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federal register

MONDAY, DECEMBER 12, 1977

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

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CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17408; Amdt. 39–3095]

PART 39—AIRWORTHINESS DIRECTIVES

Alexander Schleicher Model Rhonlerche II Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Alexander Schleicher Model Rhonlerche II gliders which requires the inspection of aileron control Clevis to assure the Clevis pins are properly inserted and safetied. The AD is needed to prevent shear of the cotter pins which safety the aileron Clevis pins. Loss of an aileron Clevis pin could result in a loss of aileron control.

DATES: Effective December 27, 1977. Compliance required within the next 5 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Technical Note No. 14 may be obtained from Alexander Schleicher, Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany.

A copy of the Technical Note No. 14 is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Paul A. Cormaci, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that the cotter pins locking the Clevis pins connected to the main control shaft on Alexander Schleicher Model Rhonlerche II glider are subject to shear if the Clevis pins are improperly inserted from front to aft. This could lead to a loss of a Clevis pin and could result in a loss of aileron control. An improperly inserted Clevis pin cotter pin is more likely to shear if the glider wheel box contacts the aileron control cable connection due to excess bending of a worn skid.

Since this condition is likely to exist or develop on other gliders of the same type design, an airworthiness directive is being issued which requires inspection of the aileron Clevis pins for proper installation and replacement of the skid if worn below a specified dimension.

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

DRAFTING INFORMATION

The principal authors of his document are P.A. Cormaci, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and S. Poberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

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

ALEXANDER SCHLEICHER. Applies to Model Rhonlerche II gliders, all serial numbers, certificated in all categories.

Compliance is required within the next 5 hours time in service after the effective date of this AD, unless already accomplished.

To prevent shearing of the cotter pins which safety the aileron control Clevis pins and possible loss of aileron control, accomplish the following:

(a) Inspect the Clevis pins connecting the aileron control cables to the main control shaft and if found not to be inserted from aft to front (Head of Clevis pin must face wheelbox), re-insert the Clevis pins from aft to front and install new cotter pins.

(b) Inspect the skid. If it is found to be ¾ inches or less in thickness, replace the skid with a serviceable skid of the same part number or an equivalent approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

NOTE.—During the inspection required by this paragraph, particular attention should be given to the skid in the area from 24 to 32 inches in front of the wheel-axle.

(c) Revise the Rhonlerche II flight and service manual as follows:

(1) On Page 5, after the words "connect at the control shaft", insert the words "the Clevis pins must be inserted from aft to front".

(2) On Page 9, prior to the words "if the glider is used much on rocky and * * *", insert the sentence "Measured 24 to 32 inches forward of the wheel-axle, the skid must not be thinner than ¾ inch".

NOTE.—Alexander Schleicher Technical Note No. 14 dated September 15, 1977, deals with the same subject as this AD.

This amendment becomes effective December 27, 1977.

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

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

Issued in Washington, D.C., on December 2, 1977.

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

[FR Doc.77–35252 Filed 12–7–77;8:45 am]

[4910–13]

[Docket No. 77–EA–84; Amdt. 39–3093]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) amends AD 77–13–21 applicable to Piper PA–24, PA–30, and PA–39 type airplanes. It has been determined that AD 77–13–21 which concerns excessive wear of landing gear parts does not require a complete inspection every 500 hours, and 1000 hours would be acceptable. This determination results from re-evaluation by the manufacturer and more consideration for low annual time aircraft.

EFFECTIVE DATE: December 16, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: AD 77–13–21 requires repetitive inspec-

tions of the landing for excessive wear and frayed bungee cords. The amendment will relieve owners and operators from an annual or 500 hour inspection, whichever occurs first, requirement and substitute a 1000 hour repetitive full inspection of the landing gear. The manufacturer has re-evaluated the problem and concluded that the initial full inspection of the landing gear should suffice, if the inspection is successful, to be valid for at least 1000 hours of service time. Thus, the need for the 500 hour or annual inspection, especially for low annual time airplanes, is unnecessary. Since this amendment to AD 77-13-21 is relaxatory, notice or public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

DRAFTING INFORMATION

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

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

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, as amending AD 77-13-21 as follows:

Amend AD 77-13-21 by revising paragraph (c), as follows:

(c) Repeat paragraph (a) at each 1000 hours in service after the prior inspection, and repeat paragraph (b) at each 500 hours in service after the prior inspection, or within one year after the prior inspection, whichever occurs first.

Effective date: This amendment is effective December 16, 1977.

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

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

Issued in Jamaica, N.Y., on December 2, 1977.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-35247 Filed 12-9-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-AEA-88]

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

Designation of Transition Areas: Lorraine, N.Y., and Deferiet, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will designate a temporary Lorraine, N.Y. and Deferiet, N.Y., Transition Area. This designation will provide protection for military aircraft participating in a military joint readiness exercise called Empire Glacier '78. The nature of the exercise requires a controlled medium and separation of military and other users of the airspace.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to designate a temporary transition area in which a military readiness exercise may be conducted. The exercise is scheduled for January and February, 1978. The area involved is approximately 8 miles by 24 miles which commences about 2 miles south of Watertown, N.Y., and extends in a general southwesterly direction. Another smaller section of 1 by 9 miles over Philadelphia, New York, is also included. The other area extends generally from north through south around the Great Bend, N.Y., 700-foot floor transition area to an average distance of 10 miles. Since the commencement of the exercise is January 3, 1978, notice or public procedure hereon are impractical and good causes exists for making the rule effective in less than 30 days.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

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

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a temporary 700-foot floor transition area as follows:

LORRAINE, N.Y.

That airspace extending upward from 700 feet above the surface within 5 miles each side of direct lines between the following points, 43° 35' 30'' N.; 76° 06' 24'' W.; to 43° 45' 54'' N., 75° 57' 18'' W., to 44° 08' 42'' N., 75° 38' 42'' W. This transition area is effective from January 25, 1978 through February 10, 1978.

2. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by designating a temporary 700-foot floor transition area as follows:

DEFERIET, N.Y.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at 44° 18' 00'' N., 75° 42' 29'' W., to 44° 18' 00'' N., 75° 33' 00'' W., to 44° 12' 00'' N., 75° 25' 00'' W., to 44° 09' 00'' N., 75° 24' 30'' W., to 44° 00' 00'' N., 75° 14' 50'' W., to 43° 53' 30'' N., 75° 14' 50'' W., to 43° 53' 30'' N., 75° 29' 10'' W., to 43° 43' 40'' N., 75° 44' 30'' W., to 43° 50' 30'' N., 75° 53' 30'' W., to 44° 04' 10'' N., 75° 49' 10'' W. to point of beginning. This transition area is effective from January 3, 1978, to February 15, 1978.

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

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

Issued in Jamaica, New York, on November 30, 1977.

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

[FR Doc.77-35246 Filed 12-9-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-63]

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

Rescission of Final Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Recission of final rule.

SUMMARY: This action rescinds Airspace Docket No. 77-EA-63 which was to become effective January 26, 1978. This rescission will permit further evaluation of additional airspace requirements in the New York area.

EFFECTIVE DATE: December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

Section 71.123 of Part 71 describes VOR Federal Airways and was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307). VOR Federal Airways V-58, V-167 and V-433 appeared respectively on page 316, 325 and 338. Several airway alterations have been made to provide for local flow traffic management procedures which were to have been inaugurated at New York City on January 26, 1978. Among these were minor alterations to V-58, V-167 and V-433 which were processed in Air-

space Docket No. 77-EA-63. Accordingly, an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the FEDERAL REGISTER on September 1, 1977 (42 FR 43970), with an effective date of December 1, 1977. This was amended to change the effective date to January 26, 1978, in the FEDERAL REGISTER on October 20, 1977 (42 FR 55884). The effective date for inauguration of local flow traffic management procedures at New York City has subsequently been delayed indefinitely to permit further evaluation of additional airspace requirements. For this reason, action is taken herein to rescind Airspace Docket No. 77-EA-63. This rescission, however, does not preclude future action of a similar nature.

DRAFTING INFORMATION

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

RESCISSION OF FINAL RULE

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-EA-63 (42 FR 43970, 55884) is rescinded effective December 12, 1977.

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

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

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

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

[FR Doc.77-35250 Filed 12-9-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-10]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration and Designation of Federal Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments realign and establish several airways and jet routes in the Denver, Colo., area. These actions will help to expedite the flow of air traffic and reduce communication requirements in the area by designating as airways and jet routes those paths presently being flown as radar vector and Standard Arrival Routes (STARs). These actions will also contribute to a reduction in fuel consumption.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On November 7, 1977, the FAA published for comment a proposal to alter and establish several airway segments in the Denver, Colo., area (42 FR 57971). Interested persons were invited to participate in the rule making proceeding by submitting written comments on the proposal to the FAA. We received four responses to the NPRM in which three of the four commenters posed no objection to the proposal. Sections 71.123 and 75.100 were published in the FEDERAL REGISTER on January 3, 1977 (42 FR 307 and 707) and amended (41 FR 48514, 42 FR 36247).

THE RULE

These amendments to Part 71 and 75 of the Federal Aviation Regulations (14 CFR Part 71 and Part 75) alter V-80, V-85, V-134, V-172 and establish V-356 and V-361 airways in the vicinity of Denver, Colo., and alter J10, J17, J24, J24, J44, J56, J130 and also establish J157, J163, J170, J171, J172 and J173 Jet Routes in a larger area centered on Denver. These actions will help to expedite the flow of air traffic and reduce communication requirements in the Denver area.

In the Notice of Proposed Rule Making (NPRM) an error was made in the magnetic conversion of the Hayes Center, Nebr., radial in V-172 airway. The 276°M radial is corrected to 276°T. Additionally, in V-3356 airway the Gill, Colo., 130°T radial is corrected to 131°.

