vessel wake in Valdez Arm and Valdez Narrows. For short periods in the spring and summer, there is extensive commercial and sport fishing activity close to the shoreline in those waters with large concentrations of small vessels. The Coast Guard intends to include this information in the Operating Manual. During these periods, the Coast Guard also would include this information in traffic advisories broadcast over the vessel traffic service VHF–FM network. Persons on vessels transiting the area would be advised of large concentrations of small vessels and, if necessary and consistent with safe navigation, would be directed to proceed at minimum wake speed. Small vessels that have VHF–FM radio would be advised of vessel transit times.

One person asked if the Coast Guard anticipated problems in the TSS from small craft cross traffic. Because small craft are not required to have radio, there is a potential problem which cannot be totally resolved. Those small craft that have VHF–FM radios can use the traffic advisory information. All vessels would be required to comply with the rule for crossing the TSS. This rule is written to minimize the length of time that a crossing vessel would be within the TSS. Also, the Pilot Rules for Inland

Waters (33 CFR Part 80) are still applicable to all vesels operating in the VTS Area.

Some commenters were concerned about the requirement to use the TSS during periods of adverse weather when a route closer to shore that provides a lee might be safer. Under proposed § 161.309 (b), a person may request permission from the VTC to deviate from the TSS Rules. In an emergency, § 161.311 of the proposal would allow deviation from any rule without permission.

Because of possible speed differences between two vessels traveling in the same direction, another commenter was concerned about the requirement to stay in the traffic lanes. The traffic lanes would be wide enough for overtaking and passing; but, if necessary, either vessel could receive permission from the VTC to navigate outside the traffic lane while overtaking and passing.

One commenter suggested that slow and shallow draft vessels be encouraged to navigate outside the TSS. In any waterway, there is the possibility for collision and grounding of large vessels. In Prince William Sound, a major reason for a VTS and traffic separation scheme is to prevent this. Furthermore, the large concentrations of smaller vessels of commercial fisheries throughout Prince William Sound during certain periods creates at least as much danger as conflicting use of the waterway by larger vessels. The fishing interests contacted by the Coast Guard have stated they would not fish in the TSS; but, to minimize conflict with fishing activity outside the TSS, it is necessary that larger vessels normally navigate in the traffic lanes. Because of anticipated low traffic density in the traffic lanes and because the traffic lanes are wide enough for overtaking and passing, a rule requiring certain slow and shallow draft venient for his intended track if that not necessary.

One commenter expressed concern that entry into or departure from the TSS would only be allowed at a few points and that this would unfairly burden vessels that use a portion of the TSS, but that are not bound to or from Valdez via Hinchinbrook Entrance. No points of entry or departure from the TSS are specified in this proposal. A vessel not bound to or from Valdez via Hinchinbrook Entrance could enter or depart the TSS at any point that is convenient for his intended track if that vessel notifies the VTC beforehand under proposed § 161.356 of the point at which it would join or leave the TSS.

Several persons commented on the necessity for or the extent of one-way traffic in Valdez Arm and Valdez Narrows. During the planning stages for the TSS, the Coast Guard considered restricting all of Valdez Arm and Valdez Narrows, approximately seventeen miles, to one-way traffic. From consideration of comments, it is proposed to have the one-way system only in Valdez Narrows from the termination of the TSS south of Jack Bay to a position abeam of Entrance Island on the north, a distance of four and one-half miles with waterway width between the ten fathom curves varying from 2600 to 900 yards. Under proposed § 161.309(b), deviations from the one-way rule could be authorized by the VTC. During fair weather conditions and with visual contact between the vessels, the VTC could authorize vessels to pass in opposite directions in Valdez Narrows.

Some commenters asked if certain types or sizes of vessels would have priority over others in transiting the one-way area. Another asked if inbound vessels would have priority over outbound vessels. The Coast Guard does not intend to have set rules such as these. Each case of conflict over transit of the one-way area would be separately evaluated and resolved by the VTC.

Because of projected low traffic density in the VTS Area, this short one-way area should not significantly delay vessel transit of the VTS Area. There should be few situations where one vessel would be required to slow or wait while another transits the Narrows.

Many persons made recommendations about the location of anchorages in or near the VTS Area for vessels that cannot complete their transit of the VTS Area due to weather conditions, equipment or machinery failures, shortage of dock space, or any other reason. This proposal does not address anchorages. The Coast Guard is investigating potential anchorage areas and designation of any anchorage area would be the subject of a separate rulemaking.

One of the primary functions of the vessel traffic center would be to gather and disseminate information to service users and others in the VTS Area. As mentioned earlier in this preamble, the Coast Guard would broadcast traffic advisories over the VHF-FM network. These would contain information about vessels transiting the VTS area and could also include reports about fishing activity and other matters, such as discrepancies in aids to navigation, as these things are made known to the VTC by vessels in the area. Weather information would also be available. The National Weather Service would be located with the Coast Guard in the VTC building in Valdez. Weather data would be requested from vessels in and approaching the VTS Area. Data would also be gathered from remote sensors in the VTS Area. The National Weather Service would synthesize this and other data and periodic weather broadcasts would be made over the VHF-FM network.

Some comments were received on procedures for radio failure. Section 161.333 of the proposal would establish procedures for radio failure. Vessels already operating in the VTS Area at the time of radio failure would have already made the initial report required by proposed § 161.328. The VTC would be aware of the intentions of the vessel and § 161.333 therefore allows the vessel to continue its transit of the VTS Area.

One individual requested that an alternate frequency be established for use when there is radio failure on the VTS working frequency, VHF-FM Channel 13. No alternate frequency is proposed; however, the VTC would also guard VHF-FM Channel 16 and the International Calling and Distress Frequency for Radiotelephone, 2182 KHZ. In addition, Coast Guard Communications Station, Kodiak, Alaska, maintains a continuous listening watch on the International Calling and Distress Frequency for Radiotelegraphy, 500 KHZ, and would relay information to the VTC Valdez. Any of these frequencies could be used by a vessel experiencing a failure on Channel 13.

One commenter suggested that a final report would be unnecessary for vessels ending their transit of the VTS Area in Port Valdez because these vessels would be under shoreside radar surveillance until anchoring or mooring. Section 161.331(a) of the proposal would exempt these vessels from the final report requirement unless the report is requested by the VTC. This exemption would not relieve the master of any vessel of his responsibility to maintain a listening watch on Channel 13 or any other frequency as required by the Federal Communications Commission.

One commenter suggested that the Coast Guard use a Loran C re-transmission system as part of the VTS and require vessels to have the necessary equipment. A requirement for a Loran C retransmission system is not included in this proposal. Equipment purchases, design, and installation costs for the system would be unnecessarily high. The projected low traffic density, the sophistication of equipment aboard modern vessels, and the training of the personnel who operate these vessels outweigh the added cost and anticipated delay from implementing a Loran C re-transmission system. Furthermore, the vessel's position can be requested from the vessel via the VHF-FM voice network. The VTC could further substantiate a vessel's reported position by requesting the raw data from a Loran C receiver, radar, or any other navigational aid.

A commenter asked about the applicability of the proposed rules to charter boats that conduct glacier tours out of Valdez. If these vessels are carrying passengers for hire and are one hundred or more gross tons, all VTS rules would be applicable. If these vessels are less than 100 gross tons, only those rules for "all vessels", as described in § 161.301(b) of the proposal, would be applicable.

One commenter asked about applicability of these proposed rules to ferry vessels. There are no proposed special rules for ferry vessels. The proposed rules should have little or no effect on ferry schedules and routes, except the possibility of infrequent short delays due to one-way traffic in Valdez Narrows.

One person asked if the Coast Guard planned to expand the VTS because of Outer Continental Shelf development and the possibility of a natural gas pipe-

line terminal in Prince William Sound. The Coast Guard has no plans to expand the VTS beyond what is described in this proposal. If future development in Prince William Sound significantly increases vessel congestion and causes additional traffic patterns, the Coast Guard would consider modifying or expanding the VTS.

The Coast Guard submitted a Final Environmental Impact Statement to the Council on Environmental Quality on February 12, 1975. Notice of its availability was published in the FEDERAL REGISTER on February 21, 1975 (40 FR 7704).

In consideration of the foregoing, it is proposed to amend Part 161 of Title 33, Code of Federal Regulations, by adding new sections as follows:

PRINCE WILLIAM SOUND VESSEL TRAFFIC SERVICE

GENERAL RULES

COMMUNICATIONS RULES

VESSEL MOVEMENT REPORTING RULES

TRAFFIC SEPARATION SCHEME RULES

VALDEZ NARROWS RULES

SPECIAL REQUIREMENTS FOR TANK VESSELS

DESCRIPTIONS AND GEOGRAPHIC COORDINATES

AUTHORITY: Sec. 402, Pub. L. 93-153, 87 Stat. 589 (33 U.S.C. 1221 nt.); sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n)(4).

PRINCE WILLIAM SOUND VESSEL TRAFFIC SERVICE

GENERAL RULES

§ 161.301 Purpose and applicability.

(a) Sections 161.301 through 161.389 prescribe rules for vessel operation in the Prince William Sound vessel traffic service area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.301 through 161.311 and the TSS Rules in §§ 161.348 through 161.354 and § 161.356 (b) and (c) apply to the operation of all vessels.

(c) The Communication Rules in §§ 161.320 through 161.335, the Vessel Movement Reporting Rules in § 161.342, the TSS Rule in § 161.356(a), and the Valdez Rules in §§ 161.370 through 161.374 apply only to the operation of—

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one of more passengers for hire;

(3) Each commercial vessel of 26 feet or over in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(4) Each dredge and floating plant.

§ 161.303 Definitions.

As used in §§ 161.301 through 161.389—

(a) "Vessel traffic center" (VTC) means the shore based facility that operates the Prince William Sound vessel traffic service.

(b) "Vessel traffic service area" (VTS Area) means the area described in § 161.380.

(c) "Traffic separation scheme" (TSS) means the network of traffic lanes and separation zones in the VTS Area.

(d) "Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction.

(e) "Separation zone" means an area of the TSS that is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart.

(f) "Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

(g) "ETA" means estimated time of arrival.

§ 161.304 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.301 through 161.389.

§ 161.305 Laws and regulations not affected.

Nothing in §§ 161.301 through 161.389 is intended to relieve any person from complying with—

(a) The Navigation Rules for Harbors, Rivers, and Inland Waters Generally (33 U.S.C. 151 through 232);

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) Pilot Rules for Inland Waters (Part 80 of this chapter);

(d) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and

(e) Any other laws or regulations.

§ 161.307 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS Area.

(b) The master of a vessel in the VTS Area shall comply with each direction issued to him under this section.

§ 161.309 Authorization to deviate from these rules.

(a) The Commander, Seventeenth Coast Guard District may, upon written request, issue an authorization to deviate from any rule §§ 161.301 through 161.389 for a continuing operation if he finds that the proposed operation under the authorization can be done safely. An application for an authorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in §§ 161.301 through 161.389 for a voyage or part of a voyage on which a vessel is embarked or about to embark.

§ 161.311 Emergencies.

In an emergency, any person may deviate from any rule in §§ 161.301 through 161.389 to the extent necessary to avoid endangering persons, property, or the environment.

COMMUNICATIONS RULES

§ 161.320 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor the radio frequency designated in the current edition of the Prince William Sound VTS Operating Manual, except when transmitting on that frequency.

§ 161.322 Radiotelephone equipment.

Any report required by §§ 161.301 through 161.389 to be made by radiotelephone must be made using a radiotelephone that is capable of operating on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

§ 161.324 English language.

Any report required by §§ 161.301 through 161.389 must be made in the English language.

§ 161.326 Time.

Any report required by §§ 161.301 through 161.389 must specify time using—

(a) The zone time in effect in the VTS Area; and

(b) The 25-hour clock system.

§ 161.328 Initial report.

At least 60 minutes before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook Entrance or at least 15 minutes before a vessel enters or begins to navigate in the VTS Area from other points, the master of the ves-

sel shall report, or cause to be reported, the following information to the VTS:

(a) Name, type, and draft of the vessel.

(b) Position of the vessel.

(c) Estimated time of entering or beginning to navigate in the VTS Area.

(d) Destination in the VTS Area.

(e) ETA of the vessel at its destination.

(f) Vessel speed in the VTS Area.

(g) Whether or not the vessel intends to use the TSS.

(h) If the vessel is a towing vessel, the overall length of the tow, including the towing vessel.

(i) Whether or not any dangerous cargo listed in § 124.14 of this chapter is on board the vessel or its tow.

(j) Any impairment to the operation of the vessel as described in § 161.335 (a) and (b).

§ 161.331 Final report.

Whenever a vessel anchors, moors in, or departs from the VTS Area, the master shall report, or cause to be reported, the place and time of anchoring, mooring, or departing to the VTC, except—

(a) When mooring or anchoring in Port Valdez, unless requested to do so by the VTC; or

(b) When departing the VTS Area at Hinchinbrook Entrance and the movement report for the reporting point in § 161.389(a) is made.

§ 161.333 Radio failure.

Whenever a vessel's radiotelephone equipment fails—

(a) Before entering or while underway in the VTS Area—

(1) Compliance with §§ 161.320 and 161.342 is not required; and

(2) Compliance with §§ 161.328 and 161.331 is not required unless those reports can be made by other means;

(b) Before getting underway in the VTS Area, permission to get underway must be obtained from the VTC; and

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

§ 161.334 Report of emergency or radio failure.

Whenever the master of a vessel deviates from any rule in §§ 161.301 through 161.389 because of an emergency or radio failure, he shall report, or cause to be reported, the deviation to the VTC as soon as possible.

§ 161.335 Report of impairment to the operation of the vessel.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible—

(a) Any condition on the vessel that may impair its navigation such as fire, defective propulsion machinery, or defective steering equipment; and

(b) Any tow that the towing vessel is unable to control, or can control only with difficulty, unless this information has already been reported.

VESSEL MOVEMENT REPORTING RULES

§ 161.342 Movement reports.

(a) The master of a vessel shall report, or cause to be reported, the following information to the VTC by radiotelephone:

(1) Any increase or decrease in speed of more than one knot.

(2) The intent to cross through the TSS at least 10 minutes before beginning to cross the TSS.

(3) When the vessel clears the TSS after crossing.

(b) When the vessel passes a reporting point listed in § 161.389, the master of a vessel shall report, or cause to be reported, the following information to the VTC by radiotelephone:

(1) The name of the vessel.

(2) The reporting point.

TRAFFIC SEPARATION SCHEME RULES

§ 161.348 Vessel operation in the TSS.

The master of a vessel shall operate the vessel in accordance with the TSS rules prescribed in §§ 161.350 through 161.356.

§ 161.350 Vessels required to use the TSS.

All vessels listed in § 161.301(c) (1), (2), (3) and (4) must use the TSS when en route to or from Valdez via Hinchenbrook Entrance or navigating any portion of that route.

§ 161.352 Direction of traffic.

A vessel proceeding in a traffic lane must keep the separation zone to port.

§ 161.354 Anchoring in the TSS.

No vessel may anchor in the TSS.

§ 161.356 Joining, leaving, and crossing a traffic lane.

(a) A vessel may join, cross, or leave a traffic lane only after the VTC has been notified of the point at which the vessel will join, cross, or leave the traffic lane.

(b) A vessel crossing a traffic lane must, to the extent posible, maintain a course that is perpendicular to the direction of the flow of traffic in the traffic lane.

(c) A vessel joining or leaving a traffic lane must steer a course to converge on or diverge from the direction of traffic flow in the traffic lane at as small an angle as possible.

VALDEZ NARROWS RULES

§ 161.370 Communications in Valdez Narrows.

Before a vessel meets, overtakes, or crosses ahead of any vessel in Valdez Narows, the master shall transmit the intentions of his vessel to the master of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act for the purpose of arranging safe passage.

§ 161.374 Entering Valdez Narrows.

Before a vessel enters Valdez Narrows, the master of the vessel shall ensure that—

(a) The vessel has been cleared to enter by the VTC;

(b) The radio equipment on the vessel that is used to transmit the reports required by §§ 161.301 through 161.389 is in operation;

(c) The radar on a vessel equipped with radar is in operation and manned; and

(d) The vessel is free of any conditions that may impair its navigation such as fire, defective propulsion machinery, or defective steering equipment.

SPECIAL REQUIREMENTS FOR TANK VESSELS

§ 161.376 Tank vessels.

(a) Each tank vessel of 35,000 or more gross tons operating in the VTS Area must—

(1) Have two separate, operating marine radar systems for surface navigation;

(2) Have an operating Loran-C receiver; and

(3) Have an operating rate of turn indicator.

(b) The master of a tank vessel of 35,000 or more gross tons operating in the VTS Area shall ensure that tug assistance is used when docking and undocking and, if directed by the VTC, when in Valdez Narrows.

DESCRIPTIONS AND GEOGRAPHIC COORDINATES

§ 161.380 VTS Area.

The VTS Area consists of the navigable waters of the United States inshore of the boundary line of inland waters described in § 82.280 of this chapter, between longitudes 146°40′ West and 147°20′ West, and include Valdez Narrows and Port Valdez.

§ 161.383 Separation zone.

The separation zone is 2000 yards wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef and decreases in width from 2000 yards to 800 yards from the entrance to Valdez Arm to where it terminates at the entrance to Valdez Narrows and is bounded by lines connecting the following latitudes and longitudes:

(a) 61°01′36″ N., 146°42′49″ W.
(b) 60°50′42″ N., 147°01′55″ W.
(c) 60°34′43″ N., 147°05′16″ W.
(d) 60°17′04″ N., 146°49′15″ W.
(e) 60°14′55″ N., 146°52′40″ W.
(f) 60°14′18″ N., 146°51′07″ W.
(g) 60°16′56″ N., 146°46′57″ W.
(h) 60°34′53″ N., 147°03′14″ W.
(i) 60°50′18″ N., 146°59′59″ W.
(j) 61°01′24″ N., 146°42′21″ W.