DISCUSSION OF COMMENTS

Four comments were received in response to the notice. Three aeronautical industry associations concurred with the proposal. An objection to the proposal was received from the Acting Director, Air Defense Operations, Peterson Air Force Base, Colorado Springs, Colo. The specific objections and our responses are:

a. The proposed realignment of V-134S would bring traffic closer to Aerospace Defense Command's (ADCOM) frequently requested routing from Grand Junction direct Colorado Springs. Reply: Even though the realignment of V-134S will be slightly closer to the Grand Junction direct Colorado Springs routing, the protected airspace of the two routes will not overlap.

b. The proposed extension of J-44 from Alamosa to BYSON would "add a burden to arriving and departing Colorado Springs military air traffic especially on the requested Grand Junction direct Colorado Springs routing or a departure route from Colorado Springs direct Meeker to join J-56." Reply: The establishment of J-44 between Alamosa and BYSON merely charts and gives a route identifier to a Standard Arrival Route (STAR) currently in use. This action will not cause any change to present civil or military flight paths, nor the procedural manner in which they are handled.

c. The proposed elimination of J-56 between Salt Lake City and Meeker would remove a route frequently used by the military. Reply: The FAA agrees with the Air Force and a jet route will remain between Salt Lake City and Meeker, but the identifier for this segment will be changed from J-56 to J-173.

d. The establishment of J-171 between Tobe and Hugo "would cross the eastern half of the (Monza) MOA * * * thus causing military aircraft to vacate the MOA to provide safety. This is another burden on the military, costing us fuel and valuable training time." Reply: This objection is unfounded since the establishment of J-171 between Tobe and Hugo will not interfere with military activities within the Monza Military Operations Area nor the overlying ATC Assigned Airspace Area (ATCAA) which extends up to flight level 230, since the Denver Air Route Traffic Control Center will continue current procedures which keep landing traffic on this route up to flight level 240 until reaching Hugo—well clear of both the Monza MOA and its overlying ATCAA. This routing is currently used as a STAR, and establishment of the jet route merely charts the route and gives it an identifier.

e. While not objecting to the extension of J-130 from Grand Junction to Byson, and the establishment of a new jet route (J-157) from Rapid City to Smitty, the Air Force stated they would favor establishment of these two jet route segments provided Air Force aircraft could be cleared from/to Colorado Springs direct to/from these routes. Reply: Such military requests could not always be met, but when traffic permits, military aircraft will be cleared from Colorado Springs direct J/130/J157.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (42 FR 307 and 707) are amended, effective 0901 G.m.t., January 26, 1978. § 71.123 (42 FR 307, 36247) is amended as follows:

1. V-80 is amended to read as follows: "From the INT of Denver, Colo., 059° and the Gill, Colo., 151° radials via INT Denver 059° and Akron, Colo., 272° radials; Akron; to North Platte, Nebr."

2. In V-85 "From Medicine Bow, Wyo., via" is deleted and "From the INT of Kiowa, Colo., 318° and Gill, Colo., 246° radials via the INT of Kiowa 318° and Medicine Bow, Wyo., 168° radials; Medicine Bow;" is substituted therefor.

3. In V-134 all after "Denver, Colo.;" is deleted and "Including a south alternate from the INT Kremmling, Colo., 142° and Denver 257° radials to Denver via the INT of the Kremmling 142° and Denver 227° radials" is substituted therefor.

4. In V-172 all before "North Platte;" is deleted and "From Denver, Colo., via INT Denver 059° Hayes Center, Nebr., 276° radials; INT Hayes Center, 287° and North Platte, Nebr., 245° radials;" is substituted therefor.

5. V-356 is added to read as follows: "From Cheyenne, Wyo., via Gill, Colo.; INT Gill 131° and Denver, Colo. 059° radials to INT Denver 059° and Gill 151° radials."

6. V-361 is added to read as follows: "From Kremmling, Colo., via INT Kremmling 059° and Cheyenne, Wyo., 216° radials to Cheyenne."

§ 75.100 (42 FR 707, 41 FR 48514) is amended as follows:

1. In Jet Route No. 10 "Denver, Colo.;" is deleted and "INT Gunnison, Colo., 055° and Denver, Colo., 227° radials; Denver; INT Denver 059° and North Platte, Nebr., 261° radials;" is substituted therefor.

2. In Jet Route No. 17 "Amarillo, Tex.;" is deleted and "Amarillo, Tex.; Tobe, Colo.;" is substituted therefor.

3. In Jet Route No. 24 "Kiowa, Colo., via" is deleted and "Myton, Utah, via Hayden, Colo.; INT Hayden 090° and Kiowa, Colo., 318° radials; Kiowa;" is substituted therefor.

4. In Jet Route No. 44 "to Farmington, N. Mex." is deleted and "Farmington, N. Mex.; Alamosa, Colo.; INT Alamosa 004° and Den-Ver, Colo., 227° radials; to INT Denver 227° and Kiowa, Colo., 266° radials." is substituted therefor.

5. In Jet Route No. 56 "Meeker, Colo.; to Denver, Colo." is deleted and "Hayden, Colo.; INT Hayden 090° and Kiowa, Colo., 318° radials; to INT Kiowa 318° and Gill 246° radials." is substituted therefor.

6. In Jet Route No. 130 "radials to Grand Junction." is deleted and "radials; Grand Junction; INT Grand Junction 089° and Kiowa, Colo., 258° radials; INT Kiowa 258° and Denver, Colo., 227° radials; to INT Denver 227° and Kiowa 266° radials." is substituted therefor.

7. Jet Route No. 157 is added as follows: "From the INT of Denver, Colo., 059° and Gill, Colo., 151° radials, via INT Denver 059° and Scottsbluff, Nebr., 190° radials; Scottsbluff; to Rapid City, S. Dak."

8. Jet Route No. 163 is added as follows: "From Rock Springs, Wyo., via Hayden, Colo.; INT Hayden 090° and Kiowa, Colo., 318° radials; Kiowa; Hugo, Colo.; to Lamar, Colo."

9. Jet Route No. 170 is added as follows: "From Crazy Woman, Wyo., via Casper, Wyo.; Medicine Bow, Wyo.; INT Medicine Bow 168° and Kiowa, Colo., 318° radials; to INT Kiowa 318° and Gill, Colo., 246° radials."

10. Jet Route No. 171 as follows: "From Tobe, Colo., via Hugo, Colo.; to Kiowa, Colo."

11. Jet Route No. 172 is added as follows: "From the INT of Denver, Colo., 059° and Gill, Colo., 151° radials, via INT Denver 059° and Sidney, Nebr., 189° radials; to Sidney."

12. Jet Route No. 173 is added as follows: "From Salt Lake City, Utah, to Meeker, Colo."

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

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

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

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

[FR Doc.77-35248 Filed 12-9-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-21]

PART 73—SPECIAL USE AIRSPACE

Alteration of Controlling Agency

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The controlling agency for the No Man's Island, Mass., Restricted Area R-4105 is transferred from the FAA, Quonset Approach Control to the FAA Otis Approach Control because of the decommissioning of the Quonset Point Naval Air Station. All other items in the description of R-4105 remain unchanged.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 73 is to change the controlling agency of Restricted Area R-4105 from FAA Quonset Approach Control to FAA Otis Approach Control. This change is necessary because of the decommissioning of the Quonset Point Naval Air Station by the United States Department of the Navy. Because this action merely changes the location of the controlling agency with no change in airspace, it is a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (42 FR 655) is amended, effective 0901 G.m.t., January 26, 1978, as follows:

In § 73.41 (42 FR 682) R-4105 Controlling agency.

"Federal Aviation Administration, Quonset Approach Control." is deleted and "Federal Aviation Administration, Otis Approach Control." is substituted therefor.

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

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

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

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

[FR Doc.77-35253 Filed 12-9-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-WA-21]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Rescission of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The Canadian Department of Transport will cancel their segment of Jet/High Level Airway J/HL525 between Sandspit, British Columbia, Canada, NDB and Nichols, Alaska NDB and have asked that the U.S. segment be rescinded at the same time. J/HL523 is practically the same route and will continue to serve traffic between these cities.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to delete Jet Route No. 525. This will eliminate a route that is predicated on NDBs and is practically identical to Jet Route No. 523 which is predicated on VORs at Sandspit and Nichols. Because this action will reduce charter clutter, remove an infrequently used route number and comply with the Canadian Department of Transport request without reduction of the route service, it is a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) is amended, effective 0901 GMT, January 26, 1978, as follows:

Jet Route No. 525, title and text, is deleted.

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

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

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

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

[FR Doc.77-35249 Filed 12-9-77;8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

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

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Bituminous Coal and Coke of Coal: Monitoring of Exports and Anticipated Exports

AGENCY: Department of Commerce, Office of Export Administration.

ACTION: Final rule.

SUMMARY: These regulations establish a temporary export monitoring program for bituminous coal and coke of coal requiring weekly reports on actual exports, export prices and export contracts. These reports are required under the Export Administration Act to assure the availability of accurate and timely data regarding the volume of exports and anticipated exports of these commodities in view of the anticipated reduction in production resulting from the strike which began December 6.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Converse Hettinger, Director, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230, telephone 202-377-3795.

SUPPLEMENTARY INFORMATION: The Department of Commerce has examined the near-term supply and demand outlook for bituminous coal and coke of coal and has determined that the monitoring of exports and contracts for export of such commodities is required under the Export Administration Act of 1969. Prior to making this determination, the Department sought the views of other appropriate federal agencies.

Section 4(c)(1) of the Export Adminisrtation Act of 1969 provides that: "The Secretary of Commerce shall monitor exports and contracts for export of any article, material or supply * * * when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage and such price increase or shortage has, or may have, a serious adverse impact on the economy or any sector thereof."

According to analyses done by the Departments of Commerce and Energy, the volume of coal exports in relation to the reduced domestic supply attributable to the coal strike which began on December 6 "may contribute to an increase in domestic prices or a domestic shortage, and such price increase or shortage * * * may have a serious adverse impact on the economy or any sector thereof." Monitoring is necessary at this time to insure that data will be available to permit achievement of the policies of the Export Administration Act.

Accordingly, exporters of bituminous coal and coke of coal are required to file with the Office of Export Administration weekly reports of their actual exports during the preceding week and their contracts for export during the succeeding twelve weeks. The first monitoring report under this program is to be made as of the close of business Friday, December 9, 1977, and received by the Office of Export Administration no later than 5:00 p.m., e.s.t., Monday, December 19. Subsequent reports must be completed as of the close of business each Friday and must be received no later than 5:00 p.m. e.s.t., the following Wednesday.

Reports are to be made on Department of Commerce Form DIB-661P (Rev. 7-76) Part I, with the modifications noted below. Part II of this Form will not be used.

Supplies of these forms are available from the Office of Export Administration, Room 1613, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20044, and from any of the Department's District offices.

If necessary to meet filing deadlines, preliminary reports may be made by teletype, TWX or telecopier. However, such reports must be followed within 24 hours by a report on Form DIB-661P (Rev. 7-76) signed by a duly authorized person. Negative reports are also required as described below.

Failure to submit accurate reports or to meet the deadline for weekly reports, may result in penalties as provided for in the Export Administration Act and regulations.

Information contained in the reports will be deemed confidential pursuant to Section 7(c) of the Export Administration Act. Data obtained through this program will be published in aggregated format so as to protect the confidentiality of those filing the reports.

Accordingly, the Export Administration Regulations, 15 CFR 376.4 and Supplement No. 1 to Part 376, are added to read as follows:

§ 376.4 Monitoring of exports of bituminous coal and coke of coal.

(a) *Who must file reports.* (1) Anyone who exported or contracted to export during any week since December 1, 1976, 100 or more short tons of any commodity listed in Supplement No. 1 hereto, must file an "initial report" on Form DIB 661P (Rev. 7-76). However, any such person who does not anticipate exporting or contracting to export that quantity in any one week, may advise the Office of Export Administration by letter signed by an authorized person and filed within the deadline imposed for filing the "initial report." Once such a letter has been filed, no further submission will be required so long as the facts stated in the letter remain unchanged.

(i) The "initial report" shall cover the week ending COB Friday, December 9, 1977, and shall contain the information described below. Each person filing an "initial report" must file a report for each subsequent week. When there has been no reportable export or contract for export during that week, the report should so state.

(ii) Also, anyone who, after December 9, 1977, exports or contracts to export in any one week 100 or more short tons of any one commodity listed in Supplement No. 1 must file a report for that week and for each subsequent week, even if there has been no reportable activity.

(b) *Submission of Reports and Deadlines.* (1) Reports are to be made on Form DIB-661P (Rev. 7-76) Monitoring Report, Part I. Part II will not be used in this monitoring program. If any instructions contained in Sections B and E of the instructions attached to the form are inconsistent with those in this section, they should be disregarded.

(2) Reports may be: (i) Hand-delivered to the Office of Export Administration, Room 1613, Main Commerce Department Building, 14th and E Streets, NW., Washington, D.C.; (ii) sent to the Office of Export Administration, Attention: Short Supply Division by Telex (892536), TWX(710-822-0181) Telecopier (Call (202) 377-4447 for verification, (202) 377-4515 automatic, (202) 377-4514 one page at a time); or (iii) mailed to:

Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

(3) All envelopes and telegraphic messages are to be marked "Coal Monitoring Report." If Telex, TWX or Telecopier is used, the message must certify that confirmation on a form DIB-661P (Rev. 7-76) will be mailed to the above address within 24 hours. A confirmation form shall be prominently marked "Confirmation of Telex (TWX or Telecopier) Coal Monitoring Report."

(4) The reporting period consists of a calendar week. Information is to be compiled as of the close of business on Friday of each week. Reports must be received in the Office of Export Administration (or Post Office Box cited above) by 5:00 p.m., e.s.t., on the Wednesday after the end of each reporting period, except that the initial report for the week ending Friday, December 9, 1977, must be received by 5:00 p.m., e.s.t., Monday, December 19, 1977.

(5) If anyone filing a report or letter later discovers that information contained therein was inaccurate or incomplete, a revised report or letter, prominently labeled "Corrected Report," should be filed immediately. If there is a significant variation between the information contained in the "Corrected Report" and the information initially reported, a description of the variation should be reported to the Office of Export Administration by Telex, Telecopier, or TWX, with a signed confirmation report sent within 24 hours.

(c) *Completion of reports.* (1) A separate report must be filed for each of the commodities listed in Supplement No. 1. Each report shall provide the quantity in short tons and the average price FOB U.S. port per short ton of: (i) Unfilled export contracts (i.e., contracts against which export shipment has not yet been made) on hand as of the beginning of the reporting period for shipment through the next twelve weeks; (ii) new export contracts for shipment during the next twelve weeks; (iii) export contracts for delivery during the next twelve weeks canceled during the weekly reporting period; (iv) export shipments made during the week; and (v) unfilled export contracts on hand as of the end of the week for shipment during the next twelve weeks. Notwithstanding the shading preprinted in the "Average Price" column of Form DIB–661P, the average price of export contracts canceled during the reporting period should be reported.

(2) In addition, under the portion of the form entitled "Detail of Export Shipments and Contracts," the report shall list, by country of destination, exports made during the reporting period, the unfilled balance of export contracts remaining on the books and calling for shipment during each of the next six weeks, the balance of such contracts calling for shipment during the seventh through twelfth week following the reporting period, and the total of such unfilled export contracts calling for shipment during the entire twelve week period. A total for each vertical column should also be provided in the appropriate block indicated on the form.

(3) In order to make the reporting as simple as possible, and to avoid introducing a new monitoring form, the present form DIB–661P (Rev. 7–76) will be used. However, the following changes should be written in on that form:

(i) Change the caption in the heading reading "Month Ending ----------, 1977" to read: "Week Ending ----------, 1977;"

(ii) Change the phrase "12 months" in items 1, 2, 3, and 5 to read "12 weeks."

(iii) Change "Month of ----------" column headings under section heading "Unfilled Export Contracts" to read "Week of ----------."

(iv) Change the column headings "Next 6 Months" and "Total for 12 Months" under the section heading "Unfilled Export Contracts" to "Next 6 Weeks" and "Total for 12 Weeks," respectively.

Part II of Form DIB–661P should be disregarded.

(d) *Definition.* For purposes of this section and Form DIB–661P (Rev. 7–76) Part 1, the following definitions apply:

(1) *Exporter.* The term "exporter" means the principal U.S. party in interest in the export transaction; i.e., the party controlling the movement of the commodity out of the country. Unless otherwise determined on an individual basis by the Office of Export Administration, the exporter is the party shown as the "exporter," item 3, on the Shipper's Export Declaration (Commerce Form 7525–V). The "exporter" has the sole responsibility for reporting an export, irrespective of whether or not the exporter employs a freight forwarder to handle the shipping of the material or delivers it to a carrier for export out of the country.

(2) *Producer/exporter.* The term "producer/exporter" means an exporter who is also the producer of the commodity being exported.

(3) *Contractor for export.* The terms "contractor for export" means that person or firm which enters into an "export contract" as defined below, irrespective of whether or not the person or firm entering into such contract will be the producer, supplier or, ultimately, the exporter of the commodity to be exported.

(4) *Export shipment.* The term "export shipment" means: (i) The lading of the commodities aboard a lighter, or their delivery to a pier, from which they will be laden directly aboard a specific exporting vessel and on which space for the commodities has already been booked; (ii) the departure for the port of export of the railroad car on which the export from the United States will be effected; or (iii) the departure for the port of export of the truck by which the export out of the United States will be effected.

(5) *Export Price.* "Export Price" means the price per short ton FOB U.S. port of export.

(6) *Export Contract.* (i) The term "export contract" means an agreement in writing, or other legally binding commitment, containing a fixed price or fixed mechanism for determining price, under which an exporter has agreed either to export a commodity and a purchaser has agreed to take delivery of that commodity outside the United States or the exporter has agreed to deliver the commodity to the purchaser FOB U.S. port of export. Merely hoped-for sales, unaccepted orders, or volume commitments that do not contain a fixed price or a fixed basis for calculating price are not considered to be contracts and should not be reported.

(ii) An unfilled "export contract" is that portion of an export contract that has not been shipped against as of the close of a reporting period.

(iii) Only those contracts should be reported for which the reporting person will be the exporter (as defined above), or for which the reporting person has concluded an export contract (as defined above) and for which the person who will be the actual exporter has not yet been determined.

(7) *Date of export.* For purposes of completing these reports, the "date of export" shall be the date on which an "export shipment," as defined in paragraph 4 above, is made.

SUPPLEMENT NO. 1—*Coal and coke commodities subject to monitoring*

Commodity description	Present schedule B No.	Schedule B No. as of Jan. 1, 1978
Low volatile metallurgical grade coal (22 pct. or less volatile matter).	321.4030	521.3110
Medium volatile metallurgical grade coal (31 pct. or less and more than 22 pct volatile matter).	321.4030	521.3110
High volatile metallurgical grade coal (more than 31 pct. volatile matter).	321.4030	521.3110
Other bituminous coal, including steam coal.	321.4040	521.3120
Coke of coal, calcined or uncalcined, including coke briquettes.	321.8000	521.3145 517.5140

SUBMISSION OF FORM DIB–661P (REV. 7–76)

1. Complete Form DIB–661P (Rev. 7–76) Part I for the week ending Friday, close of business.

2. All reports must be received in the Office of Export Administration no later than the Wednesday after the end of the week being reported, except that the initial report for the week ending December 9, 1977 must be received no later than Monday, December 19, 1977.

(Sec. 4 Pub. L. 91–184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization order 10–3, dated Nov. 17, 1975, 40 FR 58876 (1975), as amended; and Domestic and International Business Administration Organization and Function Orders 46–1, dated November 17, 1975, 40 FR 59764 (1975), as amended and 46–2, dated November 17, 1975, 40 FR 59761 (1975), as amended.)

NOTE.—The Office of Export Administration has determined that this document does not contain a major action requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A–107.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77–35425 Filed 12–7–77;4:23 pm]

[6355–01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Certain Sodium Fluoride Solutions; Exemption From Child-Resistant Packaging Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In this document, the Consumer Product Safety Commission amends provisions of the child-resistant packaging regulations to exempt certain aqueous solutions containing no more than 264 mg. of sodium fluoride. This action is taken because the Commission has found that child-resistant packaging is unnecessary for such preparations to protect young children from serious personal injury or illness.

DATE: The effective date of this amendment is January 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Gidding, Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301–492–6617.

SUPPLEMENTARY INFORMATION:

Background

In the Federal Register of April 16, 1973 (38 FR 9431), a regulation (16 CFR 1700.14(a)(10)) was issued under the Poison Prevention Packaging Act of 1970 (the "PPPA", 15 U.S.C. 1471–1476) establishing child protection packaging requirements for oral prescription drugs in order to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting these substances.

On February 25, 1974, the Commission received a petition (petition number PP 74–30) from Hoyt Laboratories, Needham, Massachusetts 02194, requesting exemptions from the child protection packaging requirements of 16 CFR 1700.-14(a)(10) for two of its human prescription drug products, Luride Drops and Thera-Flur Gel-Drops.

The Commission found that Thera-Flur is intended to be topically applied and is therefore not a drug in a dosage form intended for oral administration. Therefore, the drug is not subject to the packaging requirements of 16 CFR 1700.14(a)(10), and an exemption for the product is not necessary.