§ 161.385 Traffic lanes.

The traffic lanes are 1500 yards wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef and decrease in width from 1500 yards to 1000 yards from the entrance to Valdez Arm to where they terminate at the entrance to Valdez Narrows. The traffic lanes are as follows:

(a) The inward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:

(1) 61°01'10" N., 146°41'43" W.
(2) 60°50'01" N., 146°58'31" W.
(3) 60°35'00" N., 147°01'42" W.
(4) 60°16'49" N., 146°45'13" W.
(5) 60°13'51" N., 146°49'57" W.

(b) The outward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:

(1) 61°01'50" N., 146°43'27" W.
(2) 60°50'59" N., 147°03'23" W.
(3) 60°34'36" N., 147°06'48" W.
(4) 60°17'11" N., 146°50'59" W.
(5) 60°15'22" N., 146°53'50" W.

§ 161.389 Reporting points.

The reporting points are—

(a) At Hinchinbrook Entrance, when abeam of Schooner Rock off the northeastern tip of Montague Island.

(b) At the entrance to Valdez Arm, when abeam of Bligh Reef at the southeastern end of Valdez Arm.

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

Dated: February 3, 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.77-3879 Filed 2-4-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 231]

GRAZING LIVESTOCK ON NATIONAL FOREST SYSTEM LANDS

Extension of Comment Period

The FEDERAL REGISTER dated December 27, 1976, 41 FR 56210. (FR Doc. 76-37808) included an advance notice of proposed rulemaking by the Forest Service. That notice was for the purpose of giving individuals and organizations an opportunity to submit written views and suggestions as to proposed content of the rules. The comment period was to end on January 28, 1977.

The comment period is hereby extended so interested parties will have additional time to make comment. All communications received on or before March 11, 1977, will be considered before taking action on the proposed rules.

THOMAS A. JONES,
Acting Chief, Forest Service.

[FR Doc.77-3846 Filed 2-4-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 31]

[CGD 75-104]

TANK VESSELS

Stability Requirements

The Coast Guard is considering amendments to the stability regulations for tank vessels. The proposed amendments revise the applicability of the regulations and adopt the stability standards and the stability testing and information requirements that currently apply to cargo and miscellaneous vessels in Subchapter I of Title 46. The amendments also set out conditions under which a stability test need not be conducted for a tank vessel.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 75-104), and give reasons in support of his comment. Comments received before March 23, 1977 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. This proposal may be changed in light of comments received. No hearing is planned but one may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The applicability provisions, stability standards, and stability testing and information requirements proposed in §§ 31.10-.30 (a) and (b) have been applied to tank vessels' for several years and, therefore, represent current enforcement practice.

The stability test exemptions proposed in §§ 31.10-30(c) and (d) apply to vessels that are not currently required by the Coast Guard (under § 31.10-30(b)(1) of the existing stability regulations) to have a stability test conducted and also to vessels over 300 feet in length having one longitudinal bulkhead. The proposed exemptions provide that stability tests need not be performed for these vessels if in conducting required stability calculations the assumed centers of gravity determined by the method proposed in the exemptions are used. These exemptions have been developed on the basis of a recent Coast Guard review of existing tank vessels and current tank vessel designs. The review showed that, for vessels covered by the proposed exemptions, assumed center of gravity values determined by the method proposed in the exemptions are larger than the actual center of gravity values that would be determined in stability tests. The assumed center of gravity value used in stability calculations must be at least the same or larger than the actual center of gravity value that would be determined in a stability test so that the calculations are reliable in determining whether the vessel complies with the Coast Guard's stability standards.

The required stability calculations referenced in the proposed exemptions are currently contained in 46 CFR 31.10-33, 46 CFR 42.20, 46 CFR 93.07-10, and 33 CFR 157.21. The term "molded depth" referenced in the exemptions is defined in 46 CFR 42.13-15(e), which provides in part that "[t]he molded depth is the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side."

In accordance with the foregoing, the Coast Guard proposes to amend Part 31 of Title 46, Code of Federal Regulations, by revising § 31.10-30 to read as follows:

§ 31.10-30 Stability requirements—TB/ALL.

(a) This section applies to—

(1) Each tank vessel of 150 gross tons and over construction of which is started on or after (the effective date of these regulations), except a tank barge that operates only on inland waters; and

(2) Each other tank vessel the stability of which is questioned by the Commandant or Officer in Charge, Marine Inspection.

(b) Each tank vessel must meet the stability requirements for cargo and miscellaneous vessels contained in the following provisions of Part 93 of this chapter:

(1) The requirement in § 93.05-1(a) to conduct a stability test, except as modified in paragraphs (c) and (d) of this section.

(2) The procedural rules in § 93.05-1 (b) and § 93.05-5 for conducting a stability test.

(3) The stability standards in §§ 93.07-5, 93.07-10, and 93.07-15.

(4) The requirement in § 93.10-1 to provide stability information to the master.

(5) The information requirements concerning stability letters in § 93.15-1 and § 93.15-5, except that the stability letter issued to a tank barge may be kept in any location on the barge that is dry, protected, and accessible.

(c) A stability test need not be conducted for a tank ship having a flush freeboard deck, one or more longitudinal bulkheads, and no independent tanks if, in performing the stability calculations required by this chapter and 33 CFR 157, the assumption is made that the center of gravity of the ship is located a vertical distance of at least 0.7 times the molded depth of the ship from the keel amidships or from a horizontal plane tangent to the keel amidships.

(d) A stability test need not be conducted for a tank barge having a flush freeboard deck, one or more longitudinal bulkheads, and no independent tanks if, in performing the stability calculations required by this chapter and 33 CFR 157, the assumption is made that the center of gravity of the barge is located a vertical distnce of at least 0.6 times the molded depth of the tank barge from the keel amidships or from a horizontal plane tangent to the keel amidships.

(46 U.S.C. 391a; 49 U.S.C. 1655(b); 49 CFR 1.46).

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

Dated: February 1, 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77-3480 Filed 2-4-77;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-66; Notice No. 77-1]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Positioning of Clearance Lamps To Indicate Extreme Width and Height

• *Purpose.* The purpose of this Notice is to propose an amendment to certain requirements of § 393.20 of the Federal Motor Carrier Safety Regulations (FMCSR) pertaining to the location of clearance and identification lamps on large trucks, buses, semitrailers, and full trailers. •

This proposal stems from a recent petition from the American Trucking Associations, Inc., (ATA) to permit the option of lowering all trailer lamps.

Several petitions to modify trailer lighting requirements have been received by the Bureau of Motor Carrier Safety (BMCS) and the National Highway Traffic Safety Administration (NHTSA) in recent years. The ATA has addressed this issue before in response to on-going rulemaking proposals by the NHTSA (Docket No. 69-19) and BMCS (Docket No. MC-66). In addition, the Truck Trailer Manufacturers Association filed companion petitions in 1972 (NHTSA Docket No. 72-1 and BMCS Docket No. MC-42), to permit the replacement of front trailer clearance lamps with reflex-reflectors. In 1972, the Trailmobile Technical Center petitioned the NHTSA to allow lower-mounted identification lights. This petition was denied for several reasons including lack of supporting cost and safety benefits, vulnerability to damage, and obscuration by dirt and dust. The ATA believes that many of the reasons for denial may not have been well founded from the practical standpoint because low-mounted lights are more easily cleaned and maintained whereas damaged or obscured high-mounted lights are often passed over because of their inaccessibility.

The petitioner contends that the requirement for mounting the clearance lamps as near to the top thereof as practical, creates anomalies in the location of the lights since vehicle heights vary considerably, depending upon the particular tractor-trailer configuration. Specifically, vehicles transporting containers are not required to have identification or clearance lamps displayed on the container as long as the container chassis displays the required lighting. Container lighting is identical to that required for the flat-bed trailer with lights mounted to rub-rail or eye level. This recognizes that the container is not part of the vehicle, but rather, the commodity being transported.

Regulatory information indicates the practice of high-mounted trailer lights was developed over 40 years ago. It permitted the night driver in hilly terrain to see—as he followed or approached another truck or tractor semitrailer—the upper lights of that trailer ahead, just before or after it had passed over the creat of a hill. Although the trailer taillights were not visible for a few seconds, the hilltop safety benefits were questionable. It did identify the large trailer at night.

ATA further purports that many vehicles are involved: For instance, the Maritime Administration of the U.S. Department of Commerce, in its 1974 publication, "Inventory of American Intermodal Equipment," shows almost a ½ million containers already in service, and increasing at the rate of 24 percent per year. Many of these containers are 35 or more feet in length and over 8½ feet high. This would make the overall height of the transported container equivalent to a large trailer or semitrailer (12 to 13 feet high). The ATA contends that the container is the equivalent of the trailer and yet is permitted the lighting requirements of the flat-bed merely because the container has a detachable characteristic.

It is noted that: (1) Approximately 20 percent of all trailers are flat-beds; (2) Only 20 percent of those are the detachable chassis type of flat-beds for intermodal containers, many of which are used chiefly on maritime vessels and railroad flat-cars; and (3) It is unlikely the 1974 annual increase in containers will seriously affect the percentage of "low-mounted lamp" container trailers on the highway. The increase in 1975 was only 9 percent. Of 73,000 total trailers produced in 1975, only 2,936 were the detachable trailer chassis.

The petition provides another example of dissimilar lighting requirements for physically similar equipment as found in dump trailers and van trailers. Although dump trailers are generally shorter than van trailers, some are nearly as high as van trailers and although required to display the high-mounted rear light as on van trailers, are permitted to mount them at lower levels when impractical to mount them higher. In fact, identification lamps are often mounted on the dump trailer near sill, which is below the standard rub-rail level.

The argument that high-mounted lamps on the van trailer identify it as a slow-moving vehicle becomes weak when compared to dump and flat-bed trailers. Practical experience shows that these trailers are generally more heavily loaded and consequently slower moving than the average van trailer. Accordingly, to ATA these slow-moving vehicles with the low-mounted lights potentially present more of a rear end collision hazard, but do not fall within the rationale for requiring high-mounted lamps.

The petitioner further contends that if ensuing public safety is the intent of the high-lamp requirements, then it sadly fails to do its designed job. Under some circumstances, high-mounted rear lamps actually disserve public safety during conditions of fog, rain, and snow. High-lamp placements under these types of weather conditions, inhibit rather than promote safety, asserts the ATA.

The 1974 data available to BMCS on flat-bed versus van-type trailer accidents during inclement weather (fog, smog, rain, sleet, or snow) compared to dry weather (clear or cloudy) do not show significant differences in the number of accidents when consideration is given to the number of each trailer type in use. This statement is made with reservations since no data is available on usage of the two types of trailers under the safety jurisdiction of the BMCS.

Production records for the last 10 years by the Truck Trailer Manufacturers Association (TTMA)—whose members represent 90 percent of the large trailers made in this country—show flat-bed units at 40 percent of vans, or 2½ times as many vans as "flats." Total accidents for vans and flats show only 33 percent flats, or two times as many accidents involving van trailers. Only 25 percent of the inclement weather accidents involve flat-beds, or three times as many inclement weather accidents involve vans.

Under normal conditions, the petitioner further alleges, the average driver directs his vision outwardly, horizontally, and rearward with the use of mirrors. During inclement weather conditions, this driver characteristic becomes a safety hazard when combined with high-lamp placement. Rather than being given the maximum amount of visual notice, under conditions when maximum notice is more significant, the approaching driver is deprived of the aggregate lighting effect of low-mounted identification and clearance lamps found in almost all trailers except the van-type.

The ATA also questions the validity of high-mounted lights being less susceptible to damage and obscuration by dirt and dust.

From the practical standpoint, low-mounted lights are more easily cleaned and maintained, whereas damaged or obscured high-mounted lights are passed over because of their inaccessibility. The petitioner recommends: If trailer lights are obscured or damaged, then the proper solution is more effective enforcement rather than different lighting configurations.

The petitioner summarizes that lower-mounted trailer lighting equipment will provide the following safety benefits to both the public and the motor carrier industry:

1. High-mounted trailer lights have proven to be a maintenance hazard resulting in ladder slip and fall injuries to maintenance personnel.

2. The increase, if any, in traffic safety benefits of high versus low-mounted trailer lights is highly debatable since at least ½ of all the trailers on the Nation's Highways are not required to have high-mounted lights. Further, no evidence exists to suggest that these trailers, such as flat-beds, container chassis, etc., are less susceptible to being involved in accidents with other vehicles than are van-type trailers having high-mounted lights.

The BMCS has checked its 1974 accident data for the total number of rear end accidents (which includes night accidents) of flat-bed trailers and van-trailers, and finds no significant difference, considering the vehicle population.

Again, in view of the absence of data on mileage by trailer type, it may be possible that there are proportionately fewer rear end flat-bed accidents than with van-trailers.

3. As a result of the increased use of identification, side-marker, and clearance lamps on all classes of vehicles, including campers and other recreation vehicles, such lamps no longer serve the original purpose of identifying large and possibly slow-moving vehicles.

4. The introduction of the 55-mile per hour national speed limit has resulted in a more uniform traffic flow and has thus greatly reduced any differential in truck and passenger car speeds, which formerly may have contributed to rear end collisions of passenger cars into the rear end of slower moving trucks.

Each of the previously cited petitions have been studied in detail. There is considerable merit to most of the above-cited amendments proposed by the ATA and endorsed by affiliated groups.

Permitting the lower location for lamps on large trucks, buses, semitrailers, and full trailers, 80 or more inches in width, would not impose any known economic hardship on the motor vehicle manufacturing or the motor carrier industry.

The question of retrofitting older vehicles now equipped with upper lamps is not addressed in this petition. The lower location for trailer lamps contemplated by this Notice does not mean that the lower lamp location is indeed safer than upper lamps, but proposes an option for the carrier to have them located at a lower level, if he so wishes. Consequently, there is no need to consider retrofit of older motor vehicles at this time. It is conceivable that some carriers of their own volition may routinely lower their large vehicle lights for maintenance safety and convenience reasons.

Also, the NHTSA has recently published a proposed amendment (41 FR 52892) of the lighting standard 49 CFR 571.108, which will prevent any conflict between FMVSS No. 108 and this BMCS proposal.

Accordingly, it is proposed that 49 CFR 393.20 be amended as follows:

§ 393.20 Clearance lamps to indicate extreme width.

Clearance lamps shall be mounted so as to indicate the extreme width of the motor vehicle (not including mirrors). Clearance lamps on truck tractors shall be so located to indicate the extreme width of the truck tractor cab.

* * * * *

Written data, views, or arguments relating to this proposed rule are invited. Communications should identify the docket number and notice number appearing at the top of this document, and be submitted (three copies) to the Director, Bureau of Motor Carrier Safety, Room 3402, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. Comments received before the close of business on April 1, 1977, will be considered before final action is taken on this proposal. All comments received will be available for examination in the docket room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655); and delegations of authority at 49 CFR 1.48 and 301.60, respectively.)

Proposed effective date: February 7, 1977.

Issued on January 21, 1977.

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

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.77-3732 Filed 2-4-77;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 590]

[Docket No. 74-24, Notice 3]

MOTOR VEHICLE EMISSION INSPECTION

Amendments to Criteria

This notice proposes amendments to the criteria and procedures for motor vehicle emission inspections conducted as part of diagnostic inspection demonstration projects funded pursuant to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901, et seq.). The proposed amendments would add criteria for the inspection of 1974 and newer passenger cars to the criteria established in 49 CFR Part 590 for 1973 and older passenger cars.

The purpose of the diagnostic inspection demonstration projects is to explore the feasibility of using diagnostic test devices to conduct diagnostic safety and emission inspection of motor vehicles and to assist the Federal and State governments in formulating effective safety and emission inspection programs. The proposed amendments would expand the group group of vehicles under study to include 1974 and newer vehicles. Since the program is designed to determine whether diagnostic inspection is feasible and cost beneficial, the proposed allowable emission levels are not the lowest which can be achieved. Rather, they are intended to strike a balance between the levels which would cause too few vehicles to fail, thereby diminishing the effectiveness of the program in reducing emissions, and levels which would cause too many vehicles to fail the inspection, which might generate adverse public reaction to the demonstration project.

Criteria for pre-1974 vehicles and inspection methods remain unchanged. This will permit direct comparison of information obtained on late model vehicles with that previously compiled on the older vehicles. The criteria govern Federally-funded, State diagnostic inspection demonstration projects and do not, in themselves, impose requirements on any other State, or upon any individual.

In consideration of the foregoing it is proposed that 49 CFR Part 590 be amended as set forth below.

1. § 590.6(a)(2) would be amended by adding subparagraphs (iii) and (iv) as follows:

§ 590.6 No load inspection.

(a) * * *

* * * * *

(2) * * *

(iii) For model year 1974; HC 600 ppm as hexane, and CO 6.0 mole percent.

(iv) For model years 1975 and newer: HC 300 ppm as hexane, and CO 3.5 mole percent.

2. Table II of § 590.7(a) would be amended by adding the following:

§ 590.7 Loaded-mode inspection.

(a) * * *

	High cruise	Low cruise	Idle
1974 model year: HC 300 p/m as hexane, CO 2.5 mol percent.		HC 400 p/m as hexane, CO 3 mol percent.	HC 600 p/m as hexane, CO 6 mol percent.
1975 and newer: HC 200 p/m as hexane, CO 1.5 mol percent.		HC 300 p/m as hexane, CO 1.5 mol percent.	HC 400 p/m as hexane, CO 4 mol percent.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: March 9, 1977.

Sec. 302(b)(1), Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1901, as amended by Sec. 301, Pub. L. 94-364, 90 Stat. 981, delegation of authority at 49 CFR 1.51(b) and 501.8(d).)

Issued on: January 31, 1977.

FRED W. VETTER, Jr.,
Associate Administrator, Traffic Safety Programs.