The drug Luride Drops is packaged in a plastic squeeze bottle with a special plug designed for drop-by-drop delivery each time the bottle is actuated. The content of each bottle is 40 milliliters, containing 120 milligrams of fluoride ion from 264 milligrams of sodium fluoride (NaF). This formulation and packaging conforms with the safety recommendation of the American Dental Association that no more than 264 milligrams of sodium fluoride be dispensed at one time. The petitioner also pointed out that Luride has been safely marketed for 14 years.

At the Commission's request, the Food and Drug Administration reviewed the petition and recommended exemption of this product, stating that the 264 milligrams of sodium fluoride is appreciably less than what scientific literature indicates is an acutely toxic dose.

Having considered the petition, reports from the National Clearinghouse for Poison Control Centers, the recommendations of the American Dental Association and the Food and Drug Administration, and other medical and scientific literature and having consulted with the Technical Advisory Committee on Poison Prevention Packaging established under section 6 of the Poison Prevention Packaging Act, the Commission proposed an exemption of Luride Drops from the special packaging requirements in the Federal Register of March 5, 1976 (41 FR 9561). At the same time, the Commission suspended the effective date of 16 CFR 1700.14(a)(10) as to Luride, pending evaluation of the comments received on the proposal.

Potential for Personal Injury or Illness

A review of the National Electronic Injury Surveillance System death certificate file reveals no deaths as a result of the ingestion of Luride or its generic equivalents.

A review of the Commission's Poison Control Center Contract Data Base (9,248 reports) reveals 201 reported ingestions of fluoride-containing products. Thirty-three of these resulted in symptoms such as nausea, vomiting, and/or lethargy. One person was hospitalized for two days.

Data from the National Clearinghouse for Poison Control Centers for Luride, Vi Penta F, and other generic products containing fluoride in an amount equal to or less than that allowed by the proposed exemption disclose 360 ingestions by children under 5 years of age from 1969 through 1975. Twenty-seven of these ingestions resulted in symptoms, and three children were hospitalized. Typical symptoms included nausea, vomiting, diarrhea, abdominal pain, stomach cramps, dyspnea, and/or lethargy. The durations of the reported hospitalizations were not specified.

Response to Proposal

The Commission received one comment on the proposal, from the American Society of Hospital Pharmacists (ASHP). ASHP supported an exemption for this product based upon a determination of the maximum quantity of a drug which can be ingested by a child without significant toxic effect. The Society suggested that the exemption be issued for "[s]odium fluoride as an aqueous solution containing no more than 264 milligrams thereof per package."

ASHP argued that granting exemptions only on the basis of brand names or upon the exact formula of a particular brand will result in duplicative petitions for other products. They stated also that brand name exemptions may create confusion in hospitals operating under a formulary system or in states with product selection laws.

The ASHP comment also questioned why the Commission did not disclose in the proposal the amount of NaF that would constitute an acutely toxic dose, so that this information could be evaluated by the public. The analysis provided to the Commission by the Food and Drug Administration that was referred to in the proposal shows that a toxic dose for a 25 lb. child would be in the range of 570–2850 milligrans, substantially above the amount contained in a package of Luride Drops. However, the Commission evaluates exemption requests on a case-by-case basis and uses human experience data as the major criterion in the evaluation. The maximum amount of a drug that a child can ingest with impunity cannot be determined simply on the basis of acute toxicity studies. An evaluation of a drug's toxic potential requires, among other things, knowledge of its absorption, metabolism, and excretion characteristics in humans. These factors may not be discernible from acute toxicologic data.

After considering this comment and the other information that it has obtained, the Commission has concluded that the comment has merit. The Commission has therefore changed proposed § 1700.14(a)(10)(vii) so that it will be issued as a generic exemption for packages of aqueous solutions of NaF that contain no more than 264 mg. NaF, the amount in Luride Drops.

Other Petitions

The Commission also received a petition from Hoffman-La Roche, Inc. (PP 74–43) for exemptions for Vi-Penta F Infant Drops and Vi-Penta F Multivitamin Drops. The Infant Drops preparation is a selective vitamin supplement intended for use in infants from birth. The Multivitamin Drops preparation is a comprehensive vitamin supplement intended for use in infants and children. Both products are prescription drug products because they contain fluoride, but neither contains more than 264 milligrams NaF. Consideration of this exemption request led the Commission to the conclusion that allowing the presence of ingredients in addition to the fluoride, if such ingredients did not in themselves require child-resistant packaging, would not create a hazard to children such that special packaging would be required to protect children. The Commission therefore concluded that it was possible and desirable to create an exemption from

§ 1700.14(a)(10) that would be generic both to aqueous solutions containing less than 264 milligrams of NaF and to such solutions containing additional ingredients which are not oral prescription drugs that would require child protection packaging under § 1700.14(a)(10). In the exemption that is issued below, this generic exemption is accomplished by adding to the exemption for aqueous solutions of NaF the statement that the package not contain any ingredient other than NaF which would require special packaging under § 1700.14(a)(10).

The scope of the generic exemption which is issued below will also have the effect of granting an exemption request filed by the Lorvic Corp., for "Karidium (sodium fluoride) liquid" drops (PP 76-8), which also falls within the exempted category. Karidium liquid is packaged in 1 fl. oz. and 2 fl. oz. sizes and is an aqueous solution of NaF and sodium chloride (salt) (2.21 mg. NaF and 10.0 mg. sodium chloride in each 0.5 cc. of solution).

The Commission's decision to issue this exemption is based primarily on (1) the absence of reports of serious personal injury or serious illness involving these preparations (Luride has been marketed for 15 years) and (2) scientific literature and opinions indicating that ingestion of 264 milligrams of sodium fluoride would not be toxic or harmful to a 25-pound child.

This exemption becomes effective January 11, 1978.

Conclusion

Having considered the proposal, the comment received in response to the proposal, the recommendations of the Technical Advisory Committee on Poison Prevention Packaging, and other relevant material, the Commission concludes that packages of aqueous solutions of sodium fluoride containing no more than 264 milligrams of sodium fluoride per package and containing no other substances subject to § 1700.14(a)(10) do not create a hazard to children such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance. Therefore, the Commission has decided to exempt such packages from the requirements of § 1700.14(a)(10).

Exemption

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2, 3, 5, Pub. L. 91-601, 84 Stat. 1670, 1671; 15 U.S.C. 1471, 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)), a new subdivision (vii) is added to 16 CFR 1700.14(a)(10) as follows (although unchanged, the introductory text of paragraph (a)(10)(vii) is included below for context):

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

* * * * *

(vii) Aqueous solutions of sodium fluoride containing no more than 264 milligrams of sodium fluoride per package and containing no other substances subject to this § 1700.14(a)(10).

* * * * *

(Secs. 2, 3, 5, Pub. L. 91-601, 84 Stat. 1670-72; (15 U.S.C. 1471, 1472, 1474).)

Effective date: This section becomes effective January 11, 1978.

Dated: December 7, 1977.

Richard E. Rapps,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-35384 Filed 12-9-77;8:45 am]

[4810-22]

Title 19—Customs Duties

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

[T.D. 77-288]

PART 141—ENTRY OF MERCHANDISE

Powers of Attorney for Resident Corporations

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule permits a resident corporation having a single corporate officer to submit a power of attorney for the purpose of signing Customs documents. Under the present regulations, an officer or other authorized person must fill out and sign (execute) a power of attorney for the corporation and a second individual, who must be an officer of the corporation, must execute a certificate acknowledging that the person who executed the power of attorney had the authority to do so. Accordingly, in states where single officer corporations are permitted, it may not be possible to comply with these regulations. This amendment will allow the sole officer of a single officer corporation to indicate that fact on the power of attorney instead of completing the certificate of authority.

EFFECTIVE DATE: December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Benjamin H. Mahoney, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5778.

SUPPLEMENTARY INFORMATION:

Background

Section 141.38 of the Customs Regulations (19 CFR 141.38) provides that when a power of attorney is required for a resident corporation, it is to be filled out and signed (executed) by a person authorized for that purpose, and a certificate showing the authority of that person to grant the power of attorney must also be submitted. The certificate of authority must be executed by an officer of the corporation other than the person executing the power of attorney.

It has come to the attention of the Customs Service that single officer corporations are permitted under the laws of several states. In these states, it may not be possible for such a corporation to comply with the provisions of § 141.38. Therefore, Customs has determined that in states where single officer corporations are permitted, it would be in the best interest of the public to allow the single officer to indicate that fact on the power of attorney (Customs Form 5291) instead of completing the certificate of authority.

Because this amendment relaxes present requirements and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in developing the document, both on matters of substance and style.

Amendment

Section 141.38 of the Customs Regulations (19 CFR 141.38) is amended by adding a new sentence to appear after the form of the Certificate, to read as follows:

§ 141.38 Resident corporations.

* * * In the event that the resident corporation is a single officer corporation, where such corporations are permitted by state law, the single officer shall indicate that fact on the power of attorney, instead of completing the certificate of authority.

(R.S. 251, as amended, secs. 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759 (19 U.S.C. 66, 1448, 1484, 1624).)

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: November 30, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc.77-35337 Filed 12-9-77;10:38 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3718]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes in Base Flood Elevations

AGENCY: Federal Insurance Administration, HUD

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed flood elevations for those communities is appropriate as a result of requests for changes in the interim rule.

DATES: These modified flood elevations are in effect as of the dates listed in the sixth column of the attached list and amend the Federal Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base (100-year) flood elevation determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator has published a notification of modification of the base (100-year) flood elevations in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Administrator has received appeals from the communities requesting changes in the proposed flood elevation determinations.