[FR Doc.77-3510 Filed 2-4-77;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.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A431]

DESIGNATION OF EMERGENCY AREAS

Michigan

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Michigan Counties as a result of drought June 15 through September 30, 1976, in Allegan County; damaging rain and hail June 26, 1976, drought June 27 through September 30, 1976, and frost September 13, 1976, in Alpena County; cold wet weather May 1 through May 20, 1976, drought July 11 through September 5, 1976, and an early fall freeze September 26, 1976, in Ingham County; drought April 1 through October 30, 1976, in Isabella County; drought June 1 through September 30, 1976, and an early frost August 22, 1976, in Montmorency County; cold wet weather May 1 through May 20, 1976, drought after May 20 to June 30, 1976, and July 11 to September 30, 1976, in Shiawassee County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than March 21, 1977, for physical losses and October 19, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 28th day of January 1977.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77–3809 Filed 2–4–77;8:45 am]

Office of the Secretary

STATEMENT OF ORGANIZATION, FUNCTIONS, DELEGATIONS OF AUTHORITY, AND AVAILABILITY OF INFORMATION

Farmers Home Administration

Due to changes in Farmers Home Administration field assignments, OGC field office responsibility is revised by transferring legal assistance to Farmers Home Administration in the Virgin Islands from Hato Rey, PR. to Harrisburg, PA. Accordingly, section 20(b) of the Statement of Organization, Functions, Delegations of Authority, and Availability of Information, of the Office of the General Counsel, appearing in 41 FR 5334, as amended in 41 FR 55217, is further amended by revising the responsibility of the Branch office at Hato Rey, PR. for USDA legal matters exclusive of Forest Service, to read "Puerto Rico; Virgin Islands (except FmHA)".

Dated: January 31, 1977.

R. STANLEY HARSH,
Acting General Counsel.

[FR Doc.77–3810 Filed 2–4–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29747]

AIR BVI ET AL. FOREIGN AIR CARRIER PERMIT INVESTIGATION

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge William J. Madden to Administrative Law Judge Richard V. Backley. Future communications should be addressed to Judge Backley.

Dated at Washington, D.C., February 1, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77–3852 Filed 2–4–77;8:45 am]

[Order 77–2–3; Docket 26772, Agreement C.A.B. 24673 A–1]

HAWAII COMMON FARES

Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of February 1977.

Agreement filed pursuant to section 412 of the Federal Aviation Act of 1958, relating to Hawaii Common Fares.

By Order 76–11–117, the Board disapproved Agreement C.A.B. 24673 insofar as it requires all Hawaiian interisland travel under the Hawaii common fare to be by Aloha and Hawaiian Airlines, and authorized discussions regarding "such modification of the Hawaii common fare as may be required to eliminate the closed loop provision and make other appropriate adjustments." The discussion authority extended for a 40-day period terminating January 3, 1977.

At discussions held in San Francisco on December 17, 1977, and attended by a Board representative, the participants to the common fare agreed to eliminate the "closed-loop" feature of Agreement C.A.B. 24673. The parties also agreed to appoint a task force of ticketing and revenue accounting personnel to resolve related accounting problems and procedures having to do with identification and distribution of stopover charge collections. This agreement, C.A.B. 24673 A–1, has been executed by all parties and stands submitted for Board approval. For the reasons stated in detail in Order 76–11–117, we find that the proposed amendment to Agreement C.A.B. 24673 is in the public interest and should be approved subject to the condition that any procedures agreed upon by the task force be filed for further Board approval under section 412 of the Federal Aviation Act of 1958, as amended.

In a related matter, Aloha Airlines has filed a petition for continuation of the discussions authorized in Order 76–11–117 until February 15, 1977. Aloha states that the task force meeting held in Honolulu on January 5, 1977, found numerous ticketing, settlement and other implementation problems which could result in considerable confusion among carrier accounting and ticketing personnel, as well as among passengers. Aloha believes that solution to these problems would require a further meeting of common fare participants at which a Board representative is present. We find that since the common fare participants have already submitted an agreement to eliminate the closed loop provision (which amendment is being approved herein), extension of discussion authority until February 15, 1977, will not delay or otherwise prejudice the implementation of the open loop arrangement and is in the public interest.

Also outstanding, and pertinent to discussions yet to be held, is a petition for clarification of Order 76–11–117, filed by the State of Hawaii on December 16, 1976. Specifically, the State believes that the Board's obligation to weigh anticompetitive aspects of an agreement, and the sensitivity of various parties to all antitrust problems which may arise, warrant discussion of matters beyond the "closed loop" provision addressed in Order 76–11–117.[1] The State also seeks clarification as to whether the discussion authority encompasses (a) revenue matters which may have to be modified to arrive at an agreement, and (b) amendments to the agreement which protect those "original regulatory purposes" not specifically

[1] The State contends that such broad authority is consistent with the language in the order authorizing discussion of elimination of the closed loop and "other appropriate adjustments."

recognized by the Board in Order 76–11–117, e.g., balance of interisland benefits.

It is our opinion that all discussion topics must be limited to those modifications of the common fare arrangement which are reasonably necessary to implement the open loop provision. We recognize that such implementation may involve technical problems touching on other aspects of the agreement, and that in resolving such technical problems, a variety of considerations will be relevant. Accordingly, we are not disposed to categorically exclude from the discussions the topics suggested by the State. On the other hand, the discussion authority should not be construed to authorize discussion of matters "affecting the original purposes" of the arrangement, or of antitrust or revenue considerations,[2] except as to those technical problems which reasonably arise from implementation of the "open loop" provision.[3]

Accordingly, it is ordered that:

1. Agreement C.A.B. 24673 A–1 be and it hereby is approved, subject to the condition that any procedures agreed upon for implementation of this agreement be filed for further Board approval under section 412 of the Federal Aviation Act of 1958, as amended;

2. The discussion authority granted in Order 76–11–117 be and it hereby is extended for a further period until February 15, 1977;

3. The motion of Pacific Sea for immediate action be and it hereby is dismissed;

4. This order shall be served upon Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Hawaiian Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Airline Tariff Publishers, Inc., the County of Hawaii, the State of Hawaii, Pacific Sea Transportation, Ltd., and the Department of Justice.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–3853 Filed 2–4–77;8:45 am]

[2] The Board's duty to consider all anticompetitive ramifications of an agreement does not compel the Board to authorize discussion of anticompetitive matters not raised in the Pacific Sea petition, which resulted in the Board action upon which the discussions are based. Similarly, the Board's selective reference to one of the original purposes of the arrangement was in the context of disapproving the "closed loop" provision, and has no bearing on the scope of authorized discussions except as noted above.

[3] Shortly prior to the issuance of Order 76–11–117, Pacific Sea filed a motion for immediate action which is here being dismissed as moot.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Gulf Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, west coast of Florida, Louisiana, Mississippi and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The meeting will be held Wednesday, Thursday and Friday, March 2, 3 and 4, 1977, in the Royal Room of the Sheraton Inn, 301 Government Street, Mobile, Alabama. The meeting will convene at 1:30 p.m. on March 2, and adjourn at about noon on March 4, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

Proposed agenda:

1. Management plans.
2. Personnel and administration categories.
3. Review of foreign fishing applications, if any.
4. Other fishery management business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about February 25, 1977:

Paul D. Fulham, Special Assistant to the Regional Director, National Marine Fisheries Service, Duval Building, 9450 Grandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Special Assistant to the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: February 2, 1977.

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

[FR Doc.77–3806 Filed 2–4–77;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL'S ANCHOVY ADVISORY PANEL

Meeting Date Change

Notice is hereby given of a change in the meeting date as published in the FEDERAL REGISTER January 28, 1977, Volume 42, Number 19, for the Pacific Fishery Management Council's Anchovy Advisory Panel.

The meeting scheduled for February 16, 1977, at the California Fish and Game Department offices, 350 Golden Shore, Long Beach, California, convening at 10:00 a.m. and adjourning about 4:00 p.m., will now be held on March 8, 1977. The agenda, location, and convening and adjournment times remain unchanged.

Dated: February 2, 1977.

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

[FR Doc.77–3805 Filed 2–4–77;8:45 am]

National Oceanic and Atmospheric Administration

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On November 3, 1976, notice was published in the FEDERAL REGISTER (41 FR 48390) that applications had been filed with the National Marine Fisheries Service by Johnson's, Inc., New Bedford, Massachusetts and John G. Shedd Aquarium Sea Shop, Chicago, Illinois, for Certificates of Exemption to engage in certain commercial activities with respect to specified inventories of pre-Act endangered species products.

Notice is hereby given that on December 13, 1976, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94–59), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to Johnson's, Inc., 33 William Street, New Bedford, Massachusetts 02740 for finished scrimshaw products to be made from approximately 600 pounds of whale teeth and 26 pounds of whale bone, and John G. Shedd Aquarium Sea Shop, 1200 South Lakeshore Drive, Chicago, Illinois 60605 for five scrimshaw items.

The Certificates of Exemption are available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20007.

ROBERT J. AYERS,
Acting Assistant Director for
Fisheries Management.

JANUARY 28, 1977.

[FR Doc.77–3864 Filed 2–4–77;8:45 am]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On November 26, 1976, notice was published in the FEDERAL REGISTER (41 FR 52099–52100) that Stephen B. Barlow and C. Christopher Cambridge each had applied for Certificates of Exemption to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Notice is hereby given that on January 3, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94–359) and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to Stephen B. Barlow, 283 Brook Street, Providence, Rhode Island 02906 for twenty-nine finished scrimshaw items and to C. Christopher Cambridge, RFD No. 1, Box 102G, Kenduskeag, Maine 04450 for finished scrimshaw items to be made from approximately 482 whale teeth and pieces of whale teeth.

The Certificates of Exemption are available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20007.

ROBERT J. AYERS,
Acting Assistant, Director for Fisheries Management.

FEBRUARY 2, 1977.

[FR Doc.77–3865 Filed 2–4–77;8:45 am]

Office of the Secretary

TRAVEL ADVISORY BOARD

Reestablishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)) and the Office of Management and Budget Circular A–63 (revised) and after consultation with OMB, it has been determined that re-establishment of the Travel Advisory Board is in the public interest.

The Travel Advisory Board was first established by the Secretary of Commerce on July 18, 1968, and initially chartered under the Federal Advisory Committee Act in January 1973. The most recent charter expired on January 5, 1977.

Its purpose is to advise the Secretary of Commerce on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended (22 U.S.C. 2121), which are to strengthen the domestic and foreign commerce of the United States and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally. It will also advise the Secretary of Commerce on policies and programs of the Act of July 19, 1940, as amended (16 U.S.C. 18–18d, et seq.), designed to develop "travel to and within the United States, including any commonwealth, territory and possession thereof."

The Travel Advisory Board will continue with a balanced representation of 15 members who provide industry-wide and consumer expertise. The Assistant Secretary of Commerce for Tourism serves as Chairman and operates in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's charter will be filed with appropriate committees of the Congress, on February 22, 1977.

Inquiries or comments may be addressed to the Committee Control Officer, Ms. Nancy Risque, Office of the Assistant Secretary of Commerce for Tourism, Room 1860, U.S. Department of Commerce, Washington, D.C., 20230, telephone: (202) 377–4746.

Dated: February 1, 1977.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Admiinstration.

[FR Doc.77–3822 Filed 2–4–77;8:45 am]

FEDERAL MARITIME COMMISSION

PUERTO RICO PORTS AUTHORITY AND UNIVERSAL SHIPPING, INC.

Correction

Notice of the filing of Agreement No. T–3231–1 appeared on January 25, 1977 (42 FR 4528). The agreement number should have been T–3231–2 and not T–3231–1.

By order of the Federal Maritime Commission.

Dated: February 2, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–3854 Filed 2–4–77;8:45 am]

FEDERAL POWER COMMISSION

[Doc. No. CP76–367]

TEXAS GAS TRANSMISSION CORP.

Motion to Vacate Abandonment Authorization

FEBRUARY 3, 1977.

Take notice that on January 27, 1977, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76–367 a motion pursuant to § 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) requesting the Commission to vacate its order dated October 19, 1976 (56 FPC ——), permitting and approving abandonment of certain pipeline used in rendering service to Western Kentucky Gas Company (Western), all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

It is stated that on October 19, 1976, the Commission approved the abandonment in place of 1,336 feet of 6-inch pipeline, together with certain measuring and regulating equipment associated therewith, used in rendering service to Western at the City of Glasgow, Kentucky, which facilities are a portion of Texas Gas' Glasgow 6-inch pipeline located in Barren County, Kentucky.

It is further stated that pursuant to Commission order issued November 28, 1966 (36 FPC 908) in Docket No. CP66–149, Texas Gas constructed an 8-inch pipeline and meter station to serve Western's needs at Glasgow and environs.

Texas Gas states that believing the newly-constructed 8-inch pipeline to be sufficient to satisfy Western's needs at Glasgow, it filed to abandon the older 6-inch line. It is further stated that subsequent to the submission of the abandonment application, Texas Gas became aware of possible corrosion problems with respect to the new 8-inch pipeline. It is asserted that in September 1976, a corrosion survey was performed which indicated that portions of the 8-inch line would have to be taken out of service during 1977 for major maintenance and possible replacement.

Texas Gas, therefore, submits that it would be necessary to be able to utilize the 6-inch pipeline in order to maintain service to Glasgow during the planned maintenance and repair of the 8-inch line. It is further stated that in view of the possibility of future problems regarding the 8-inch line that could otherwise result in complete loss of service to Glasgow, Texas Gas deems it necessary to retain the 6-inch line on a permanent basis.

Any person desiring to be heard or to make any protest with reference to said motion should on or before February 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–3940 Filed 2–4–77;8:45 am]

[Doc. No. CP77–161]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

FEBRUARY 3, 1977.

Take notice that on January 28, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77–161 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and

necessity authorizing the transportation of up to 1,800 Mcf of natural gas per day on an interruptible basis for Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant is presently transporting on an interruptible basis for Elizabethtown, one of Applicant's resale customers served under its Rate Schedule CD–3, quantities of gas equivalent to the volumes being curtailed by Applicant under its Rate Schedule CD–3, which Elizabethtown purchases from its production affiliate, National Exploration Company (Exploration), in the McCaskill Field, Karnes County, Texas, and the Bancker Field, Vermilion Parish, Louisiana.

It is further stated that Exploration now has production in the East Point Blue Field, Evangeline Parish, Louisiana, which would be sold to Elizabethtown in amounts not to exceed 1,800 Mcf per day. Exploration, it is stated, would charge Elizabethtown an initial price of $1.44 per million Btu's, which price would be adjusted quarterly. It is further stated that Exploration would charge Elizabethtown a gathering charge of $.004 per Mcf for all gas delivered to Applicant for the account of Elizabethtown.

Pursuant to its transportation agreement with Elizabethtown dated May 18, 1972, as amended, Applicant proposes to transport such volumes to existing points of delivery with Elizabethtown in New Jersey under its Rate Schedule X–67, but has amended said agreement so as to retain for compressor fuel and line loss makeup a daily quantity of gas equal to 4.4 percent of the transportation quantity on such day. Applicant states that no new or additional facilities would be required to render the proposed transportation service.

It is stated that pursuant to the terms of the May 18, 1972, transportation agreement, as amended, Applicant is obligated to transport for Elizabethtown on an interruptible basis gas from reserves which have become available for production due to exploration and development activity in which an affiliate of Elizabethtown has participated and in which reserves Elizabethtown or an affiliate owns a substantial working interest. Applicant states that these conditions have been met in the instant arrangement involving production of Exploration in the East Point Blue Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power 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.77–3939 Filed 2–4–77;8:45 am]

[Doc. Nos. CP77–139, CP77–138]

UNITED GAS PIPE LINE CO., AND SOUTHERN NATURAL GAS CO.

Joint Application

FEBRUARY 2, 1977.

Take notice that on January 21, 1977, United Gas Pipe Line Company (United), 700 Milam Street, Houston, Texas, 77002, and Southern Natural Gas Company (Southern) First National-Southern Natural Building, Birmingham, Alabama 35203, filed in Docket Nos. CP77–139 and CP77–138, respectively, a joint application for emergency authority to transport natural gas sold by Pennzoil Offshore Gas Operators, Inc. (POGO), and Pennzoil Louisiana and Texas Offshore, Inc. (PLATO) from their respective 25 percent reserved interests in Block 140, Main Pass Area, Offshore Louisiana, to Pennzoil Producing Company (Pennzoil Producing).[1]

United and Southern Natural seek emergency authorization to render a transportation service for Pennzoil Producing which has entered into an emergency direct sale contract with POGO and PLATO for POGO's and PLATO's respective reserved interest in Block 140. This emergency direct sale is to continue until such time as Southern Natural no longer is curtailing Pennzoil Producing at Tinsley Field, Mississippi.

Pennzoil Producing is a direct customer of Southern Natural, classified as a Priority 2 customer by the Commission in Opinion No. 747, Southern Natural Gas Company, Docket No. RP74–6. Pennzoil Producing utilitizes the gas purchased from Southern Natural in its secondary and tertiary oil production operations at Tinsley Field, Mississippi. The gas is used to fuel engines which pump about 150 oil wells and fuel about 50 salt water injection wells for water flood operations. Pennzoil Producing has advised that it will file supporting information concurrent with this application. Southern Natural is currently curtailing into Priority 1. Because of this curtailment, Pennzoil Producing oil operations have dramatically decreased.

According to Pennzoil Producing, the curtailment of gas to its oil operations results in a loss of about 7,000 barrels per day of oil. In addition, Pennzoil Producing has indicated that the shut-in status of the oil wells seriously damages the oil reservoirs and jeopardizes the future ability of the wells to recover the oil.

The gas will be delivered by POGO and PLATO to United at Grand Bay, Louisiana. United will transport the gas from Grand Bay through capacity it has contracted for with Mid Louisiana Gas Company to an existing interconnection point with Southern Natural. Southern Natural in turn will transport the gas to Pennzoil Producing, one of its existing direct sale customers. The transportation agreement between Pennzoil Producing and United has been agreed upon in principle and soon will be executed.

Southern Natural will perform its transportation service at its jurisdictional transmission cost of service of 13 cents per Mcf set forth in its tariff less the fuel cost. Southern Natural will retain 3 percent of the volumes received as an allowance for gas used, lost and unaccounted for while in its system. The transportation agreement between Pennzoil Producing and Southern Natural has been agreed upon in principle and soon will be executed.

United and Southern Natural each state that no new facilities are required and each has sufficient capacity to perform the proposed transportation service.[2] Also, United and Southern Natural state that the proposed transportation will have no impact on their respective abilities to provide systemwide deliveries for Priority 1 customers.

Because of the extreme emergency on the Southern Natural system and the loss of oil production from Pennzoil Producing's Tinsley Field, it is requested that the Commission grant a waiver of the filing requirements of Section 157, et seq. of its Regulations and immediately grant this emergency authorization. Copies of the transportation agreements between Pennzoil Producing and United and Pennzoil Producing and Southern Natural will be forwarded as soon as prepared and executed.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest

[1] Temporary authorization was granted by order issued January 27, 1977.

[2] Mid Louisiana advises that the capacity it has contracted over to United will not impair its ability to provide service to its customers.

with reference to said application should on or before February 14, 1977, file with the Federal Power 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 Power 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 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 lease 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 to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3938 Filed 2-4-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the months of February and March 1977:

Name: Component Integration and Organizational Structure Technical Consultant Panel to the Cooperative Health Statistics Advisory Committee.

Date and time: February 28-March 1, 1977, 9 a.m.

Place: Conference Room 8-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open for entire meeting.

Purpose: The Panel advises the Director, National Center for Health Statistics, regarding policy, practices, and procedures which will assist in developing the Cooperative Health Statistics System as a basic continuing resource which can in its totality, meet new and emerging needs for health data. Major issues to be addressed by the Technical Consultant Panel include: (1) The effective integration of data from two or more components and sources to assist in decisionmaking in the health care field, and (2) the identification of model organizational structures for the Cooperative Health Statistics System at Regional, State, and local levels which will assure building on existing capabilities and full cooperation of public and private data users and producers.

Agenda: The Panel will review analysis of Status of Single Contract Vehicle-Federal and State perspective; review Federal Statistical Mandates and State Program activities; review a State Statistical Services proposal.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mr. James A. Smith, Room 8-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1470.

Agenda items are subject to change as priorities dictate.

Dated: February 1, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77-3784 Filed 2-4-77;8:45 am]

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of February 1977:

Name: Health Care Technology Study Section.

Date and time: February 23-25, 1977, 9 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open February 23, 9:00 a.m.-12:00 noon. Closed for remainder of meeting.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on February 23 will be devoted to a business meeting covering administrative matters and a seminar for the discussion of evaluation of medical information systems. During the closed sessions, a review of research grant applications relating to the delivery, organization, and financing of health services will be conducted. The closing is in accordance with provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, Room 15-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2922.

Agenda items are subject to change as priorities dictate.

Dated: February 1, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77-3782 Filed 2-4-77;8:45 am]

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1977:

Name: Health Services Developmental Grants Study Section.

Date and time: March 9-11, 1977, 8 p.m.

Place: March 9, Maryland Room, Holiday Inn of Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20014, and March 10-11, Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open March 9. Closed for remainder of meeting.

Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The Study Section during the open session will review the minutes, establish future meeting dates, and discuss other related general matters. During the closed sessions, the Study Section will be reviewing research grant applications which relate to the development, utilization, quality, organization, and financing of services, facilities, and resources of hospital care, and other medical facilities. The closing is in accordance with provisions set forth in section 552(b) (5) and (6), Title 5, U.S.C. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, Room 15-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2930.

Dated: February 1, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77-3783 Filed 2-4-77;8:45 am]

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of March 1977:

Name: Nursing Research and Education Advisory Committee.

Date and time: March 7-8, 1977, 8:30 a.m.

Place: Conference Room 6C-09, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20014.

Open March 7, 8:30-9:00 a.m. Closed for remainder of meeting.

Purpose: The committee is charged with the initial review of research grant applications in all areas of nursing education and practice, including studies of extended professional roles, model curricula, clinical investigations, historical research, and institutional research development and with surveying the status of research in nursing education and practice.

Agenda: Agenda items for the open portion of the meeting will cover opening remarks, and the discussion of administrative and staff reports. The remainder of the meeting will be closed to the public for the review of grant applications for Federal assistance. The closing is in accordance with provisions set forth in section 552 (b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Doris Bloch, Room 6A-10, Federal Building, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6955.

Agenda items are subject to change as priorities dictate.

Dated: February 1, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77-3781 Filed 2-4-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Doc. No. D-77-476]

BOSTON, MANCHESTER AND HARTFORD AREA OFFICES, PROVIDENCE, BANGOR AND BURLINGTON INSURING OFFICES

Establishment of Property Disposition Committees and Redelegation of Authority

The redelegation of authority and assignment of functions with respect to the Central Office Property Disposition Committee, published at 35 FR 4022 and amended at 35 FR 16102 and 36 FR 14229, has been revised and published at 41 FR 26946, as amended at 41 FR 52545. Effective July 2, 1976, there was established in each Regional Office a Regional Office Property Disposition Committee (herein called the Regional Office Committee) to which has been redelegated the authority of the Central Office Property Disposition Committee. The redelegation of authority to the Regional Office Committee authorized each Regional Administrator and each Deputy Regional Administrator to establish in any Area Office an Area Office Property Disposition Committee and to establish in any Insuring Office an Insuring Office Property Disposition Committee and to redelegate to each such Committee the power and the authority of the Regional Office Committee within the jurisdiction of the Area or Insuring Office.

SECTION A. REDELEGATION TO AREA AND INSURING OFFICES

(1) Pursuant to such authority there is hereby established in each of the Boston, Manchester and Hartford Area Offices an Area Office Property Disposition Committee.

(2) Pursuant to such authority there are hereby established in the Providence, Bangor and Burlington Insurings Offices an Insuring Office Property Disposition Committee.

(3) All power and authority of the Regional Office Committee, Region I, within the jurisdiction of each of the above offices is hereby redelegated to the respective Committees hereby established. The composition of said Committees and the applicable procedures shall be as set forth in "Property Disposition Committees, Redelegation of Authority," published on June 30, 1976 at 41 FR 26946.

Effective date: This redelegation of authority is effective as of August 21, 1976.

MAURICE E. FRYE, JR.,
Regional Administrator, Region I, Boston.

[FR Doc.77-3812 Filed 2-4-77;8:45 am]

[Docket No. D-77-477]

ACTING DIRECTOR, PROVIDENCE INSURING OFFICE, REGION I (BOSTON)

Designation and Delegation of Authority

Designation of Acting Director, Providence Insuring Office. Each of the officials appointed to the following positions is designated to serve as Acting Director during the absence of, or vacancy in the position of, the Director, with all the powers, functions, and duties redelegated or assigned to the Director: *Provided*, That no official is authorized to serve as Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Director
2. The Director, Housing Development Division
3. The Director, Housing Management Division

Effective date: This designation shall be effective February 7, 1977.

MAURICE E. FRYE, JR.,
Regional Administrator, Region I, Boston.

[FR Doc.77-3813 Filed 2-4-77;8:45 am]

[Docket No. D-77-474]

ACTING AREA DIRECTOR, MANCHESTER, N.H. AREA OFFICE, REGION I (BOSTON)

Designation and Delegation of Authority

Designation of Acting Area Director, Manchester Area Office. Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Community Planning and Development Division.
3. The Director, Housing Development Division.
4. The Director, Housing Management Division.
5. The Area Counsel.

Effective date: This designation shall be effective February 7, 1977.

CREELEY BUCHANAN,
Director, Manchester Area Office, Region I.

[FR Doc.77-3821 Filed 2-4-77;8:45 am]

[Docket No. D-77-475]

DEPUTY ASSISTANT SECRETARY

Delegation of Authority

The delegation of authority to the Assistant Secretary for Consumer Affairs and Regulatory Functions published at 41 FR 19365, May 12, 1976, did not confer concurrent authority upon a Deputy Assistant Secretary.

Accordingly, the delegation of authority to the Assistant Secretary for Consumer Affairs and Regulatory Functions published at 41 FR 19365, May 12, 1976, is amended to include the Deputy Assistant Secretary for Regulatory Functions. (Sec. 7(d) of the Dept. of HUD Act, 42 U.S.C. 3535(d)).

Effective date: This delegation is effective January 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-3820 Filed 2-4-77;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Consideration of Applications

FEBRUARY 1, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Bootheel Area Legal Assistance Program to serve the counties of Dunklin, New Madrid, Pemiscot, Scott, Mississippi and Stoddard in Missouri.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77-3778 Filed 2-4-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

FEBRUARY 1, 1977.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington D.C., on February 24 and 25, 1977.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., 1st Floor Conference Room, Washington, D.C. The majority of the proposed meeting on February 24, 1977, and the afternoon session on February 25, 1977, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid intereference with operation of the committee.

The session of the meeting which will be open to the public on February 24, 1977 is listed below:

12:45—2:00 Presentation—Bicentennial State and Local Histories—Mr. Gerald George, Managing Editor, American Association for State and Local History

The morning session on February 25, 1977, will convene at 9:00 a.m. and will be open to the public. The agenda for the morning session will be as follows:

Minutes of the previous meeting.
Reports.
A. Dr. Berman's resignation.
B. Summary of recent business and introduction of new staff members.
C. Chairman's grants.
D. Application report.
E. Gifts and matching report.
F. Challenge grants.
G. State humanities programs.
H. Scholarly publications.
I. NEH administrative functions.
J. Arrangements for the Jefferson lecture.
K. Fiscal year 1978 appropriations and supplemental appropriation request for fiscal year 1977.
L. Selected project evaluation.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77–3804 Filed 2–4–77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON TRANSPORTATION OF RADIOACTIVE MATERIALS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Transportation of Radioactive Materials will hold an open meeting on February 24, 1977 at the Air Host Inn, 1200 Virginia Avenue, Atlanta, GA 30320. The purpose of this meeting is to review NUREG–0170, "Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes."

This meeting was previously scheduled for November 4, 1976 and January 25, 1977 but was postponed.

The agenda for the subject meeting shall be as follows:

THURSDAY, FEBRUARY 24, 1977

8:30 a.m.–9:00 a.m. The Working Group with any of its consultants who may be present will meet in Executive Session to explore their preliminary opinions, based upon their independent review of NUREG–0170 and associated documents, regarding matters which should be considered in order to make final recommendations.

9:00 a.m. until the conclusion of business. The Working Group will hear presentations by and hold discussions with representatives of the NRC Staff and their consultants. At the conclusion of this session, the Working Group may caucus to determine whether the matters identified in the initial session have been adequately covered.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than February 17, 1977, to Mr. Gary R. Quittschreiber, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working group will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on February 23, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn.: Mr. Gary R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after March 3 and May 24, respectively, at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: February 1, 1977.

JOHN C. HOYLE,
Advisory Committee Management Office.

[FR Doc.77–3614 Filed 2–4–77;8:45 am]

[Doc. No. 50–334]

DUQUESNE LIGHT CO., ET AL.

Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR–66, issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensee), which revised Technical Specifications for operation of the Beaver Valley Power Station Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the provisions of the Technical Specifications relating to Beaver Valley's Radiological Environ-

mental Monitoring Program. Specifically, the amendment (1) Deletes reundant gamma isotopic analysis of drinking water samples, (2) Adds a Sr–89 analysis of sediment samples, and (3) Updates the summary of the preoperational environmental surveillance results (Table 3.2–4) to include data from 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated October 11, 1976, and (2) Amendment No. 7 to License No. DPR–66. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania.

A copy of item (2) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77–3743 Filed 2–4–77;8:45 am]

[Doc. No. 50–578]

GENERAL ELECTRIC CO.

Application for and Nuclear Regulatory Commission Consideration of Issuance of Facility Export License

Please take notice that General Electric Company, San Jose, California, has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a light water cooled and moderated boiling water reactor with a thermal power level of 2,894 megawatts to Spain and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Nuclear Regulatory Commission does not evaluate the health and safety characteristics of the facility to be exported. Consequently, there are no safety analysis or Advisory Committee on Reactor Safeguards reports.

Unless by March 9, 1977, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to General Electric Company a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland this 28th day of January, 1977.

For the Nuclear Reguratory Commission.

MICHAEL R. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc.77–3744 Filed 2–4–77;8:45 am]

[Docket Nos. 50–443; 50–444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL. (SEABROOK STATION, UNITS 1 AND 2)

Hearing

Before the Atomic Safety and Licensing Board.

In the Matter of Public Service Company of New Hamphsire, Et Al.; (Seabrook Station, Units 1 and 2).

By Order dated January 21, 1977, the Atomic Safety and Licensing Appeal Board (ALAB–366), has directed the Atomic Safety and Licensing Board to hold a hearing in the above-entitled matter as expeditiously as possible on the issue of cooling towers. In its Order the Appeal Board advises that the "Seabrook Site cannot be approved in the absence of (1) An in-depth evaluation of the economic costs and environmental impacts which the option (of cooling towers) would entail; and then, (2) A comparison of the Seabrook Site to alternate sites in light of that evaluation." The phrase "in light of that evaluation" is inferred by this Board to suggest that substantial factual data concerning economic costs and environmental impacts relative to alternate sites will be required. In accord with ALAB–366, the comparison will be limited to those 19 alternate sites previously considered. We do not suggest that the attention to be accorded each of these sites need be equal in breadth or depth.

Scheduling conflicts of the individual members of the Atomic Safety and Licensing Board are such that the full complement of the Board will first be available March 22, 1977. The intervening period of some seven weeks is reasonably adequate time for the parties to prepare for the hearing as delineated by the Appeal Board ruling.

Accordingly, a hearing in the above-entitled matter will commence on March 22, 1977, at 9:30 a.m., in the courtroom of the Superior Court, Hillsborough County Courthouse, 19 Temple Street, Nashua, New Hampshire. Parties are directed to file any direct expert testimony so that it be in the hands of the parties and members of the Board no later than March 14, 1977.

Pursuant to Commission's Regulations, 10 CFR 2.715, limited appearances will be allowed at the outset of the hearing provided that a limited appearance will be no more than five minutes in length and will deal solely on the subject of cooling towers. Parties seeking to make such limited appearances need not appear in person but may submit their statements in writing.

It is so ordered.

Dated this 28th day of January 1977 At Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.77–3745 Filed 2–4–77;8:45 am]

[Docket Nos.: STN 50–546, STN 50–547]

PUBLIC SERVICE CO. OF INDIANA, INC.

Amended Hearing on Application for Construction Permits

In the Matter of Public Service Co. of Indiana, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2).

Before the Atomic Safety and Licensing Board.

A notice of hearing on application for construction permits was published in the FEDERAL REGISTER on October 8, 1975 (40 FR 47219) concerning the application of Public Service Company of Indiana, Inc. (PSI) to construct the Marble Hill Nuclear Generating Station, Units 1 and

2, at a site in Jefferson County, Indiana near the Ohio River. On January 21, 1977, PSI notified the Board and the parties that it will own 75 percent of each unit, Wabash Valley Power Association will own 17 percent of each unit and East Kentucky Power Cooperative will own 8 percent of each unit. Although PSI alleges that the co-owners are not co-applicants, the Atomic Safety and Licensing Board has determined that they are co-applicants and that an amended notices of hearing is appropriate.

The Nuclear Regulatory Commission (Commission) is hereby issuing an amended Notice of Hearing on Application for Construction Permits for the proposed facilities. This amended notice does not alter or expand the issues for consideration set forth in the initial notice of hearing.

By this amended notice the Commission is, however, affording any person whose interest may be affected by the entrance of Wabash Valley Power Association and East Kentucky Power Cooperative as joint applicants the opportunity to participate in this proceeding. Any person whose interest may be affected by the entrance of the above two companies as joint applicants and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, due to the entrance of the co-applicants, with particular reference to the following factors: (1) The nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) The nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspects or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing such as the examination and cross-examination of witnesses with respect to their contentions related to the entrance of the two new co-applicants.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by March 8, 1977. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)–(4) and 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in the original notice of hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by March 8, 1977.

Papers required to be filed in this proceeding shall be filed by mail or telegram, addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch; or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Pending further order of the Board, parties are required to file, pursuant to the provision of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

A copy of any petition to intervene or a request for a limited appearance should also be sent to the following:

Mrs. Elizabeth S. Bowers, Esq., Atomic Safety & Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Marvin M. Mann, Atomic Safety & Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

George A. Leininger, Jr., Esq., City Attorney, City of Madison, P.O. Box 826, Madison, Indiana 47250.

Harry H. Voigt, Esq., Attorney for Public Service Co. of Indiana, Inc., LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, N.W., Washington, D.C. 20036.

Dr. Quentin J. Stober, Fisheries Research Institute, University of Washington, Seattle, Washington 98195.

Office of the Executive Legal Director, Counsel for NRC Staff, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Marvin R. O'Koon, Office of the Jefferson County Attorney, 1129 Kentucky Home Life Bldg., Louisville, Kentucky 40202.

Charles D. Kaplan, Esq., Attorney for the City of Louisville, Lynch, Sherman, Cox & Fowler, City Hall, Louisville, Kentucky 40202.

Mark B. Davis, Jr., Esq., Attorney for Louisville Water Company, 1600 Citizens Plaza, Louisville, Kentucky 40202.

George L. Seay, Jr., Esq., Attorney for Commonwealth of Kentucky, Capital Plaza Tower—5th Floor, Frankfort, Kentucky 40601.

Robert G. Grant, Esq., Attorney for State of Indiana, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Bill V. Seiller, Esq., Attorney for: Knob and Valley Audubon Society, Sassafras Audubon Society, Citizens Energy Coalition, Ewen, MacKensie and Peden, 2100 Commonwealth Bldg., Louisville, Kentucky 40202.