The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map for each community make is administratively infeasible to publish in this notice all of the base (100-year) flood elevation changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified base (100-year) flood elevation determinations are available for inspection.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The changes in the base (100-year) flood elevations listed below are in accordance with 24 CFR 1916.8:

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Alabama	Mobile		The Mobile Press Register, June 2, 1977, June 3, 1977.	Mr. Linwood L. Lewis, chief building inspector, County Court House, Mobile, Ala. 36602.	June 3, 1977	015008B
Colorado	Arapahoe	Englewood, city of	The Englewood Herald Sentinel, June 15, 1977, June 22, 1977.	Hon. James Taylor, mayor, City of Englewood, City Hall, 3400 South Elati St., Englewood, Colo. 80100.	June 24, 1977	085074C
Do	Jefferson	Lakewood, city of	The Lakewood Sentinel, June 23, 1977, June 30, 1977.	Hon. James J. Rickey, mayor, City of Lakewood, 44 Union Blvd., Lakewood, Colo. 80228.	July 1, 1977	085075A
Connecticut	Hartford	Wethersfield, town of	The Wethersfield Post, Apr. 26, 1977, May 3, 1977.	Mr. Ralph A. DeSantis, town manager, Town of Wethersfield, 505 Silas Deane Highway, Wethersfield, Conn. 06109.	May 2, 1977	090040A
Delaware	Sussex	Bethany Beach, town of	The Delmarva News, Mar. 23, 1977, Mar. 30, 1977.	Hon. Sidney A. Bennett, mayor, Town of Bethany Beach, Town Office, 320 Garfield Parkway, Bethany Beach, Del. 19930.	Mar. 25, 1977	105083B
Florida	Brevard	Cape Canaveral, city of	The Today, May 19, 1977, May 20, 1977.	Hon. Leo Nicholas, mayor, City of Cape Canaveral, City Hall, 105 Polk Ave., Cape Canaveral, Fla. 32920.	May 20, 1977	125094C
Do	do	Cocoa Beach, city of	do	Hon. John Moore, mayor, City of Cocoa Beach, City Hall, 20 South Orlando, Cocoa Beach, Fla. 32931.	May 20, 1977	125097C
Do	Volusia	Daytona Beach, city of	The Daytona Beach News Journal, May 26, 1977, May 27, 1977.	Hon. Lawrence J. Kelly, mayor, City of Daytona Beach, City Hall, P.O. Box 551, Daytona Beach, Fla. 32015.	May 27, 1977	125099B
Do	do	Daytona Beach Shores, city of.	do	Hon. Trevor Lamb, mayor, City of Day-Datona Beach Shores, City Hall, P.O. Box 7196, Daytona Beach Shores, Fla. 32016.	May 27, 1977	125100C
Do	do	New Smyrna Beach, city of.	The New Smyrna Beach, News and Observer, May 18, 1977, May 25, 1977.	Hon. John Pletincks, mayor, city of New Smyrna Beach, City Hall, P.O. Box 490, New Smyrna Beach, Fla. 32069.	May 27, 1977	125132A
Do	do	Ormond Beach, city of	The Daytona Beach News Journal, May 26, 1977, May 27, 1977.	Mr. Edward Parks, director, city of Ormond Beach, Box 277, Ormond Beach, Fla. 32074.	May 27, 1977	125136B
Do	Okaloosa		Playground Daily News, June 30, 1977, July 1, 1977.	Mr. D. W. Parkton, chairman, Board of Commissioners, Okaloosa County Courthouse, Annex, Shalimar, Fla. 32519.	July 1, 1977	120173B
Do	Volusia		The Daytona Beach News Journal, June 30, 1977, July 1, 1977.	Mr. Thomas Kelly, county manager, County of Volusia, P.O. Box 429, De Land, Fla. 32720.	July 1, 1977	125155B

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map Effective	New community No.
Georgia	Muscogee	Columbus, city of	The Ledger, July 8, 1977, July 15, 1977.	Mr. Bruno O. Ulrich, principal planner, Department of Community Development, city of Columbus, P.O. Box 1340, Columbus, Ga. 31902.	July 1, 1977	135158B
Minnesota	Blue Earth	Mankato, city of	The Mankato Free Press, June 16, 1977, June 17, 1977.	Hon. Herbert Mocol, mayor, city of Mankato, City Hall, Box 328, 202 East Jackson St., Mankato, Minn. 56001.	June 17, 1977	275242B
Do	Nicollet	North Mankato, city of	do	Hon. David Carlson, mayor, city of North Mankato, City Hall, 101 Belgrade Ave., North Mankato, Minn. 56001.	June 17, 1977	275245D
New Jersey	Ocean	Brick, township of	The Daily Observer, June 9, 1977, June 10, 1977.	Hon. John P. Kinnevy, mayor, township of Brick, Township Hall, 401 Chambers Bridge Rd., Brick, N.J. 08723.	June 10, 1977	345285B
Tennessee	Moury	Columbia, city of	The Daily Herald, June 2, 1977, June 3, 1977.	Hon. J. A. Morgan, mayor, city of Columbia, City Hall, North Main St., Columbia, Tenn.	June 3, 1977	475423B
Do	Carter	Elizabethton, city of	The Elizabethton Star, May 19, 1977, May 20, 1977.	Hon. Dean Perry, mayor, city of Elizabethton, Municipal Bldg., P.O. Box 189, Elizabethton, Tenn. 37643.	May 20, 1977	475425A
Do	Marion	Jasper, town of	The Jasper - Journal, June 2, 1977, June 9, 1977.	Hon. Jere W. Turner, mayor, town of Jasper, town offices, Route 2, Jasper, Tenn. 37347.	June 10, 1977	475429B
Texas	Brazoria		Angleton Times, June 16, 1977, June 23, 1977.	Hon. E. E. Brewer, county judge of Brazoria County, Brazoria County Court House, Angleton, Tex. 77515.	do	185458B
Do	Johnson, Tarrant	Burleson, city of	Burleson Star, June 30, 1977, July 7, 1977.	Hon. Dr. Robert Ables, mayor, city of wurleson, 309 Southwest Gregory, Burleson, Tex. 76028.	June 21, 1977	185459D 48459D
Do	Galveston		Galveston Daily News, July 1, 1977, July 8, 1977.	Mr. William D. Decker, attorney for the commissioners, Court of Galveston County, Tex., 504 First Hutchings—Sealy, National Bank, Galveston, Tex. 77550.	do	185470B
Do	Brazoria	Surfside Beach, village of	The Brazosport Facts, June 22, 1977, June 29, 1977.	Mr. Albert A. Steinruck, building official, village of Surfside Beach, Route 2, Box 485, Surfside Beach, Tex. 77541.	June 10, 1977	481266B
Do	Harris	Webster, city of	Clearlake News Citizen, June 17, 1977, June 25, 1977.	Hon. Roy Johnson, mayor, Webster, 311 Pennsylvania Ave., Webster, Tex. 75598.	do	485516A
Wisconsin	Milwaukee	Bayside, village of	The Fox Point-Bayside-River Hill Herald, June 9, 1977, June 16, 1977.	Mr. Richard Glaisner, president, village of Bayside, Village Hall, 9075 North Regent Rd., Milwaukee, Wis. 53217.	June 17, 1977	550270B
Do	Wood	Biron, village of	The Wisconsin Rapids Tribune, May 26, 1977, May 27, 1977.	Mr. Wallace Shank, president, village of Biron, Village Hall, 415 North Biron Dr., Wisconsin Rapids, Wis. 54494.	May 27, 1977	555545A
Do	Milwaukee	Fox Point, village of	The Fox Point-Bayside-River Hill Herald, June 9, 1977, June 16, 1977.	Mr. George Morrison, president, village of Fox Point, 7200 North Santa Monica, Fox Point, Wis. 53217.	June 17, 1977	550274B

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35261 Filed 12-9-77;8:45 am]

[4210–01]

[Docket No. FI-3719]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes in Base Flood Elevations

AGENCY: Federal Insurance Administration.

ACTION: Interim rule.

SUMMARY: The purpose of this rule is to list those communities wherein the Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the base (100-year) flood elevations of some locations is appropriate.

The numerous changes made in the base flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base flood elevations contained on the map. However, this notice includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

Any persons who have knowledge of changed conditions or new scientific or technical data or who wish to comment on these changes should immediately notify the Chief Executive Officer at the address listed.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM), in effect prior to this determination. A revised FIRM will be distributed in each community listed as soon as possible.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, these modified elevations may be changed.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line, 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are

required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

These modified elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The changes in the base (100-year) flood elevations listed below are in accordance with 24 CFR 1916.8:

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
California	Riverside	City of San Jacinto	The Valley Register, Nov. 18, 1977, Nov. 25, 1977.	Hon. William E. Wilson, mayor of the city of San Jacinto, City Hall, P.O. Box 488, San Jacinto, Calif. 92383.	Nov. 25, 1977	065056 0001B
Indiana	Brown	Town of Nashville	Brown County Democrat, Sept. 28, 1977, Oct. 5, 1977.	Miss Margorie Tissot, president of the town board, Box 446, Nashville, Ind. 47448.	Sept. 23, 1977	180018 0001B
Kansas	Shawnee	City of Topeka	The Topeka Capital Journal, Dec. 15, 1977, Dec. 16, 1977.	Hon. Bill McCormick, mayor of the city of Topeka, City Hall, 215 East 7th St., Topeka, Kans. 66603.	Dec. 16, 1977	205187B
New Jersey	Camden	Borough of Haddonfield	The Town Crier Herald, Dec. 14, 1977, Dec. 21, 1977.	Hon. William W. Reynolds, mayor of the borough of Haddonfield, Borough Hall, 242 Kings Hwy. East, Haddonfield, N.J. 08033.	Dec. 23, 1977	340501 0001C
Do	Middlesex	Borough of Highland Park.	The Home News, Sept. 15, 1977, Sept. 16, 1977.	Hon. Harold Berman, mayor of the borough of Highland Park, 21 South 9th Ave., Highland Park, N.J. 08904.	Sept. 16, 1977	340263A
Texas	Calhoun		Port Lavaca Wave, Dec. 9, 1977, Dec. 16, 1977.	Mr. Donald W. Ragin, Calhoun County building inspector, 211 South Ann, Port Lavaca, Tex. 77977.	Dec. 2, 1977	480097 0001-0014A
Pennsylvania	Delaware	Borough of Clifton Heights.	Daily Times, Oct. 7, 1977, Oct. 14, 1977.	Hon. E. Jack Ippoliti, mayor of Clifton Heights, 7 South Springfield Rd., Clifton Heights, Pa. 19018.	May 16, 1977	420407A

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

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35262 Filed 12-9-77;8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 8—NATIONAL SERVICE LIFE INSURANCE

Service Disabled Veterans Insurance Application on Behalf of Incompetent Veteran

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This amendment will revoke the present portion of the regulation which allows a third party, other than a guardian, to apply on behalf of a mentally incompetent veteran for Service Disabled Veterans Insurance. It has been determined that the present regulation exceeds the scope of the enabling statute and the intended effect of this action is to bring the regulation within the prescribed limits.

EFFECTIVE DATE: December 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Murray J. Zuckerman, Veterans Administration Center (290B), P.O. Box 8079, Philadelphia, Pa. 19101, 215–951–5733.