Thomas M. Dattilo, Esq., Attorney for: Save the Valley, Inc., Save Marble Hill, Metford & Dattilo, 404 East Main Street, Madison, Indiana 47250.

Ted R. Todd, Esq., Attorney for Board of Commissioners, County of Jefferson, Indiana, Hensley, Todd, Hocker & Castor, P.O. Box 4007, Madison, Indiana 47250.

Michael J. Walro, Esq., Attorney for Plan Commission and Board of Zoning Appeals of Jefferson County, Ind., 427 East Main Street, Madison, Indiana 47250.

Mr. Robert Gray, Secretary, Save Marble Hill, Rural Route #1, Hanover, Indiana 47243.

Charles W. Campbell, Esq., Vice President and General Counsel, Public Service Company of Indiana, 1000 East Main Street, Plainfield, Indiana 46168.

Mrs. Marie Horine, President, Save Marble Hill, Rural Route #2, Lexington, Indiana 47138.

Mr. Jack Brennan, Indiana Sassafras Audubon Society, Inc., 807 West Sixth Street, Bloomington, Indiana 47401.

Mr. Ralph C. Pickard, Member, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46205.

Madison-Jefferson County Public Library, 420 East Main Street, Madison, Indiana 47250.

A copy of all documents filed in this proceeding is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. between the hours of 8:30 a.m. and 5:00 p.m. on weekdays.

Copies of these documents are also available at the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana between the hours of 9:00 a.m. and 8:30 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday.

It is so ordered.

Dated at Bethesda, Maryland, this 2nd day of February 1977.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-3911 Filed 2-4-77;8:45 am]

MEETING

Notice is hereby given that the Nuclear Regulatory Commission will hold the following meetings on Tuesday, February 8, 1977:

10 a.m.— Briefing on Emergency Preparedness

11 a.m.— Affirmation of:

1. Amendment of 10 CFR Parts 70 & 150: Plutonium-238 Powered Cardiac Pacemakers
2. Abnormal Occurrence Determination and Public Dissemination Process
3. Proposed Amendments to 10 CFR Part 35, Human Uses of Byproduct Material: Specific Licenses to Individual Physicians and Institutions

(The affirmations will consist of votes on previously reviewed matters, and are expected to take no more than 5 minutes.)

These meetings are being held open to public observation in anticipation of the Commission's implementation of the Government in the Sunshine Act which goes into effect March 12, 1977.

The meetings will be held in the Commissioners' Conference Room, Room 1115, 1717 H Street NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634-1410.

Dated this 4th day of February 1977, at Washington, D.C.

For the Commission:

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[FR Doc.77-3995 Filed 2-4-77;10:01 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13170; SR-DTC-76-4]

DEPOSITORY TRUST CO.

Order Approving Rule Change Submitted

JANUARY 14, 1977.

On April 29, 1976, the Depository Trust Company ("DTC"), 55 Water Street, New York, N.Y. 10041, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), proposed changes to DTC Rules 1 and 6. The rule changes would (i) make technical changes to reflect the proposed transfer of the securities processing operations of American Stock Exchange Clearing Corporation ("ASECC"), National Clearing Corporation ("NCC") and Stock Clearing Corporation ("SCC") to National Securities Clearing Corporation and (ii) delete all references to Carlisle De Coppet & Co. as a Special Representative.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (41 23498, June 10, 1976), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12513, June 3, 1976. No letters of comment were received.

The Commission has reviewed the proposed changes to Rules 1 and 6 and finds that they are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed changes to DTC Rules 1 and 6 contained in File No. SR-DTC-76-4 be, and hereby are, approved provided, however, that the rule changes reflecting the proposed transfer of ASECC's, NCC's, and SCC's securities processing operations to NSCC wil not become effective prior to the effectiveness, and implementation by NSCC, of the order granting NSCC registration as a clearing agency.[1]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-3789 Filed 2-4-77;8:45 am]

[Release No. 34-13219; File No. SR-NYSE-77-2]

NEW YORK STOCK 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 January 19, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

(The new language is in *italics;* the deleted language is bracketed)

TEXT OF PROPOSED RULE CHANGE

"SECURITY"

Rule 3. The term "security" or "securities" *shall have the meaning given those terms in the Securities Exchange Act of 1934, as amended, and the General Rules and Regulations thereunder.* [includes stocks, bonds, notes, certificates of deposit or participation, trust receipts, rights warrants and other similar instruments.]

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

Investments identified as "securities" have increased over the last few decades, but the Exchange's definition of the term "security" has not changed in approximately 50 years. This limited definition could, by strict interpretation, restrict the Exchange in its ability to enforce those rules which relate to securities. By amending the definition of "security" in Rule 3 to conform to the Securities Exchange Act of 1934, the Exchange is providing a comprehensive and uniform definition which will always be consistent with future changes in the Act.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The amendment to Rule 3 is based on Sections 6(b)(1), 6(b)(5) and 6(b)(6) of the Act as follows:

(i) The proposed amendment will better enable the Exchange to discipline its members and persons associated with its members for transactions in securities which may be inconsistent with its rules or the Act.

(ii) Inapplicable.

(iii) Inapplicable.

(iv) Inapplicable.

(v) The proposed amendment will better enable the Exchange to comply with the Act by effectively applying Rules intended to prevent fraudulent and manipulative acts and practices with respect to investments considered to be securities and, thereby, protecting investors and the public interest.

(vi) The proposed amendment will better enable the Exchange to comply with the Act by ensuring appropriate disciplinary actions against members and persons associated with members for activities involving investment which are securities.

(vii) Inapplicable.

(viii) Inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule change.

BURDEN ON COMPETITION

There will be no burden on competition.

On or before March 14, 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 all written submissions will be available for inspection in the Public Reference Room, 1100 L Street N.W., Washington, D.C. Copies of such filing will also be available for inspection 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 February 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 28, 1977.

[FR Doc.77-3790 Filed 2-4-77;8:45 am]

[Release No. 34-13221; File No. SR-PSE-77-3]

PACIFIC STOCK EXCHANGE

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, section 16 (June 4, 1975), notice is hereby given that on January 17, 1977 the above-mentioned self-regulatory organization filtd with the Securities and Exchange Commission a proposed rule change as follows:

[1] On January 13, 1977, the Commission issued an order granting NSCC registration as a clearing agency subject to the terms, conditions and directives contained in the order. Securities Exchange Act Release No. 13163 (January 13, 1977).

A. STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendment to Section 2 of Rule XIII of the Rules of the Board of Governors of the PSE:

RULE XIII—TRANSACTIONS OFF THE EXCHANGE

EXCEPTION FOR AGENCY ORDER

SEC. 2. A member, member organization or affiliated person holding a customer's order for the purchase or sale of a listed stock (the Order) may execute the Order (or such portion thereof as may be so executed in accordance with this Rule) in the over-the-counter market with a third market maker or nonmember block positioner.

B. STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to permit without qualification, a member, member organization or affiliated person to execute a customer's order in the over-the-counter market with a third market maker or nonmember block positioner in compliance with Rule 19c-1 (17 CFR 240.19c-1) of the Securities Exchange Act of 1934, as amended.

By eliminating impediments to off-board trading the proposed rule change will assist in the perfection of the mechanism of a free and open market and aid the PSE in its capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder.

Comments on the proposed rule change were neither solicited nor received.

The proposed rule change does not impose any burden on competition.

* * * * *

On or before March 14, 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, N.W., 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 March 9, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 28, 1977.

[FR Doc.77-3791 Filed 2-4-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice 519]

PRESIDENTIAL ADV'SORY BOARD ON AMBASSADORIAL APPOINTMENTS

Closed Meeting

It is intended that the Presidential Advisory Board on Ambassadorial Appointments, which is currently being formed, will meet on Friday, February 4, 1977, at 9:30 a.m. at the White House, and at 10:30 a.m. at the Department of State.

The formation of this Advisory Board and the urgent scheduling of its first meeting have been requested by the President, in order that he may begin to receive recommendations with respect to individuals under consideration for Ambassadorial appointments at the earliest possible time. This is a circumstance contemplated in paragraph 8b(3) of OMB Circular No. A-63 (revised) of March 27, 1974. At the scheduled meeting, the organization and procedures of the Advisory Board will be discussed and the Board will commence consideration of certain Ambassadorial appointments.

The meetings have been closed to the public because they will involve discussion of personnel material, the disclosure of which would constitute an unwarranted invasion of personal privacy within the meaning of 5 U.S.C. 552(b)(6). Also, it is anticipated that the meetings will lead to recommendations to the President and the Secretary of State with respect to Ambassadorial nominations under Article II, section 2, clause 2, of the Constitution of the United States.

Dated: February 3, 1977.

CYRUS R. VANCE,
Secretary of State.

NOTE.—This document was received too late for inclusion in the Friday, February 4 FEDERAL REGISTER.

[FR Doc.77-3994 Filed 2-4-77;9:58 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 77-57]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

FEBRUARY 1, 1977.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 13, 1977.

Installation:	*Biweekly excess cost*
Montreal, Canada	$14,708
Toronto, Canada	26,242
Kindley Field, Bermuda	5,134
Nassau, Bahama Islands	9,793
Vancouver, Canada	8,009
Winnipeg, Canada	1,329

JOHN A. HURLEY,
Assistant Commissioner of Customs (Administration).

[FR Doc.77-3814 Filed 2-4-77;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Meeting

The Veterans' Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held in Veterans' Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, 20420, on February 24 and 25, 1977, in the Administrator's Conference Room, 10th floor, at 9:00 am. The meeting will be open to the public.

Those wishing to attend should contact Mrs. Charlotte Withers in the office of the Director, National Cemetery System, (phone 202-389-5211) not later than February 23, 1977. Any interested person may attend, appear before, or file a statement with the committee. Individuals wishing to make oral statements should indicate this in a letter to Mrs. Withers in which they fully identify themselves and state the organization or association they represent or are speaking for. Written statements should be filed with Mrs. Withers at the Washington address prior to the meeting. Oral statements will be heard only between 3 pm and 4 pm on February 24, 1977.

Dated: February 1, 1977.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.77-3825 Filed 2-4-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Grants and Denials of Applications for Exemptions

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 of the exemptions granted November 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent application for Emergency Exemptions.

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2787-X	DOT-E 2787	U.S. Department of Defense, Washington, D.C.	49 CFR 173.302(a) (1), 175.3	To ship nitrogen in a non-DOT specification pressure vessel. (Modes 1, 2, 3, and 4.)
3744-P	DOT-E 3744	Burris Chemical, Inc., Augusta, Ga.	49 CFR 173.266(b)(7)	To become a party to E 3744. (See application Nos. 76-173, 76-185, 76-190). (Modes 1 and 2.)
4168-X	DOT-E 4168	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.304(a)(2)	To ship sulfur hexafluoride in DOT specification 3A1800 and 3AA1800 cylinders with 120 pct filling density. (Modes 1 and 2.)
4175-X	DOT-E 4175	Allied Chemical Corp., Morristown, NJ.	49 CFR 173.302(a)(3)	To ship boron trifluoride in DOT specification 3AAX 2400 cylinders. (Mode 1.)
4460-X	DOT-E 4460	Ethyl Corp., Baton Rouge, La.	49 CFR 173.306(a), 176.74(c)	To ship metallic soduim in a DOT specification 51 steel portable tank. (Mode 3.)
4554-X	DOT-E 4554	B. F. Goodrich Corp., Cleveland, Ohio.	49 CFR 172.101, 173.315(a)(1)	To ship liquefied ethylene in a non-DOT specification cargo tank constructed in accordance with sec. VIII of ASME Code. (Mode 1.)
5129-X	DOT-E 5120	Diamond Shamrock Corp., Cleveland, Ohio.	49 CFR 173.314(c)	To ship hydrogen chloride anhydrous in DOT specification 105A500W or 105A600W tank car with certain exceptions. (Mode 2.)
5136-X	DOT-E 5136	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.302 173.304	To ship certain compressed gases in a DOT specification 4AA480 cylinder, in accordance with 49 CFR 173.304(a)(2). (Modes 1, 2, and 3.)
5196-X	DOT-E 5196	Shell Oil Co., Houston, Tex.	49 CFR 172.101, 173.315(a)(1)	To ship liquefied ethylene in a non-DOT specification insulated cargo tank, designed and constructed in accordance with sec. VIII of ASME Code with certain exceptions. (Mode 1.)
5200-X	DOT-E 5200	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c), 197.101-1(a).	To ship certain liquefied compressed gases in DOT specification 105A400W and 114A340W tank car tanks. (Mode 2.)
5361-X	DOT-E 5361	Thiokol Corp., Trenton, N.J.	49 CFR 173.302(a)	To ship tetrafluoroethylene, inhibited in a DOT specification 4BW240 cylinder. (Modes 1 and 2.)
5513-X	DOT-E 5513	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.315(a)	To ship nitrogen, liquid; oxygen liquid in a non-DOT specification portable tank, designed and constructed in accordance with DOT specification 51. (Mode 1.)
6472-X	DOT-E 6472	Thiokol Corp., Brigham City, Utah.	49 CFR 173.91	To ship special fireworks in a flame retardant, high piled, polystyrene foam container. (Modes 1, 2, and 3.)
6501-X	DOT-E 6501	Gearhart-Owen Industries, Inc., Fort Worth, Tex.	49 CFR 173.62	To ship liquid high explosives in 55-gal DOT specification 17E steel drums having an inside specification 44P polyethylene liner. (Mode 1.)
6516-X	DOT-E 6516	Chemetron Corp., La Porte, Tex.	49 CFR 173.288	To ship methyl chloroformate and ethyl chloroformate in DOT specification 111A100-W-2, 111A100-W-4, 112A200-W and 112A200-F tank cars. (Mode 2.)
6749-X	DOT-E 6749	Bio-Lab, Inc., Decatur Ga., Airwick Industries, Inc., Teterboro, N.J.; GPS Industries, Los Angeles, Calif., TESCO Chemicals, Marietta, Ga.	49 CFR 173.217(b)	To ship certain oxidizing materials in single-trip, high-density polyethylene containers overpacked in fiberboard boxes. (Modes 1, 2 and 3.)
6825-X	DOT-E 6825	Cosden Oil & Chemical Co., Big Springs, Tex.	49 CFR 172.101, 173.314(c)	To ship liquefied ethylene in a non-DOT specification vacuum-insulated tank car (AAR-113C120W). (Mode 2.)
6898-X	DOT-E 6898	Allied Chemical Corp., Morristown, N.J.	49 CFR 178.150-4 (a)(1)	To ship corrosive liquids in inside containers as specified in pt. 173, subpt. F, 49 CFR and overpacked in a DOT specification 33A polystyrene case with certain exceptions. (Modes 1, 2, and 3.)
6919-X	DOT-E 6919	Northern Petrochemical Co., Des Plaines, Ill.	49 CFR 172.101, 173.315(a)	To ship certain flammable cryogenic liquids in a non-DOT specification insulated cargo tank designed and constructed in accordance with sec. V111 of the ASME Code with certain exceptions. (Mode 1.)
6931-X	DOT-E 6931	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.245(a)(32)	To ship ammonium hydroxide in insulated aluminum tank car tanks built to AAR-201A80W specification. (Mode 2.)
6948-X	DOT-E 6948	Thompson-Hayward Chemical Co., Memphis, Tenn.; Valley Chemical Co., Greenville, Miss.	49 CFR 173.358, 173.359	To ship certain class B poisonous liquids in DOT specification 51 steel portable tank with certain exceptions. (Mode 1.)
7013-X	DOT-E 7013	ASM Enterprises, Inc., Pine Bluff, Ark.	49 CFR 173.315(a)(1)	To ship methylacetylene-propadiene, stabilized in privately owned units incorporating cargo tanks built in compliance with U-68 and U-69 of the ASME Code with certain exceptions. (Mode 1.)
7031-X	DOT-E 7031	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.63, 173.64(a)(12)	To ship certain class A and B explosives in a DOT specification 12H type box with handholes. (Modes 1, 2, and 3.)
7032-X	DOT-E 7032	Polaroid Corp., Needham, Mass.	49 CFR 172.101, 175.3	To ship corrosive solid, n.o.s. in a non-DOT specification removable head drum. (Mode 4.)
7035-X	DOT-E 7035	Owens-Illinois, Toledo, Ohio.	49 CFR pt. 173	To ship corrosive materials in a non-DOT specification reusable, molded, 55-gal polyethylene container. (Modes 1, 2, and 3.)
7040-X	DOT-E 7040	Polaroid Corp., Needham, Mass.	49 CFR 172.101, 175.3	To ship corrosive liquid, n.o.s. in a 55-gal DOT specification 6D cylindrical steel overpack with inside DOT specification 28L container. (Mode 4.)
7444-P	DOT-E 7444	Northern Petrochemical Co., Des Plaines, Ill.	49 CFR 172.101, 173.315	To ship liquefied natural gas and liquefied ethylene in a non-DOT specification cargo tank. (Mode 1.)