SUPPLEMENTARY INFORMATION: On page 40452 of the FEDERAL REGISTER of August 10, 1977, there was published a notice of proposed regulatory development to amend § 8.0 which allows a third party, other than a guardian, to apply on behalf of a mentally incompetent veteran for Service Disabled Veterans Insurance.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. Two written comments have been received. Both writers asked that the proposed amendment not be adopted. The first commentator indicated that since 1968, it has been the practice of the VA under the regulation being amended to allow third parties besides the veteran's guardian to apply for RH Insurance, provided the evidence showed the veteran mentally incompetent and would qualify for waiver of premiums. The writer was concerned that the proposed regulation change would severely restrict accredited representatives from aiding mentally incompetent veterans in obtaining RH Insurance and thereby result in many qualified veterans not being able to obtain it. The second commentator also pointed out that the regulation had been in effect since 1968 and had been quite successful in enabling incompetent veterans to obtain RH Insurance. The writer also indicated the time delay in having a guardian appointed and the problems that such a time delay would have in the veteran obtaining this insurance, especially where a veteran dies before one is appointed and the benefit of insurance would be lost.

Neither of these requests can be adopted since it has been determined that the present regulation exceeds statutory authority and should never have been promulgated. The proposed regulation is hereby adopted without change and is set forth below.

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

Approved: December 5, 1977.

RUFUS H. WILSON,
Deputy Administrator.

In § 8.0, paragraph (b)(2) is revised to read as follows:

§ 8.0 Eligibility.

* * * * *

(b) * * *

(2) An application for insurance under this paragraph should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this paragraph may be considered an application. If the applicant is mentally incompetent, the application may be made by a guardian, and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

* * * * *

[FR Doc.77-35389 Filed 12-9-77;8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby announces numerous miscellaneous revisions of the Postal Contracting Manual.

EFFECTIVE DATE: November 11, 1977.

FOR FURTHER INFORMATION CONTACT:

William J. Jones, 202-245-4603.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 26, dated November 11, 1977.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

SECTION 1—GENERAL PROVISIONS

1. Paragraph 1-601(a) has been revised to correct the definition of "Department Head."

2. Paragraph 1-704.2(d) has been revised to delete the requirement to obtain approval of the General Manager, Plans and Management Division, prior to soliciting minority enterprises other than those supplied by SBA.

3. Paragraph 1-706(b) has been added to incorporate a new clause, Reporting Small Business and Minority Enterprise Participation, and incorporate a reporting requirement for Heads of Procuring Activity.

4. Paragraph 1-1001(b) has been revised in consonance with informal purchase dollar limitations.

5. Paragraph 1-1005 has been revised to update classification codes to be used in synopses.

SECTION 2—PURCHASE BY FORMAL ADVERTISING

6. Paragraph 2-406.4(c) has been revised to correct a reference to "the contractor" where "the contracting officer" was intended.

7. Paragraph 2-407.8 has been revised to establish policy regarding timeliness of protests submitted to agencies or offices other than Postal Service contracting officers or the General Counsel.

SECTION 6—INFORMAL PURCHASES

8. Paragraphs 6-115 through 6-115.10 have been added to establish policy relating to Vehicle Repair and Maintenance Agreements.

SECTION 7—CONTRACT CLAUSES

9. Paragraph 7-104.24(b), the Postal Service Property (Fixed Price) clause to be used in negotiated contracts has been revised to correct an erroneous reference.

10. Paragraph 7-107(d), the Fair Labor Standards Act and Service Contract Act-Price Adjustment clause has been revised.

11. Paragraph 7-603 has been added to incorporate small business and minority enterprise clauses for use in construction contracts.

SECTION 9—PATENTS, DATA AND COPYRIGHTS

12. Paragraph 9-105.6(d) has been revised with regard to the designation of the Chairman of the Patent Rights Board.

SECTION 12—LABOR

13. Section 12, Part 3, Contract Work Hours and Safety Standards Act, and Section 12, Part 9, Service Contract Act, have been rewritten for clarity and greater depth of coverage.

SECTION 18—LEASING, CONSTRUCTION AND ARCHITECT-ENGINEER SERVICES

14. Paragraph 18-305 has been revised to indicate the appropriate small business and minority enterprise clauses to be included in construction contracts for minor repairs and improvements.

15. Paragraph 18-507 has been revised to require the preparation of a Postal Service estimate of construction costs for each proposed construction contract and each modification to an existing contract which affects cost.

16. Paragraph 18-518.5 has been revised to reflect an expanded small business and minority enterprise requirement for construction contracts.

SECTION 19—MAIL TRANSPORTATION CONTRACTING

17. Paragraphs 19-135 through 19-135.325 have been added and 19-903.3 has been revised to more adequately apply the requirement of the Service Contract Act to mail transportation contracts.

SECTION 20—ADMINISTRATIVE MATTERS

18. Paragraph 20-202.3 has been revised to establish a code in the uniform contract number for administrative vehicles.

SECTION 22—SERVICE CONTRACTS BY CONTRACT

19. Paragraph 22-702.3 has been revised to reflect current requirements for obtaining wage rate determinations.

20. Paragraph 22-703.3 has been revised to require the inclusion of Contract Work Hours and Safety Standards Act provisions in contract job cleaner solicitations in excess of $2,500, but less than $5,000.

APPENDIX B

21. Rules of Practice in Proceedings Relative to Debarment and Suspension from Contracting have been revised to conform with the Rules as codified at Part 957 of Title 39, Code of Federal Regulations, as amended.

FORMS

22. The following new, revised, or replacement forms have been included in section 16 and shall be used immediately, where applicable:

(1) Form 7322-A, Dec. 1976, Labor Standards Provisions Applicable Contracts in Excess of $2,000.

(2) Form 7330, Mar. 1977, Amendment-Modification.

(3) Form 7361-A, May 1977, Area Wide Vehicle Contract Modification.

(4) Form 7365, Aug. 1977, Transit Agreement.

(5) Form 7382, Aug. 1977, Additional General Provisions for Service Contracts.

(6) Form 7394, June 1977, Vehicle Maintenance Pricing Proposal.

(7) Form 7395, June 1977, Vehicle Repair and Maintenance Agreement.

23. The remainder of the changes are minor, editorial or technical in nature.

In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105:

§ 601.105 Amendment to the Postal Contracting Manual.

* * * * *

Amendments to postal contracting manual

Transmittal letter	Dated	Federal Register publication
* *	* *	*
26	Nov. 11, 1977	42 FR 62368

(5 U.S.C. 552(a) (39 U.S.C. 401, 404, 410, 411, 2008))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77-35405 Filed 12-9-77;8:45 am]

[6560-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 828-2]

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

Corn Wet Milling Portion

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This document amends §§ 406.12 and 406.13 of 40 CFR Part 406. These sections represent the degree of effluent reduction attainable by the application of (1) the best practicable control technology currently available and (2) the best available technology economically achievable to the corn wet milling portion of the Grain Mills industry. This industry uses a wet milling process to convert corn into various starches and syrup products. Upon consideration of presently available information, EPA has concluded that §§ 406.12 and 406.13 should be amended to impose less stringent total suspended solids limitations on the corn wet milling industry

and to include in the regulations an additional allowance for those plants which produce a certain percentage of modified starch as part of their total production.

EFFECTIVE DATE: December 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-2560.

SUPPLEMENTARY INFORMATION:

Legal Authority

On March 20, 1974 effluent limitations guidelines, new source performance standards and new source pretreatment standards were promulgated pursuant to section 301, 304(b), and 306 of the Federal Water Pollution Control Act (the Act), 33 U.S.C. 1311, 1314(b), 1316, for the Grain Mills Point Source Category. (40 CFR Part 406). Subpart A of the regulations applied to the Corn Wet Milling Subcategory, which is one of six subcategories within the Grain Mills Category. Under the same authorities, the corn wet milling regulations are here being amended.

Background

The corn wet milling regulations have been the subject of litigation since the time of promulgation. In 1974 members of the corn wet milling industry challenged the effluent limitations required to be met by existing facilities in the United States Court of Appeals for the Eighth Circuit. On May 5, 1975 that Court entered its decision in "CPC International Inc. v. Train," 515 F. 2d 1032 (8th Cir. 1975), ruling that jurisdiction to review the regulations applicable to existing sources was not in the Court of Appeals but probably lay in the appropriate United States District Court.

The Section 306 new source standards of performance and new source pretreatment standards were reviewed by the Eighth Circuit in May, 1975, and the Court ordered a remand of those regulations, but finally approved of the Administrator's action concerning new sources, except for the suspended solids limitations in "CPC International Inc. v. Train, (CPC II)," 540 F. 2d 1329 (8th Cir. 1976). The Administrator thereafter revised the suspended solids limitations on November 18, 1976 to comport with the Court's decision (40 CFR 406.15).

After the Eighth Circuit declined in its May, 1975 decision to review the existing source regulations providing for best practicable technology (the requirements to be met on or before July 1, 1977) and for best available technology (the requirements to be met on or before July 1, 1983), certain members of the corn wet milling industry brought suit on May 22, 1975 in the United States District Court for the Southern District of Iowa. On January 20, 1976, the District Court issued its opinion in "Grain Processing Corp. v. Train," 407 F. Supp. 96, concluding that the regulations were defective in that they did not set out a required range of effluent numbers for the corn wet milling industry, did not specify factors to be used by the permit writer in setting permit conditions and also concluded that the single-number limitations established by EPA were not supported by the administrative record.

On March 19, 1976, EPA appealed the District Court decision to the United States Court of Appeals for the Eighth Circuit. However, during the pendency of that appeal, the Supreme Court agreed to decide a related case, "E. I. duPont de Nemours & Co. v. Train," 528 F.2d 1136 (4th Cir. 1975), cert. granted, 44 U.S.L.W. 3585 (S.Ct. No. 75-978). In that case, the Supreme Court was to interpret many of the sections of the Act which were also involved in the "Grain Processing" District Court decision. Thus, the appeal in the Eighth Circuit was held in abeyance pending the outcome of the Supreme Court's decision in "duPont." However, in determining to hold the case in abeyance in December 1976, the Eighth Circuit ordered that during the interim period before the Supreme Court acted, EPA was to receive any new information the industry had to offer relevant to certain questions raised about the corn wet milling regulations.

Since December of 1976, the Agency has continued to review and assess all information it has received relating to this industry, in particular, that data most recently received from industry. The Eighth Circuit ordered EPA to act on this new information by September 22, 1977. Consistent with the Eighth Circuit's requirements, EPA has entered into a settlement agreement in this case by which EPA will amend the regulations by November 12, 1977.

Final Determination

EPA's re-analysis has resulted in the Administrator's determining that the regulations should be modified in certain respects. In sum, he has concluded that the original 1977 and 1983 BOD limitations are still valid, but that increasing the suspended solids limitations would better reflect the situation at existing corn wet milling treatment facilities. The suspended solids levels in effluents from these facilities are generally somewhat higher than BOD levels.

He also concluded that a single-day BOD limit three times the maximum 30-day limit is appropriate for 1977 and 1983. A single-day suspended solids limit four times the 30-day limit was determined to be appropriate for the 1977 limitations. A factor of three is applied to the 1983 TSS limitation, however, reflecting improved solids control through deep bed filtration and in-plant measures. It has also been concluded that provisions in the regulations for excursions beyond the 30-day and single-day limits are not necessary.

In addition, recent information submitted by the industry shows that increased raw waste loads may result from production of modified starches. Significant production of modified starches may affect waste treatment plant performance and cause increased BOD and suspended solids effluent levels. For these reasons, the Administrator has concluded that an allowance in the corn wet milling effluent limitations for modified starch production above a specified level is warranted.

Discussion of Major Issues

CURRENT STUDY

At the time of the original effluent guidelines study for the corn wet milling industry in 1973, there were 12 companies operating 17 mills in the country. Only four of these mills have direct discharges of all of their concentrated process waste waters following on-site treatment. These four mills are American Maize at Hammond, Ind.; Clinton Corn at Clinton, Iowa; CPC at Corpus Christi, Tex.; and CPC at Pekin, Ill. The situation at each of these four plants has been updated with new information as described below.

In response to the Eighth Circuit's order of December 1976, EPA made a request for new data to the industry on January 26, 1977. The industry submitted information on February 28, 1977, that included proposals for revised effluent limitations specifying ranges of numbers and allowances for factors such as barometric condensers, wet scrubbers, and old plants and new data on wet scrubber waste loads, and data on product mix and raw waste loads at CPC's Pekin and Corpus Christi plants.

Cost information was submitted by the industry on March 22, 1977, including industry revenues information (prices of various products) and costs of waste treatment at Hubinger's Keokuk plant and CPC's Corpus Christi and Pekin plants. Also, a questionnaire was sent to all of the direct dischargers and most of the indirect discharges for purposes of updating economic and financial data.

Again on May 2, industry submitted the following technical data: Waste treatment performance data for CPC's Corpus Christi and Pekin plants, a summary of effluent results and variability at CPC-Corpus Christi, and raw waste load data for Hubinger. In addition, data on raw waste loads from modified starch production were submitted on June 3, 1977.

EPA and its contractor visited the American Maize corn wet mill at Hammond, Ind., and CPC corn wet mill at Pekin, Ill. in May, 1977. Both of these mills have waste water treatment facilities and direct discharges to navigable waterways.

Current waste load data were received for several mills, including American Maize, Clinton Corn, CPC-Corpus Christi, and CPC-Pekin. These data were computerized and evaluated in terms of pollutant discharge (BOD and TSS) per unit of raw material processed.

APPPLICABLE TECHNOLOGY

EPA's review of the available data on raw waste loads and waste treatment within the corn wet milling industry has led to the conclusion that the technolo-

gies originally recommended for the industry are still appropriate. For 1977, these technologies include (1) certain in-plant controls such as elimination of once-through barometric cooling water, (2) recirculating these cooling waters over cooling towers with the blowndown directed to the treatment plant, or (3) replacing the barometric condensers with surface condensers, with the undiluted contaminated condensate directed to the treatment plant. End-of-pipe technology includes biological treatment. It should be noted that none of the corn mills employs all of the recommended 1977 technology. All corn mills discharge varying amounts of contaminated cooling water from barometric condensers without treatment. For example, all of the evaporators at CPC's Pekin plant use once-through cooling for barometric condensers. American Maize and Clinton Corn have made significant replacements of barometric condensers with surface condensers.

The recommended 1983 technology includes more stringent in-plant control and improved solids separation such as deep bed filtration following biological treatment.

BASIS FOR LIMITATIONS FOR 1977

The 1977 BOD limits in the regulation published today are the same as the limits originally promulgated in 1974, 0.89 kg/kkg (50 lb/MSBu). The limitation is supported by data from three existing corn wet mills as detailed in the Supplement to the Development Document for Existing Sources in Chapter V.

The 30-day TSS limit has been increased from 0.89 kg/kkg (50 MSBu) to 1.08 kg/kkg (60 lb/MSBu) to reflect data from existing treatment plants indicating normal TSS:BOD ratios greater than 1.0.

BASIS FOR LIMITATIONS FOR 1983

The BOD limit for 1983 is identical to the original limitation promulgated in 1974. The TSS limit has been increased to reflect recent data on waste treatment performance within the industry. These data have shown that effluent TSS levels are generally somewhat higher than BOD levels.

Deep bed filtration, the recommended 1983 technology, is currently in use at one corn wet milling plant, Clinton Corn in Clinton, Iowa.

The 1983 BOD limit is supported by data from several corn wet milling plants, as discussed in Chapter VI of the technical Supplement to the Development Document. At American Maize, the treatment system consists of activated sludge followed by lagoons. Tests with chemical coagulation indicate that greater BOD removal will be effected after treatment with alum and polymer. The Clinton Corn treatment facility consists of activated sludge followed by filtration. The CPC-Pekin treatment system has biological treatment followed by chemical coagulation and dissolved air flotation. CPC's Corpus Christi plant, with a poorly operating activated sludge system and no effluent polishing, achieved an average effluent BOD level of 0.36 kg/kkg (20.1 lb/MSBu). This value will improve when the polishing lagoon and clarifier are in operation. It should be noted that none of the above plants has installed all of the recommended 1977 and 1983 technologies. The plants rely to varying degrees on once-through barometric condensers for cooling.

The revised 1983 TSS limit is also amply supported, as reported in Chapter VI of the technical Supplement to the Development Document. For example, current maximum 30-day values for treated wastes at American Maize are less than 0.38 kg/kkg (21 lb/MSBu), and effluent TSS levels will decrease when chemical coagulation is added. The current maximum 30-day TSS level at CPC Pekin treatment plant is 0.09 kg/kkg (5.0 lb/MSBu) following activated sludge coagultaion, and dissolved air flotation. The maximum 30-day TSS value at Clinton Corn's treatment plant in 1975 was 0.55 (30.5 lb/MSBu). These last two figures reflect only treatment plant discharges.

ECONOMIC ANALYSIS

Although the recommended technology is the same as was recommended in the original promulgation of these regulations, the Agency has reviewed and updated the economic impact analysis because of significant changes in the economic environment of the corn wet milling industry. There are four corn wet milling plants subject to these BPT and BAT regulations. The waste treatment facilities now in place for the four plants represent best practicable control technology. Of the four plants, one was designed with primarily surface condensers, and two others have made significant replacements of barometric condensers with surface condensers. For this reason, the Agency has determined that the economic impacts due to revised BPCTCA regulations will be small.

Economic costs and impacts due to BATEA are expected to be insignificant. The economic analysis projects that the incremental annual costs will result in a decrease in after-tax return on capital and return on sales of 0.1 percent. Three plants of the four already have BAT technology in place, or its equivalent, and the other should be able to meet BAT with minimal investments. Therefore, due to the minor impacts of BATEA regulation, no plant closures are expected. The international trade effects and community impacts of these regulations are expected to be minimal.

VARIABILITY FACTORS FOR 1977 AND 1983

To set single-day effluent limits for 1977, factors of three for BOD and four for TTS were applied to the 30-day values. The TSS factor was increased to accommodate the higher variation in effluent TSS values experienced at several corn wet mills. These factors find extensive support in data from existing treatment plants. The rationale for the factors used in the 1977 limits is discussed in Section V of the Supplemental Development Document.

To determine single-day limits for 1983, a factor of three was applied to the 30-day limits. The factor of three used for the 1983 TSS limit reflects improved effluent control through a polishing step such as filtration and more stringent in-plant control.

MODIFIED STARCH ALLOWANCE

The original EPA study of this industry noted that waste waters from modified starch production represent the largest single source of organic load from many corn wet mills. It was also noted that production of modified starches varies not only from plant to plant, but also from day to day and week to week at a given plant. Also, the organic strength of the waste waters depends on the degree of starch modification.

Although EPA was aware that higher raw waste loads could result from modified starch production, no correlation could be established between the types and amounts of starches being produced and the resulting waste loads. EPA had requested data on product mix and raw waste loads so that such a correlation could be attempted. Furthermore, there was no evidence indicating that waste waters from any specific process (such as modified starch production) so affected the total plant waste stream as to reduce the ability of a mill to implement the best practicable control technology currently available. For this reason, no additional allowances for modified starch production were included in the originally promulgated effluent regulations.

On the basis of the recently supplied industry data, it has been determined that an effluent allowance for modified starch production might be needed for certain plants. An allowance is provided for plants producing modified starches at a rate at least 15 percent by dry-basis weight of total sweetener and starch products. This figure of 15 percent was based on industry comments and on waste treatment experience at CPC's Corpus Christi corn wet mill.

To arrive at the BOD allowance, an additional raw waste load for modified starch production was used. This was based on an average of the data submitted by industry. The allowance was determined by applying the same degree of BOD reduction to the modified starch waste load as that obtained through treatment of the standard raw waste load.

The recommended allowance for suspended solids is higher than the BOD figure, since the data indicate that modified starch wastes cause more problems with effluent TSS than BOD.

To determine the modified starch allowance for the 1983 effluent limitations, a BOD reduction of 95 percent was used, based on the reduction required by the basic 1983 BOD limitation. A TSS:BOD ratio of 1.5 was used to establish the TSS allowance, reflecting better solids control through use of deep bed filtration, part of the recommended 1983 control technology.

The factors used to convert 30-day limits to single-day maximums are identical to the factors used for the basic 1977 and 1983 limitations. For 1977, the single-day BOD allowance is three times the 30-day value. A factor of four was used for the TSS limits. For both the 1983 BOD and TSS single-day limits, a factor of three was used.