NEW EXEMPTIONS

7439-N	DOT-E 7439	Bernzomatic Corp., Rochester, N.Y.	49 CFR 173.304(e), 178.33a-2(b)	To ship dichlorodifluoromethane in a DOT 2Q container with certain exceptions. (Modes 1 and 2.)
7451-N	DOT-E 7451	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304	To ship liquid argon, pressurized in a tank constructed in accordance with Compressed Gas Association's proposed specification 51-L. (Mode 3.)
7470-N	DOT-E 7470	Cities Service Co., Tulsa, Okla.	49 CFR 173.241(a)(3), 173.272 (i)(22), 179.200-18(b)(1), 179.-201-7.	To ship sulfuric acid in DOT specification 103AW, 111A60W, and 111A100W tank car tanks. (Mode 2.)
7489-N	DOT-E 7489	Micor Co., Inc., Milwaukee, Wis.	49 CFR 172.312, 173.249	To ship alkaline corrosive liquid, n.o.s. in an inside metal container packed in a DOT-37A drum. (Modes 1, 2, and 3.)
7507-N	DOT-E 7507	Witco Chemical Corp., Richmond, Calif.	49 CFR 173.119(m)(8), 173.-221(a)(9).	To ship organic peroxide, liquid or solution, n.o.s. in a DOT specification 12P fiberboard box with inside DOT specification 2U polyethylene container not exceeding 6-gal capacity. (Modes 1 and 3.)
7512-N	DOT-E 7512	Puerto Rico Maritime Shipping Authority, Elizabeth, N.J.	49 CFR pt. 173; 46 CFR 98.35-3.	To ship flammable and combustible liquids in portable tanks in compliance with DOT specification MC-306 with certain exceptions. (Modes 1, 2, and 3.)
7517-N	DOT-E 7517	Trinity Industries Inc., Dallas, Tex.	49 CFR 173.314(e)	To manufacture, mark and sell tanks meeting the proposed Chlorine Institute specification 220A500W for chlorine. (Modes 1, 2, and 3.)
7477-N	DOT-E 7477	Systron Donner Corp., Berkeley, Calif.	49 CFR 173.302(a)	To ship nonflammable compressed gases in a non-DOT specification seamless aluminum cylinder in compliance with DOT-E 6496 certain exceptions. (Modes 1, 2, 3, and 4.)

EMERGENCY EXEMPTIONS—APPLICATIONS RECEIVED AND GRANTED

EE-6113-X	DOT-E 6113	Valley Gas Co., Cumberland, R.I.; Public Service Electric & Gas Co., Newark, N.J.	49 CFR 172.101, 173.315(a)	To ship certain flammable cryogenic liquids in a non-DOT specification cargo tank constructed in accordance with sec. VIII of the ASME Code. (Mode 1.)
EE-6803-X EE-6902-X EE-6922-X	DOT-E-6803 DOT-E-6902 DOT-E-6922	Halocarbon Products Corp., Hackensack, N.J.	49 CFR 173.264(b)	To ship certain compressed gases, and a corrosive liquid in DOT specification 110A800W and 106A500-X multiunit tank car tanks. (Modes 1 and 2.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE-7419-N	DOT-E 7419	U.S. Department of Defense, Washington, D.C.	49 CFR 174.104(b)(10)	To ship class A explosives in containers on rail flatcars having all metal subfloors and complying with 49 CFR 174.104(b) except for type of brake shoes. (Mode 2.)
EE-7570-N	DOT-E 7570	Wilson Air Freight, Jamacia, N.Y.	49 CFR 175.3, 175.30, 175.320 (a) and app. B to 49 CFR pt. 107.	To ship certain restricted class A and class C explosives via cargo-only aircraft. (Mode 4.)
EE-7571-N	DOT-E 7571	Rich International Airways, Inc., Miami, Fla.	49 CFR 172.101, 175.30(a)(1)	To transport a 1-time shipment of rocket ammunition with explosive projectile via cargo-only aircraft. (Mode 4.)
EE-7572-N	DOT-E 7572	Chemagro, Kansas City, Mo.	49 CFR 173.358(a)	To make a 1-time shipment of an organic phosphate compound mixture liquid in a DOT specification MC-312 cargo tank motor vehicle. (Mode 1.)

DENIALS

4168-X Request by Air Products and Chemicals, Inc., Allentown, Pa.—To include DOT 3AA1000 cylinder in DOT-E 4168 for shipment of Sulfur hexafluoride, denied November 19, 1976.

5854-X Request by Department of the Army, Washington, D.C.—To ship a survival kit containing "Pen Gun Flares" in checked baggage aboard passenger carrying aircraft, denied November 4, 1976.

6284-X Request by Mobay Chemical Corporation, Kansas City, Mo.—To ship laboratory samples of organic phosphate compound, mixture, dry, not exceeding 16½% by weight of active ingredient by passenger aircraft, denied November 17, 1976.

6792-X Request by Michigan Chemical Corporation, Chicago, Ill.—To transport methyl bromide containing not more than 2-percent chloropicrin and non-flammable, non-liquefied compressed gas mixtures in cylinders prescribed in 49 CFR 173.353(a)(3), denied November 18, 1976. (Docket HM-112 obviates the need.)

6804-X Request by American Hoechst Corporation, Somerville, N.J.—To ship corrosive and flammable liquids in foreign-made non-DOT specification packaging complying with DOT Specification 5, 5B, or 2SL except for markings, denied November 22, 1976. (Docket HM-112 obviates the need.)

7222-X Request by Mr. Michael F. Hardesty, Seattle, Washington—To carry nonspillable electric storage batteries aboard aircraft, denied November 11, 1976. (Current regulations obviate the need.)

7430-N Request by Fabricated Metals, Inc., San Leandro, Calif.—To ship certain corrosive liquids in a DOT Specification 57 portable tank, denied November 1, 1976.

7462-X Request by Monsanto Company, St. Louis, Mo.—For transportation of acetic acid, glacial acid in MC-307 or MC-312 cargo tanks on cargo vessels, denied November 30, 1976. (Current regulations obviate the need.)

7473-N Request by Monsanto Company, St. Louis, Mo.—To ship certain dry oxidizing materials containing more than 39% available chlorine in non-DOT specification removable head, blow-molded plastic drum, denied November 8, 1976.

7475-X Request by Manchester Tank & Equipment Company, Lynwood, Calif.—To authorize use of cylinders complying with DOT Specification 4BA except for tensile strength deviation for shipment of propane, denied November 15, 1976.

7492-N Request by Rhodia, Inc., New York, N.Y.—To ship dichlorophenol in portable tanks, denied November 8, 1976. (Commodity not subject to 49 CFR 170-189.)

7495-N General American Transportation Corporation, Sharon, Pa.—To ship chlorine in a non-DOT specification portable tank, denied Novemer 22, 1976.

7497-N Request by Air Products & Chemicals, Inc., Allentown, Pa.—To ship liquefied and non-liquefied, flammable and non-flammable compressed gases in non-DOT specification cylinders, denied November 2, 1976.

7499-N Request by Mitsubishi International Corporation, New York, N.Y.—To ship certain persulfates in waterproof woven polyethylene bags, denied November 2, 1976. (Commodities not subject to 49 CFR 170-189.)

EE-7559-N Request by Ronson Corporation, Ogletown, Del.—For an emergency exemption that would waive 49 CFR 173.21(d) for a cigarette lighter and ignition unit packaging, denied November 1, 1976.

WITHDRAWALS

7547-N Request by GTE Sylvania, Danvers, Mass.—To transport palletized arsenical flue-dust and ceratin other poisonous solids in non-DOT specification metal drums, withdrawn Novemebr 10, 1976.

7587-N Request by BernzOmatic Corporation, Rochester, N.Y.—To ship dichlorodifluoromethane in modified DOT 2P and 2Q containers, withdrawn Novemebr 29, 1976.

DR. C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.77-3701 Filed 2-4-77;8:45 am]

National Highway Traffic Safety Administration

YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Youth Highway Safety Advisory Committee to be held on February 25, 1977 from 5:00 p.m. to 7:00 p.m. at the Granada Royal Hotel, 1635 N. Scottsdale Road, Tempe, Arizona in conjunction with site visits at the General Motors Proving Grounds, for a demonstration of defensive driving and the defensive driving range; Mesa High School's K-12 Highway Safety program and Tot Safety Town Demonstration at Lynwood Elementary School on February 25, 1977 and a tour of Dynamic Sciences Testing Facility, for a demonstration of the test facility and observation of innovative safety features on experimental cars, on February 26, 1977.

Attendance for the February 25, 1977 (5:00 p.m.) meeting is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting.

The agenda for this February 25, 1977 (5:00 p.m.) meeting is as follows:

Report on Resolutions Passed at January 7-8, 1977 Meeting;

Formulation of Agenda for next Committee Meeting.

For further information, contact Wm. H. Marsh, Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

Any member of the public may present a written statement to the Committee at any time.

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

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-3702 Filed 2-4-77;8:45 am]

[Docket No. EX73-7; Notice 5]

ALBANY MOTOR CARRIAGE CO.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

The Albany Motor Carriage Company Ltd. of Christchurch, Dorset, England has applied for a 3-year extension of the temporary exemptions of its Vintage Car Type A passenger car from certain safety standards on grounds of substantial economic hardship. Albany was previously granted exemptions from the standards, expiring January 1, 1977, on January 29, 1974 (39 FR 3709) and August 5, 1974 (39 FR 28175).

Albany's intent is to manufacture no more than 300 units for sale in the United States in the years 1974-1979 before terminating production, and therefore it does not intend to achieve conformance with exempted standards. All extensions requested are for 3 years. The vehicle is an open two-seater replica of vehicles manufactured in Great Britain in the first decade of the 20th century. Although it is powered by a contemporary Triumph Spitfire engine its top speed is limited to 40 mph. The company requests extension of its exemption from all or part of the following standards, for the reasons stated: Nos. 103 (the vehicle has no doors or sides and thus its windshield cannot frost or fog), 104 (the vehicle does not need two wiping speeds due to the low top speed), 109 and 110 (the tires and rims are larger than those covered by the standards), 201 (the standard is intended for closed vehicles), 202, 208, 209, 210 (further efforts towards compliance would involve substantial costs and destroy the character and hence the sales appeal of the vehicle which is nonetheless equipped with a 3-point restraint system and "adequate" anchorages), and 212 (total testing costs are $15,000).

In support of its original petition Albany stated that the total planned pro-

duction of the Model A is 600 units, half of which were destined for the American market, and that "all costings have been based on this production run." There are no alternative markets capable of absorbing the planned USA sales of 300 units, and if the car cannot be sold in the USA "the product is not a viable commercial proposition and must be abandoned and the company wound up with a consequent loss of dollars already invested." Albany had made certain modifications to the vehicle which it briefly described so that it will conform with Standards Nos. 101, 102, 105, 108, 114, 204, and portions of 104. Because of insignificant sales during the 3 years that the current exemption has been in effect, the company needs an extension to recoup its investment. Corporate income statements indicate a declining financial position over the past 3 years with a loss carried forward of approximately $10,000 as of March 31, 1976.

Albany argues that the extension would be in the public interest as the vehicle provides leisure opportunities and is a source of amusement. It is consistent with objectives of the National Traffic and Motor Vehicle Safety Act because its low top speed and use only during good weather make it unlikely that it will be involved in accidents.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of the Albany Motor Carriage Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date:

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410, delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 28, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-3512 Filed 2-4-77;8:45 am]

[Docket No. IP77-2; Notice 1]

GENERAL MOTORS CORP.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

General Motors Corporation of Warren, Michigan ("GM" herein) has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.-101, Motor Vehicle Safety Standard No. 101, Control Location, Identification, and Illumination on the basis that it is inconsequential as it relates to motor vehicle safety.

The noncompliance appears to exist on 441 early model 1977 GMC Truck and Coach General, and Chevrolet Bison heavy duty trucks. Standard No. 101 requires identification of any heating and air-conditioning system control, but General Motors inadvertently failed to identify the fan switch. Subsequent models carry the word "FAN" and these vehicles comply with Standard No. 101. The company argues that the noncompliance is inconsequential as all heating/air-conditioning controls including the fan switch are located in a single recessed area in the instrument panel. The operating positions of the fan switch are identified as "hi" and "lo", and in GM's view "make it obvious to any driver that this switch controls the speed of the fan" and "especially * * * the skilled professional drivers of heavy duty commercial vehicles such as the General and Bison."

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 24, 1977.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 28, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-3511 Filed 2-4-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 115]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by March 9, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76864, filed January 23, 1977. Transferee: ENTERPRISE VAN LINES, INC., 3743 Bronxwood Avenue, Bronx, New York 10469. Transferor: Transglobal Moving and Storage, Inc., 3743 Bronxwood Avenue, Bronx, New York 10469. Applicant's representative: Benito DeVivo, President, 3743 Bronxwood Avenue, Bronx, New York 10469. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-17060, issued March 8, 1971, as follows: Household goods between points in

Passaic, Union, Morris, Essex, and Bergen Counties, N.J., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Massachusetts, Maryland, Connecticut, Delaware, Rhode Island, the District of Columbia, and those in New York except New York City.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76869, filed January 30, 1977. Transferee: ABC Movers Inc., 145 McPhail St., Baltimore, Md. 21223. Transferor: The Charles E. Bowers Moving Co., Inc., 35 Willard St., Baltimore, Md. 21223. Applicant's representative: Eulith R. Gillian, 145 McPhail St., Baltimore, Md. 21223. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC–77315, issued June 4, 1958, as follows: Household goods as defined by the Commission, between Balitmore, Md., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Pennsylvania, Virginia, and the District of Columbia.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76884, filed December 17, 1976. Transferee: Marcus Trucking Co., Inc., P.O. Box 72, Wilmington, Delaware 19899. Transferor: Cephas Bros. Transport, Ltd., RD #1 Box 184B, Hockessin, Delaware 19707. Applicant's representative: Thomas F. Kilroy, Attorney at Law, P.O. Box 2069, Springfield, Virginia 22152. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC–133805 (Sub-No. 2) issued March 23, 1976, as follows: Synthetic fibers and textile materials and products from the facilities of the E. I. DuPont de Nemours & Company at or near Chattanooga, Tenn. to 13 specified counties in Pennsylvania.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76893, filed December 23, 1976. Transferee: Fred Stewart Company, A Corporation, 129 S. Clay Street, Magnolia, Arkansas 71753. Transferor: Rodney Stewart and Troy Stewart, doing business as Fred Stewart Company, A Partnership, 129 S. Clay Street, Magnolia, Arkansas 71753. Applicant's representative: Bernard H. English, Attorney at Law, 6270 Firth Road, Fort Worth, Texas 76116. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–24583, MC–24583 (Sub-No. 10), MC–24583 (Sub-No. 11), MC–24583 (Sub-No. 12) MC–24583 (Sub-No. 14), MC–24583 (Sub-No. 16), MC–24583 (Sub-No. 17), and MC–24583 (Sub-No. 18G) issued May 14, 1964, November 1, 1965, July 17, 1967, and June 3, 1966, May 12, 1969, June 18, 1973, February 1, 1974, and August 23, 1976 respectively, as follows: Machinery, equipment, materials, and supplies used in the discovery, processing, transmission, and distribution of natural gas and petroleum or petroleum by-products and materials used in the constructing, maintaining, and dismantling of pipe lines for petroleum and non-petroleum products and earth drilling machinery and equipment between points in Arkansas, Louisiana, and Texas, and between Memphis, Tennessee and points in Mississippi, and between points in Oklahoma, Kansas, and Texas; agricultural products between points on specified highways in Arkansas; expanded plastics and plastic products from specified points in Ohio, Missouri, and Arkansas to points in Alabama, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas; liquid chemicals from specified points in Columbia County, Ark. to points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76913 filed January 4, 1977. Transferee: Williams Transfer, Inc., P.O. Box 34, Adams, Nebraska, 68301. Transferor: Merlin J. Williams, Doing Business As Williams Transfer, P.O. Box 34, Adams, Nebraska, 68301. Applicant's representative: Bruce A. Bullock, 530 Univac Building, 7100 W. Center Road, Omaha, Nebraska, 68106. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC–120427 (Sub-No. 2) issued December 12, 1963, authorizing the transportation of general commodities over irregular and certain specified regular routes between specified points in the State of Nebraska.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76914 filed January 6, 1977. Transferee: Drivers Trucking Service, Inc., 740 K Sierra Vista, Mt. View, California, 94043. Transferor: Thomas J. Stewart and John F. Garden, A Partnership, Doing Business As Nimitz Air Cargo, 305 Adrian Road, Millbrae, California, 94030. Applicant's representative: Ernest Bollinger, 740 K. Sierra Vista, Mt. View, California, 94043. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC–121700, issued April 17, 1973, authorizing the transportation of general commodities subject to certain exceptions between all points and places in the San Francisco Territory as described in Part II of said certificate.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76915 filed January 6, 1977. Transferee: Total Transportation, Inc., 304A Oak Woods, North Main Street, Bellingham, Massachusetts, 02019. Transferor: Bickford Trans. Co., Inc., 37 Saltonstall Road, Medford, Massachusetts, 02155. Applicants' representative: Frank J. Weiner, 15 Court Square, Boston, Massachusetts, 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC–99046 (Sub-No. 1), issued January 17, 1964, authorizing the transportation of general commodities anywhere within the Commonwealth of Massachusetts.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76917, filed January 6, 1977. Transferee: Orfac Trucking Co., a corporation, 254 Port St., Port Newark, N.J. 07114. Transferor: Haefele Transportation Co., Inc., 4325 Bath St., Philadelphia, Pa. 19137. Transferee's representative: Nathaniel H. Yohalem, Attorney-at-Law, Sutton Metropark, Woodbridge, N.J. 07095. Transferor's representative: Stanley Root, Attorney-at-Law, 30 South 17th St., Philadelphia, Pa. 19103. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC–119923, issued October 5, 1970, as follows: General commodities, with the usual exceptions, over specified routes, between Philadelphia, Pa. and New York, N.Y., serving intermediate and specified off-route points; metal, from Philadelphia, Pa., to Perth Amboy, N.J., and Albany, N.Y., over specified routes, serving the intermediate point on New York, N.Y.; and non-ferrous metals, scrap metals, gears and gear wheels, sheet metal products, and iron fencing and accessories, cans, can and bottle tops, can parts, paper boxes, paper, paper mill products, fiberboard, fiberboard boxes, hides, tinware and tin articles, corrugated boxes, groceries, produce, fresh fruit, paper machine rolls, waste paper, rags, wood-pulp, mill supplies, and raw materials used in the manufacture of paper and paper products, from, to, and between points in Pennsylvania, New Jersey, New York, Delaware, Maryland, and the District of Columbia.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76918, filed January 12, 1977. Transferee: Thomas E. Eggers, 2004 Franklin Avenue, Las Vegas, Nev. 89014. Transferor: Thomas G. Horngren, 12252 Woodruff Ave., Downey, Calif. 90241. Applicant's representative: Jerry Solomon Berger, Attorney-at-Law, 433 North Camden Drive, Beverly Hills, Calif. 90210. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC-138216, issued March 20,

1973, as follows: Gypsum plaster and gypsum wall board, from Blue Diamond, Nev., to points in Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76919, filed January 10, 1977. Transferee: Ronald B. Pearson, doing business as Pearsons Express, 132 Vale Street, Fall River, Mass. 02724. Transferor: Link Transportation Company, Inc., 70 Christine Terrace, Milford, Conn. 06460. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC-100825 (Sub-No. 1), issued March 20, 1975, as follows: General commodities, except those of unusual value, and except automobiles, dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading, over regular routes, between Danielson, Conn., and Providence, R.I., from Danielson over Connecticut Highway 12 to Putnam, Conn., thence over U.S. Highway 44 to Providence, and return over the same route, serving the off-route points of Canterbury, Wauregan, Brooklyn, East Killingly, Goodyear, Ballouville, Pomfret, Grosvenordale, North Grosvenordale, and Mechanicsville, Conn.

Transferee presently holds authority from this Commission under Certificate of Registration No. MC-120880 (Sub-No. 1). Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76921 filed January 11, 1977. Transferee: Weston Neil, Doing Business as Neil Truck Line, East Third and Walnut, Hepler, Kansas, 66746, Post Office Box N. Transferor: F. B. Neil (Weston Neil, Ruby Highfill, and Robert E. Neil, heirs at law) and Weston Neil, A Partnership, Doing Business as Neil Truck Line, Address same as Transferee. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC-52221 and MC-52221 (Sub.-No. 2) issued December 9, 1960, and March 21, 1962, respectively, as follows: *Livestock*, Between Hiattville, Kans.; and points within 10 miles of Hiattville, on the one hand, and, on the other, Kansas City Kans., and Kansas City, Mo.; *Feed, tractors*, and *agricultural implements*, from Kansas City, Mo., and Kansas City, Kans., to Hiattville, Kans., and points within 10 miles of Hiattville; *Livestock*, Between Walnut, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, North Kansas City, and Joplin, Mo., and between points within 12 miles of Walnut, Kans., including Walnut; *Agricultural Commodities and hides*, between points within 12 miles of Walnut, Kans., including Walnut and from Walnut, Kans., to Kansas City, Kans., and Kansas City and North Kansas City, Mo.; *Feed, farm machinery and parts, fertilizer, building materials*, and *hardware*, between points within 12 miles of Walnut, Kans., including Walnut, and from Kansas City, and North Kansas City, Mo., and Kansas City, Kans., to Walnut, Kans. MC-52221 (Sub.-No. 2) *Livestock* over specified regular routes from Redfield, Kans., to Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and the off-route point of North Kansas City, Mo., restricted to delivery only; and serving intermediate and off-route points within ten miles of Redfield, restricted to pick-up only; *General commodities*, subject to normal exceptions, over specified regular routes from Kansas City, Mo., to Redfield, Kans., serving the intermediate point of Kansas City, Kans., and the off-route point of North Kansas City, Mo., restricted to pick-up only, and serving intermediate and off-route points within ten miles of Redfield, restricted to delivery only; *Livestock, farm implements*, and *empty oil containers*, over specified regular routes, From Hepler, Kans., to Kansas City, Mo., serving intermediate and off-route points in Kansas within 20 miles of Hepler; *General commodities*, subject to normal exceptions, over specified regular routes, From Kansas City, Mo., to Hepler, Kans., serving intermediate and off-route points in Kansas within 20 miles of Hepler; *Livestock, feed*, and *building materials*, over irregular routes, between Hiattville and Fort Scott, Kans., and points within ten miles of Hiattville, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3863 Filed 2-4-77;8:45 am]

[Notice No. 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service 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 26396 (Sub-No. 140TA), filed January 27, 1977. Applicant: POPELKA TRUCKING CO., doing bsuiness as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: David Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products and paneling*, from Orofino, Idaho, to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota and Wisconsin, for 180 days. Supporting shipper: W. H. Glindeman, President, Five Star Lumber Co., Inc., P.O. Box 103, Spokane, Wash. 99210. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 41404 (Sub-No. 125TA), filed January 27, 1977. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Drawer 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, 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 of Land O'Frost, Inc., located at Searcy, Ark., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, 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: Land O'Frost, Inc., 16850 Chicago Ave., Lansing, Ill. 60438. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 69901 (Sub-No. 34TA), filed January 25, 1977. Applicant: COURIER-ONEWSOM EXPRESS, INC., 2830 National Road, P.O. Box 270, Columbus, Ind. 47201. Applicant's representative: Mr. Axelrod, 39 S. LaSalle St., Chicago, Ill. 60603. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or plastic coated articles N.O.I.*, from the plantsite and its warehouse of Amoco Plastic Products Company, Seymour, Ind., to points in Michigan and Wisconsin; damaged or rejected shipments, from points in Michigan and Wisconsin, to the plantsite of Amoco Plastic Products Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Suporting shipper: Amoco Plastic Products Company, P.O. Box 1000, Seymour, Ind. 47274. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 107002 (Sub-No. 495TA), filed January 27, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke, calcined*, in bulk, from Purvis, Miss., to Russellville, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Aluminum & Chemical Corporation, 4948 Chef Menteur Highway, room 301, New Orleans, La. 70126. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107012 (Sub-No. 234TA), filed January 24, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway, East at Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Gerald A. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric ranges and/or microwave ovens and accessories related thereto*, from Sioux Falls, S. Dak., to points in New Mexico, Arizona, California, Utah, Oregon and Washington; and (2) *Such commodities* as are used in the manufacture of electric ranges and/or microwave ovens, including materials, parts and supplies, from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Michigan and Wisconsin, to Sioux Falls, S. Dak., for 180 days. Supporting shipper: Litton Microwave Cooking Products, Litton Systems, Inc., 1405 Xenium Lane, Minneapolis, Minn. 55441. Send protests to: J. H. Gray, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 109136 (Sub-No. 44TA), filed January 28, 1977. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 1740 E. Joppa Road, Suite 303, Baltimore, Md. 21234. Applicant's representative: Maxwell A. Howell, 1511 K St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry caustic soda*, in bulk, from Delaware City, Del., to Stoughton, Mass.; Skaneateles Falls, N.Y.; Sharonville and Macedonia, Ohio, under a continuing contract with Diamond Shamrock Corporation, Cleveland, Ohio, for 180 days. Supporting shipper: Raymond T. Delicati, General Manager, Transportation, Diamond Shamrock Corporation, 1100 Superior Ave., Cleveland, Ohio 44114. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 119864 (Sub-No. 68TA), filed January 26, 1977. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, distributed or dealt in by food distributors or wholesale or retail grocers (except commodities in bulk), from the plantsite and facilities of Fostoria Distribution Service Company, located at or near Fostoria, Ohio, to points in Michigan, for 180 days. Supporting shipper: Fostoria Distribution Service Co., P.O. Box D, Jones Road, Fostoria, Ohio 44830. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 121437 (Sub-No. 2TA) (Amendment), filed December 30, 1976, published in the FEDERAL REGISTER issue of January 21, 1977, and republished as amended this issue. Applicant: CARROLL E. FLYNN, doing business as A–1 MOBILE HOME MOVERS, 2923 W. Montebello, Phoenix, Ariz. 85017. Applicant's representative: Phil B. Hammond, 10th Floor, 111 W. Monroe, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Mobile homes and trailers* designed to be drawn by passenger automobiles in initial and/or secondary movements; and (b) *Buildings*, knocked down, completed, or in sections, mounted on wheeled under-carriages, equipped with hitchball connectors in initial and/or secondary movements, between points in Arizona on the onehand, and, on the other, points in Nevada and New Mexico, for 180 days. Supporting shippers: (1) Modulaire Leasing Company, 3171 W. Osborn Road, Phoenix, Ariz. 85017. (2) National Homes, 309 S. Perry Lane, Tempe, Ariz. 85281. (3) Fuqua Homes, Inc., 802 S. 59th Ave., Phoenix, Ariz. 85034. (4) Kaufman & Broad Home Systems, Incorporated, 5530 W. Bethany Home Road, Glendale, Ariz. 85301. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025. The purpose of this republication is to add two other supporting shippers.

No. MC 124679 (Sub-No. 72TA) (Correction), filed January 11, 1977, published in the FEDERAL REGISTER issue of January 28, 1977, and republished as corrected this issue. Applicant: C. R. ENGLAND & SONS, INC., 975 W. 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 300 Arrow Press Square, Bldg. No. 2, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fairfield, Calif., to Cedar City, Logan, Prince, Provo, Salt Lake City, Tooele and Ogden, Utah, for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof, which may be examined at the field office named below. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 124896 (Sub-No. 21TA), filed January 27, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Thorne & Ralston Sts., Wilson, N.C. 27893. Applicant's representative: B. H. Williamson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products, and meat byproducts*, from the plantsite and storage facilities of Wilson Foods Corporation, at or near Cherokee, Iowa, to points in Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson Foods Corporation, P.O. Box 26724, Oklahoma City, Okla. 73126. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 135539 (Sub-No. 5TA), filed January 25, 1977. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, 4505 Pollack Ave., Evansville, Ind. 47715. Applicant's representative: Margie Market, P.O. Box 154, 305 Van Buren, Marengo, Ill. 60152. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers, tractors, paints (nonflammable), rotary tillers, snow blowers, and related parts and accessories, including grass catchers, engines, decks, blades, tires and shute deflectors*, from the plantsite of General Power Equipment Co., Cary, Ill., to points in Ohio, Washington, California, Oregon, Tennessee, Georgia and Florida, under a continuing contract with General Power

Equipment Company, Division of Cotter & Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Power Equipment Company, Division of Cotter & Company, 203 Jandus Road, Cary, Ill. 60013. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 136318 (Sub-No. 46TA), filed January 27, 1977. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 729, 302 Cedar Lodge Road, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Television sets*, from the facilities of RCA, in Bloomington, Ind., to Baltimore, Md.; Kearny, N.J.; and Harrisburg, Philadelphia and Wilkes-Barre, Pa., restricted to transportation under a continuing contract with RCA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: RCA, Cherry Hill, N.J. 08034. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 139193 (Sub-No. 55TA), filed January 28, 1977. Applicant: ROBERTS & OAKE, INC., 527 E. 52nd St., North, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob Billig, Suite 300, 2033 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Clarksville, Tenn., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Virginia, under a continuing contract with Frosty Morn Meats, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frosty Morn Meats, Inc., Frosty Morn Ave., Clarksville, Tenn. 37040. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 139495 (Sub-No. 190TA), filed January 27, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 E. 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: James E. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen ice cream and frozen novelties*, in mechanically refrigerated vehicles, from Millard, Nebr., to Dodge City and Liberal, Kans., for 180 days. Supporting shipper: Fairmont Foods Company, 203 Maple St., Dodge City, Kans. 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140615 (Sub-No. 18TA), filed January 26, 1977. Applicant: DAIRYLAND TRANSPORT, INC., P. O. Box 1116, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire goods, metal, NOI*, from York, Pa., to Rice Lake, Wis., for 180 days. Supporting shipper: Nichols-Homeshield, Inc., 1000 N. Harvester Road, W. Chicago, Ill. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3862 Filed 2-4-77;8:45 am]

[Notice No. 319]

ASSIGNMENT OF HEARINGS

FEBRUARY 2, 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.

I&S No. 9149, Restrictions on Service in New York Terminal Area, Conrail, now being assigned March 1, 1977 (4 days) at New York, New York, in a hearing room to be later designated.

MC 140829 (Sub-26), Cargo Contract Carrier Corp., now being assigned February 14, 1977 (2 days) at Kansas City, Missouri; in Room 609 Federal Office Building, 911 Walnut Street.

MC 113495 (Sub-78), Gregory Heavy Haulers, Inc. now assigned March 2, 1977 at Washington, D.C., has been postponed indefinitely.

AB-19 (Sub-27), Baltimore and Ohio Railroad Company Abandonment Between Flora and Sangamon Junction, in Clay, Effingham, Fayett, Shelby, Christian and Sangamon Counties, Illinois, has been continued to March 14, 1977 (1 week) at Effingham, Illinois, in Effingham Circuit Court, Effingham County Courthouse.

MC 73165 Sub No. 389, Eagle Motor Lines, Inc. now being assigned March 7, 1977 (1 day) at Chicago, Illinois and will be held in Court Room 1903, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 119632 Sub No. 70, Reed Lines, Inc. now being assigned March 8, 1977 (1 day) at Chicago, Illinois and will be held in Court Room 1903, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 61592 Sub 393, Jenkins Truck Line, Inc. now being assigned March 9, 1977 (1 day) at Chicago, Illinois and will be held in Court Room 1903, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 104523 Sub 64, Houston Truck Line, Inc. now being assigned March 10, 1977 (1 day) at Chicago, Illinois and will be held in Court Room 1903, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 107295 Sub 825, Pre-Fab Transit Co. now being assigned March 11, 1977 (1 day) at Chicago, Illinois and will be held in Court Room 1903, Everett McKinley Dirksen Building, 219 South Dearborn Street.

AB 83 Sub No. 2, Maine Central Railroad Company Abandonment Between Livermore Falls, and Farmington in Androscoggin and Franklin Counties, Maine now being assigned March 23, 1977 (3 days) at Farmington, Maine in a hearing room to be later designated.

MC 107583 (Sub-No. 59), Salem Transportation Co., Inc., now being assigned for continued hearing on April 4, 1977 (1 week), at Philadelphia, Pa.; in a hearing room to be later designated.

MC 13250 (Sub-No. 133), J. H. Rose Truck Line, Inc., MC 100666 (Sub-No. 335), Melton Truck Lines, Inc., MC 107678 (Sub-No. 60), Hill & Hill Truck Line, Inc., MC 107743 (Sub-No. 40), System Transport, Inc., and MC 114211 (Sub-No. 283), Warren Transport, Inc., now assigned February 22, 1977, at Houston, Tex., is postponed to February 23, 1977 (8 days), at Houston, Tex. at the White Hall Hotel, 1700 Smith.

FF 486, Gulf Forwarding, Inc., now assigned March 15, 1977 at Washington, D.C. is canceled and reassigned for March 15, 1977, (9 days), at Biloxi, Mississippi, 2nd Judicial District Courthouse, Board Room, Corner of Washington & Lamuese Streets.

MC 110144 Sub Nos. 17 and 18, Jack C. Robinson, dba Robinson Freight Lines now assigned February 7, 1977 at Cleveland, Tennessee is cancelled, application dismissed.

MC 128224 (Sub-No. 2), George H. Johnson, now assigned March 3, 1977, at Washington, D.C. is postponed to March 15, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3859 Filed 2-4-77;8:45 am]

[AB 94 (Sub-No. 1)]

EL PASO UNION PASSENGER DEPOT CO.

Abandonment All Within City of El Paso, El Paso County, Texas

JANUARY 27, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the El Paso Union Passenger Depot Company of its entire line of railroad, consisting of 0.416 miles of main track and 2.835 miles of yard tracks, all within the city of El Paso, El Paso County, Tex., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of

1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that current rail operations will be minimally affected, inasmuch as the adjacent and parallel mainline of the Southern Pacific Transportation Company will remain in operation. Amtrak, the only carrier which uses the track to be abandoned, will be provided an alternate passenger facility in close proximity to the abandoned track. The El Paso Union Passenger Depot, a building listed on the National Register of Historic Places, will no longer be used as a passenger depot if the abandonment is granted. There are, however, certain plans for rehabilitation and use of this building; the most definitive of which calls for the inclusion of the building in a Federally-financed bus facility. However, the future use of the building is not certain, and the assessment recommends conditions designed to facilitate preservation of this historic station.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 10, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3857 Filed 2-4-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 2, 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 February 22, 1977.

FSA No. 43314—*Beet or Cane Sugar to Points in Illinois.* Filed by Western Trunk Line Committee, Agent (No. A-2735), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, trans-continental and western trunk-line territories, to Belvidere and St. Charles, Illinois. Grounds for relief—Returned shipments and rate relationship.

Tariffs—Supplement 189 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 3 other schedules named in the application. Rates are published to become effective on March 3, 1977.

FSA No. 43315—*Pulpboard or Fibreboard from and to North Coast Points.* Filed by North Pacific Coast Freight Bureau, Agent (No. 77-2), for interested rail carriers. Rates on pulpboard or fibreboard, in carloads, as described in the application, from and to North Coast points. Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 9 and 26 to North Pacific Coast Freight Bureau, Agent, tariffs 4-D and 80-Q, I.C.C. Nos. 1322 and 1297, respectively. Rates are published to become effective on March 5, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3856 Filed 2-4-77;8:45 am]

[Notice No. 14]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 31, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which is it 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 3854 (Sub-No. 33 TA), filed January 24, 1977. Applicant: BURTON LINES, INC., P.O. Box 11306, E. Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia and West Virginia; (2) *Materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), from points in the above described territory to the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C.; and (3) *Roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), between the plantsites and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., on the one hand, and, on the other, the plantsites and warehouse facilities of CertainTeed Corporation, in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex., for 180 days. Supporting shipper: CertainTeed Corporation, Shelter Materials Group, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 76032 (Sub-No. 323 TA), filed January 20, 1977. Applicant: NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresse, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic film and plastic sheeting*, from Milwaukee, Wis., to Appleton, Wis., serving Milwaukee as a point of joinder only; from Milwaukee

over U.S. Highway 41 to junction U.S. Highway 10, thence over U.S. Highway 10 to the plantsite of Ray-O-Vac, Division of ESB, at or near Appleton, Wis. Restriction: Restricted to the transportation of shipments that are destined to the plansite and facilities of Ray-O-Vac Division of ESB, Inc., at or near Appleton, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ray-O-Vac Division, ESB Incorporated, 101 E. Washington Ave., Madison, Wis. 53703. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 93980 (Sub-No. 67TA), filed January 24, 1977. Applicant: VANCE TRUCKING COMPANY, INC., P.O. Box 1119 (Raleigh Road), Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D. C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia and West Virginia; (2) *Materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), from points in the above described territory to the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C.; and (3) *Roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), between the plantsites and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., on the one hand, and on the other, the plantsites and warehouse facilities of CertainTeed Corporation, in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex., for 180 days. Supporting shipper: CertainTeed Corporation, Shelter Materials Group, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 107544 (Sub-No. 131TA), filed January 25, 1977. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Catlettsburg, Ky., to points in West Virginia, for 180 days. Supporting shipper: Exxon Company, USA, P.O. Box 1288, Baltimore, Md. 21203. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 108207 (Sub-No. 453TA) filed January 24, 1977. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Webster City, Iowa, to points in the Minneapolis-St. Paul, Minn., Commercial Zone, and to points in Kansas, Missouri and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Webster City Custom Meats, Inc., E. Hi-Way 20, P.O. Box 280, Webster City, Iowa 50595. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 110683 (Sub-No. 114TA), filed January 25, 1977. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Thomas N. Willess, 1000 16th St. NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* with the usual exceptions, serving the plantsite of K-Tel International as an off-route point in connection with applicant's authority to serve the commercial zones of Minneapolis and St. Paul, Minn. Service to be provided from and to points throughout applicant's system of operation. Applicant intends to tack its eixsting authority with MC 110683 and sub-numbers thereunder. Applicant also intends to interline at numerous points throughout applicant's system of operation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: K-Tel International, Minnetonka, Minn. 55343. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 112822 (Sub-No. 411TA), filed January 24, 1977. Applicant: BRAY LINES, INC., 1401 N. Little St., 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: *Foodstuffs, including fruits, vegetables, juices, concentrates, prepared foods, frozen*, from Bonner Springs, Kans., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southeastern Public Service Company, 800 W. 47th St., Suite 605, Kansas City, Mo. 64112. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 114552 (Sub-No. 127 TA), filed January 24, 1977. Applicant: SENN TRUCKING COMPANY, P.O. Box 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia and West Virginia; (2) *Materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), from points in the above described territory to the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C.; and (3) *Roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), between the plantsites and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., on the one hand, and, on the other, the plantsites and warehouse facilities of CertainTeed Corporation, in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Frie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex., for 180 days. Supporting shipper: CertainTeed Corporation, Shelter Materials Group, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 114569 (Sub-No. 162TA), filed January 29, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box

418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins, (same address as applicant). 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* (except animal feed and animal feed ingredients, hides and commodities in bulk), from the plantsite of Morgan Colorado Beef Company, at or near Fort Morgan, Colo., to points in New York, New Jersey, Pennsylvania, the District of Columbia, and Boston, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morgan Colorado Beef Company, P.O. Box 487, Fort Morgan, Colo. 80701. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 123507 (Sub-No. 353TA), filed January 24, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb, Suite 1606, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene foam* (except in bulk), from High Point, N.C., to Birmingham, Ala.; Augusta, Ga.; Burlington, Iowa; Topeka, Kans.; Somerville, Mass.; Jefferson City, Mo.; Dayton, Ohio; Oklahoma City, Okla.; Reading, Pa., Fromme and Houston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Conwed Corporation, Cloquet, Minn. 55720. Send protests to: J. H. Gray, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 126243 (Sub-No. 20 TA), filed January 25, 1977. Applicant: ROBERTS TRUCKING CO., INC., Drawer G, U.S. Highway 271 South, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, plastic and foam cups, plates and plastic holders and materials and supplies* used in the manufacture of these products, from Ada, Okla., to Baltimore, Md.; Federalsburg, Md.; and Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Solo Cup Company, 1505 E. Main St., Urbana, Ill. 61801. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capital, Little Rock, Ark. 72201.

No. MC 128384 (Sub-No. 4 TA), filed January 24, 1977. Applicant: JUNIOR EVERETT DE PRIEST, doing business as, JUNIOR DE PRIEST TRUCKING CO., Birchtree, Mo. 65438. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oak flooring*, from Birchtree, Mo., to points in Pennsylvania, New York, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey and Colorado, under a continuing contract with Missouri Hardwood Flooring Co., for 180 days. Supporting shipper: Missouri Hardwood Flooring Co., 114 N. Gay Ave., St. Louis, Mo. 63105. Send protests to: J. P. Werthmann, District Supervisor, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 139637 (Sub-No. 5 TA), filed January 20, 1977. Applicant: HERDIS E. GAMMON, doing business as, HERDIS E. GAMMON TRUCKING, 140 W. Lincoln, Chandler, Ind. 47610. Applicant's representative: Kirkwood Yockey, 300 Union Federal Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Webster, Henderson, Breckenridge, Ohio, Butler, Christian, Daviess, Hancock, Hopkins, McLean, Muhlenberg and Union Counties, Ky., to points in Pike, Spencer, Vanderburgh, Warrick, Gibson and Posey Counties, Ind., with no transportation for compensation on return except as otherwise authorized, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Whirlpool Corporation (Evansville Division), U.S. Highway 41 North, Evansville, Ind. 47727. Valley Associates, Inc., 2110 S. Kentucky Ave., Evansville, Ind. 47714. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142287 (Sub-No. 3 TA), filed January 24, 1977. Applicant: TOM YOUNKIN, INC., 821 Sandusky St., Ashland, Ohio 44805. Applicant's representative: William A. Nearhood, Colonial Bldg., 124 Church St., Ashland, Ohio 44805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex and liquid plastic* (except in bulk, in tank vehicles), from Ashland, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Mississippi, Missouri, Nebraska, North Carolina, South Carolina and Tennessee, under a continuing contract with General Latex and Chemical Corp. of Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Latex and Chemical Corp. of Ohio, Cleveland Road, P.O. Box 498, Ashland, Ohio 44805. Send protests to: James Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

PASSENGER APPLICATION

No. MC 139774 (Sub-No. 4TA), filed January 24, 1977. Applicant: AMBASSADOR CHARTER EXPRESS LTD., 216 39th Ave., N.E., Calgary, Alberta, Canada T2E 2M5. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter service only, between points on the International Boundary line between the United States and Canada, located in Montana, on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Iowa, Illinois, Missouri, Arkansas, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, Louisiana and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3860 Filed 2-4-77;8:45 am]

[Notice No. 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 1, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service 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 52680 (Sub-No. 2TA), filed January 24, 1977. Applicant: T. W. EXPRESS, OF IND., INC., 2515 W. 25th St., Chicago, Ill. 60608. Applicant's representative: David C. Ackerson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock and comodities in bulk, in tank vehicles), restricted to weights of 5,000 lbs. or less on one bill of lading, between points in Indiana on and north of U.S. Highway 40. Applicant intends to tack its existing authority with MC 52680 Sub-1. Applicant also intends to interline at Gary, Hammond and Whiting, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 98864 (Sub-No. 3TA), filed January 24, 1977. Applicant: EDWARD SITAR TRUCKING CO., 2501 S. Artesian, Chicago, Ill. 60608. Applicant's representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, Va. 22030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Batteries and battery parts*, between the ESB Industrial Plantsite, at Richmond, Ky., on the one hand, and, on the other, the ESB Service Center site at Benton, Ill., the ESB Service Center site at Chicago, Ill., and the Cermak Industries Plantsite at Chicago, Ill.; and from the ESB Industrial Plantsite at Richmond, Ky., to points in Illinois (except the ESB Service Center sites at Benton, Ill.; and the Cermak Industries Plantsite at Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: ESB, Inc., Calvin H. Damon, Traffic Manager, Philadelphia, Pa. Cermak Industries, Inc., William Istenik, President, 4529 W. Ogden Ave., Chicago, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 103051 (Sub-No. 386TA), filed January 25, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 9048, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank or hopper type vehicles, from Eufaula, Ala., to points in Florida and Georgia, for 180 days. Supporting shipper: Texas Sulphur Products Co., Inc., 2801 W. Osborn Road, Phoenix, Ariz. 85017. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 114274 (Sub-No. 39TA), filed January 24, 1977. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St., Place, Des Moines, Iowa 50313. Applicant's representative: William H. Towle, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the facilities of Dubuque Packing Company, at Denison, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of shipments originating at the above-described origin points and destined to points in the named states, for 180 days. Supporting shipper: Dubuque Packing Company, P.O. Box 610, Denison, Iowa 51442. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 114457 (Sub-No. 288TA), filed January 25, 1977. Applicant: DART TRANSIT COMPANY, 2102 University Ave., 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: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, for 180 days. Supporting shipper: The Pillsbury Company 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114632 (Sub-No. 94TA), filed January 24, 1977. Applicant: APPLE LINES, INC., 212 S.W. Second St., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Robert A. Applewick (same address as applicant). 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 packingplants*, 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 of Dubuque Packing at or near Mankato, Kans., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and Wisconsin, for 180 days. Supporting shipper: Dubuque Packing, P.O. Box 283, Mankato, Kans. 66956. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 115311 (Sub-No. 209TA), filed January 25, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation, in Granville County, N.C., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia and West Virginia; (2) *Materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), from points in the above described territory to the plantsite and warehouse facilities of CertainTeed Corporation in Granville County, N.C.; and (3) *Roofing, building and insulating materials equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials (except iron and steel articles and commodities in bulk), between the plantsites and warehouse facilities of CertainTeed Corporation in Granville County, N.C., on the one hand, and, on the other, the plantsites and warehouse facilities of CertainTeed Corporation in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex., for 180 days. Supporting shipper: CertainTeed Corporation, Shelter Materials Group, P.O. Box 860, Valley Forge, Pa. 19482. Send pro-

tests to: E. A. Bryant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 123233 (Sub-No. 62TA), filed January 21, 1977. Applicant: PROVOST CARTAGE, INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from the port of entry on the International Boundary Line between the United States and Canada located at or near Jackman, Maine, to Jay, Maine, restricted to the transportation of traffic in foreign commerce having an immediate prior movement originating in the Province of Quebec Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corporation, Northeast Chemical Division, 800 Summer St., Stamford, Conn. 06901. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 123819 (Sub-No. 40TA) (amendment), filed December 29, 1976, published in the FR issue of January 18, 1977, and republished as amended this issue. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa Road, P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, from Memphis, Tenn., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, New Mexico, Ohio, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McDowell Industries, Inc., P.O. Box 2087, 711 Linden Ave., Memphis, Tenn. 38101. Send protests to: Allan D. McConnell, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103. The purpose of this republication is to amend the commodity description in this proceeding.

No. MC 123872 (Sub-No. 64 TA), filed January 25, 1977. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or shipping facilities of Dubuque Packing Company, at or near Denison, Iowa, to points in Georgia, North Carolina, South Carolina 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: Dubuque Packing Company, P.O. Box 610, Denison, Iowa 51442. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 126473 (Sub-No. 28TA), filed January 24, 1977. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products, articles distributed by meat packing plants, foods, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 129633 (Sub-No. 4TA), filed January 25, 1977. Applicant: KARL B. HERTZ, doing business as KARL B. HERTZ TRANSPORTATION, 2460 N. Garey Ave., Pomona, Calif. 91767. Applicant's representative: Jerry Solomon Berger, 433 N. Camden Drive, Beverly Hills, Calif. 90210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste glass and cullet for recycling*, in bulk, in dump type vehicles, from points in Arizona, to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Beverage Industry Recycling Program, 26515 22nd Ave., Phoenix, Ariz. 85009. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134922 (Sub-No. 223TA), filed January 24, 1977. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), in vehicles equipped with mechanical refrigeration, from Boonton, N.J.,, to points in the United States in and west of Texas, Oklahoma, Kansas, Nebraska, South Dakota and North Dakota, excluding Hawaii but including Alaska, for 180 days. Supporting shipper: Pyro Chemical, Inc., a subsidiary of Baker Industries, Inc., P.O. Box 37, Boonton, N.J. 07005. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 139420 (Sub-No. 14TA), filed January 24, 1977. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1637, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from the respective commercial zones of Madison, Wis.; Jacksonville, Ark.; Military, Kans.; Des Moines, Iowa; and Omaha, Nebr., to points in North Dakota, restricted to the transportation of shipments to the facilities utilized by Helena Chemical Company or its customers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Helena Chemical Company, P.O. Box 2141, Fargo, N. Dak. 58102. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142755 (Sub-No. 1TA), filed January 24, 1977. Applicant: W. E. HAMILTON, doing business as W. E. HAMILTON TRUCKING COMPANY, 107 N. Cedar St., Pecos, Tex. 79772. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in bulk and in sacks or bags, *and fungicides, herbicides and insecticides*, in containers, in mixed loads with dry fertilizer in sacks or bags, from points in Reeves County, Tex., to points in New Mexico; and (2) Empty pallets, from points in New Mexico, to points in Reeves County, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper:

Swift Agricultural Chemicals Corp., 2501 N. Kingshighway, E. St. Louis, Ill. 62201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 142837TA, filed January 24, 1977. Applicant: BARBER TRUCKING, INC., 19140 S.E. 359th Place, P.O. Box 635, Sandy, Oreg. 97055. Applicant's representative: Philip G. Skofstad, 1300 N.E. Linden, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Portland, Eugene and Roseburg, Oreg.; and Creston and Omak, Wash., to Denver, Colo.; (2) *Plywood*, from Portland, Eugene, Springfield, Cottage Grove, Roseburg, Coos Bay and Klamath Falls, Oreg.; and Longview, Omak and Snoqualmie, Wash., to Denver, Colo.; (3) *Pre-finished panelling*, from Portland, Corvallis, Eugene and Roseburg, Oreg., and Vancouver, Wash., to Denver, Colo., and from Denver, Colo., to Portland, Oreg.; (4) *Hardboard*, from Portland, Forest Grove, Corvallis, and Klamath Falls, Oreg., to Denver, Colo.; (5) *Particleboard*, from Portland, Springfield, Klamath Falls and Roseburg, Oreg., to Denver, Colo.; and (6) *Sheetrock*, from Sigurd, Utah, to Portland, Oreg., for 180 days. Supporting shipper: Mr. Plywood, 7609 S.E. Stark, Portland, Oreg. 97215. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 142838TA, filed January 21, 1977. Applicant: Richard J. Plendl, Wayne J. Plendl, Robert B. Plendl, and Alvin G. Plendl, doing business as PLENDL BROS., Route No. 1, Box 102, Kingsley, Iowa 51028. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients, dry*, from the facilities of Cargill, Inc., at or near Sioux City, Iowa, to points in Jackson, Martin, Murray, Nobles, Pipestone and Rock Counties, Minn.; Adams, Antelope, Boone, Boyde, Butler, Burt, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Filmore, Gage, Greeley, Hall, Hamilton, Holt, Howard, Jefferson, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Staton, Thayer, Thurston, Washington, Wayne, Webster, Wheeler and York Counties, Nebr.; Autora, Bonhomme, Charles Mix, Clay, Davidson, Douglas, Hanson, Hutchinson, Lincoln, McCook, Minnehaha, Turner, Union and Yankton Counties, S. Dak. Restriction: Restricted to a transportation service performed under a continuing contract with Cargill, Inc., Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: June M. Varner, Manager, Transportation Research, Cargill, Incorporated, Dept. 17, Box 9300, Minneapolis, Minn. 55440. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 142839TA, filed January 20, 1977. Applicant: JOHN KING ENTERPRISES, INC., Garden Valley Center Bldg., Suite 320, 2860 S Circle Drive, Colorado Springs, Colo. 80906. Applicant's representative: Raymond Smith (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured and prepared foods, restaurant supplies*, such as commodities as are dealt in or used by restaurant, gift shops, and specialty shops for tourist, from Colorado Springs, Colo., to and between points; on or adjacent to Interstate Highway 25, from the Colorado-New Mexico Stateline to Buffalo, Wyo.; on or adjacent to Interstate Highway 80, from Wyoming, Nebraska Stateline to Hayward, Calif.; on or adjacent to Interstate Highway 5, from Mode, Calif., to Edmonds, Wash.; on or adjacent to Interstate Highway 90, from Seattle, Wash., to Rapid City, S. Dak.; on or adjacent to Interstate Highway 80 N, from Portland, Oreg., to Salt Lake City, Utah; on or adjacent to Interstate Highway 15, from Salt Lake City, Utah, to Shelby, Mont.; on or adjacent to Interstate Highway 15 W, from Burley, Idaho, to Pocatello, Idaho. Alternate routes: on or adjacent to U.S. Highway 95, from Winnemucca, Nev., to Napa, Idaho, on or adjacent to U.S. Highway 395, from Ritzville, Wash., to Pendleton, Oreg., under a continuing contract with Stuckey's, Inc., for 180 days. Supporting shipper: Stuckey's, Inc., McRae Road, Eastman, Ga. 31023. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 142842TA, filed January 24, 1977. Applicant: FLORIDA DISPATCH, INC., P.O. Box 480206, Miami, Fla. 33148. Applicant's representative: Richard B. Austin, 5255 N.W. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, Classes A and B explosives, articles in bulk and articles which because of size and weight require specialized handling and equipment, cement and motor vehicles, including automobiles, trucks, buses and motor homes), *trailers and containers*, loaded or empty between points in Dade County, Fla., restricted to traffic having a prior or subsequent movement by water, in interstate or foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–3861 Filed 2–4–77;8:45 am]

[AB 12 (Sub-No. 42)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Portion of the Clovis Branch, Fresno County, California

JANUARY 26, 1977.

The Interstate Commerce Commission hereby gives notice that (1) The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. (2) A notice setting forth this conclusion was served December 14, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. (3) This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–3858 Filed 2–4–77;8:45 am]