EXCURSIONS

Industry claims that certain factors causing excursions are unique to corn wet milling plants and exist in the course of normal operations and must be reflected in EPA's regulations by a special provision for a select number of permissible violations. The following were cited as examples of such factors:

1. Influent quality changes reflecting intermittent production of specialty products and changes in raw materials used.

2. Extraordinary additions to the raw waste load.

3. Exceptional production of finished products at plants where finishing capacity exceeds normal grind capacity.

4. Difficulty at older plants of continuously monitoring and controlling raw waste flows.

The effluent data reviewed in this study generally reflect long-term performance of treatment plants within the industry, including the excursions industry claims are unique to its operation. In most cases, all of the available data were analyzed. Only in cases where extreme values or anomalies were noted were data points excluded. For example, treated effluent levels at one plant were extremely higher than normal during a labor strike, and these data were omitted. In another case, a huge spill of corn syrup to a mill's waste treatment plant occurred, causing an upset that lasted several weeks. Because this occurrence was deemed preventable, the treatment data for that period were not included in the analysis. Thus, the effluent limitations set forth in these regulations reflect all ranges of normal operation but not preventable upsets.

EPA has thus determined that an "excursion provision" is not a necessary component of a corn wet milling discharge permit. Regarding events that may occur in the course of normal operations in the industry, EPA is bound by the rationale of the Decision of the General Counsel on Matters of Law Pursuant to 40 CFR § 125(m), No. 57 (March 16, 1977). That decision essentially states that a permit-issuer may consider including an excursion or upset provision in a permit only if the particular events giving rise to the upset conditions have not been taken into account in establishing the effluent limitation guidelines. After reexamining all available information, EPA has determined that the kinds of events which the industry proposes should be accorded exceptional consideration by the permit-issuer have already been incorporated into the data base from which the guidelines were derived.

The industry also has asserted that even if the effluent limitations accurately reflect daily and 30-day fluctuations in effluent quality from a well-run treatment facility, there will be times when the limitations are exceeded. The industry argues, for example, that if variability factors based on 99 percent probability are used to determine effluent limitations, then an additional allowance should be made to take care of excursions occurring the remaining one percent of the time. They claim that even the best-operated facility will occasionally be subject to excessive discharges because of factors such as (a) influent quality changes, (b) plant start-up or shut-down conditions, (c) equipment malfunction, (d) catastrophic conditions, or (e) other circumstances.

Factors beyond the control of a plant that may cause upsets or excursions, such as mechanical failure, accidental spills, or catastrophic conditions, can be handled informally by the permit-issuer. EPA's "Guidelines for Water Pollution Enforcement", 8 (July 23, 1974), provide direction. Such uncontrollable events can be handled either through a force majeure clause in a permit or by enforcement discretion. We also note that if a plant is found to be affected by factors "fundamentally different" from those considered in establishing the guidelines, the current regulations allow for a "variance provision" relative to the limitations based on application of the "best practicable control technology currently available" 40 CFR 406.12(a). Similarily, according to Section 301(c) of the Act, the Administrator is authorized to modify the requirements pertaining to the "best available technology economically achievable" for an individual point source upon a sufficient showing by the point source operator under the conditions specifically set forth in 301(e).

COMMENT PERIOD

In view of deadlines imposed by the United States Court of Appeals for the Eighth Circuit, and the settlement agreement entered into by the parties in that litigation, the Agency is dispensing with a comment period prior to this amendment. The July 1, 1977 date when the best practicable control technology currently available is to take effect has already passed. In addition, these regulations have been subjected to protracted controversy and litigation since initially issued in 1974. A significant number of industry members have participated in the litigation and have already had an opportunity as a result of that litigation to submit new data to EPA and to comment on the issues reflected in the present amendment of the regulations.

PUBLICATION OF INFORMATION

In conformance with Section 304(e) of the Act, the manual supporting this amendment titled "Supplement to the Development Document for Effluent Limitations Guidelines for Existing Sources for the Corn Wet Milling Subcategory, Grain Processing Segment of the Grain Mills Point Source Category" will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402, for a nominal fee.

Copies of the economic analysis document supporting the regulation titled "Economic Analysis of the Effluent Limitations Guidelines for Existing Sources for the Corn Wet Milling Subcategory, Grain Processing Segment of the Grain Mills Point Source Category" will be available from the National Technical Information Service, Springfield, Va. 22151.

SMALL BUSINESS ADMINISTRATION

Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concerns in effecting additions to or alterations in their equipment, facilities, or method of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program, write to EPA, Office of Analysis and Evaluation, WH-586, 401 M Street SW., Washington, D.C. 24060.

DECISION

In accordance with the above findings, the effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available and by the application of the best available technology economically achievable for the corn wet milling subcategory of the grain mills point source category (40 CFR 406.12 and 406.13) (Subpart A), are amended as set forth below and are effective on December 12, 1977.

Dated: November 23, 1977.

DOUGLAS M. COSTLE,
Administrator.

Subpart A—Corn Wet Milling Subcategory

1. Section 406.12(b) is revised and § 406.12(c) is added to read as follows:

§ 406.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(b) Subject to the provisions in paragraph (c) of this section, the following

limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 d	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD5	2.67	0.89
TSS	4.32	1.08
pH	Within the range 6.0 to 9.0.	------
English units (pounds per 1,000 stdbu of corn)		
BOD5	150	50
TSS	240	60
pH	Within the range 6.0 to 9.0.	------

(c) The limitations given in paragraph (b) of this section for BOD5 and TSS are derived for a point source producing products standards to the corn wet milling industry. For those plants producing modified starches at a rate of at least 15 percent by dry-basis weight of total sweetener and starch products per month for 12 consecutive months, the following limitations should be used to derive an additive adjustment to the discharge allowed by paragraph (b) of this section:

Effluent characteristic	Effluent limitations: Maximum for any 1 d	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
Metric units (kilograms per 1,000 kg of corn)		
BOD5	0.81	0.27
TSS	2.16	.54
English units (pounds per 1,000 stdbu of corn)		
BOD5	45	15
TSS	120	30

2. Section 406.13 is revised to read as follows:

§ 406.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions in paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 d	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD5	1.08	0.36
TSS	1.62	.54
pH	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 stdbu of corn)		
BOD5	60	20
TSS	90	30
pH	Within the range 6.0 to 9.0.	

(b) The limitations given in paragraph (a) of this section for BOD5 and TSS are derived for a point source producing products standard to the corn wet milling industry. For those plants producing modified starches at a rate of at least 15 percent by dry-basis weight of total sweetener and starch products per month for 12 consecutive months, the following limitations should be used to derive an additive adjustment to the discharge allowed by paragraph (a) of this section:

Effluent characteristic	Effluent limitations: Maximum for any 1 d	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of corn)		
BOD5	0.43	0.14
TSS	.66	.22
English units (pounds per 1,000 stdbu of corn)		
BOD5	24	8
TSS	36	12

[FR Doc.77-35292 Filed 12-9-77;8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND REGULATED ACTIVITIES

[Docket No. 72-19; General Order No. 13]

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Exemptions and Exclusions; Correction

AGENCY: Federal Maritime Commission.

ACTION: Correction to General Order 13.

SUMMARY: This document corrects typographical and editorial errors in two previously published documents on General Order No. 13. General Order No. 13 was published at 42 FR 59265, November 16, 1977 and was corrected at 42 FR 61047, December 1, 1977.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: The Commission's Order in Docket No. 72-19 (as it appeared in 42 FR 59265, November 16, 1977 and 42 FR 61047, December 1, 1977) is being corrected to include a further exemption from Shipping Act section 18(b) which was inadvertently omitted from § 536.1(a) and to correct a typographical error in § 536.1(a)(4). The omitted provision pertains to the activities of Foss Launch & Tug Co., (and similarly situated carriers), which were exempted by Commission Order effective January 7, 1977 (42 FR 1473).

Therefore, it is ordered, That General Order 13 (46 CFR Part 536) is corrected by adding a § 536.1(a)(5) which reads as follows:

(a) * * *

(5) Transportation by water of cargo moving in rail cars between British Columbia, Canada and United States ports on Puget Sound, and between British Columbia, Canada and ports or points in Alaska: *Provided,* That (i) the through rates are filed with the Interstate Commerce Commission and/or the Canadian Transport Commission; (ii) certified true copies of the rate divisions and of all agreements, arrangements, or concurrences entered into in connection with the transportation of such cargo are filed with the Commission within 30 days of the effectiveness of such rate divisions, agreements, arrangements or concurrences: *And, provided, further,* That this exemption is inapplicable to cargo originating in or destined to foreign countries other than Canada.

It is further ordered, That § 536.1(a)(4) is corrected by inserting the words "are filed with the Commission" immediately following the words "such cargo" at 42 FR 61047, column 3, line 12.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-35391 Filed 12-9-77;8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21311; FCC 77-796]

PART 73—RADIO BROADCAST SERVICES

Repeal of Movie Restrictions on Subscription Television

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action deletes an FCC rule that restricts which movies can be presented on subscription television ("STV"). The rule deleted is identical to a pay cable rule, which has been vacated by the Courts.

EFFECTIVE DATE: January 9, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 22, 1977.

Released: December 1, 1977.

In the matter of repeal of movie restrictions on subscription television.

By the Commission: Commissioner Brown not participating.

1. We have before us our Notice of Proposed Rule Making, released June 29, 1977, which proposes repeal of 47 CFR Sec. 73.643(a) which restricts the presentation of certain feature films on subscription television ("STV").

2. The Commission's Rules and Regulations contained similar sections which restricted the presentation of certain feature movies on subscription television and pay cable.[1] On March 25, 1977, the U.S. Court of Appeals, D.C. Circuit, vacated the pay cable restrictions but not the parallel subscription television restrictions. *Home Box Office* v. *F.C.C.*, Case No. 75-1280 et al. Several parties filed petitions for certiorari, which the Supreme Court denied on October 3, 1977.[2]

3. Earlier, at the Commission's request, the Court of Appeals remanded by Order of May 4, 1977, the STV movie restrictions, contained in 47 CFR Section 73.643(a), for consideration of repeal of that section. The Notice of Proposed Rule Making proposed such repeal and invited comments on any justification for retaining the subscription television restrictions on feature movies, now that the cable rule has been vacated.

4. Comments supporting the proposal were filed by Blonder-Tongue Broadcasting Corp., Pioneer International Corp., and Channel 100, Inc., Motion Picture Association of America, and National Subscription Television. Comments opposing it were filed by the American Broadcasting Companies, Inc. and the National Association of Broadcasters. Reply comments were filed by the National Association of Broadcasters and National Subscription Television.

5. Those favoring deletion of the rule argue that there is no reason to differentiate STV from pay cable and that if the STV rule is not deleted, STV will be at a disadvantage in competing with pay cable in bargaining for films and in attracting audiences.

6. Those favoring retention of the rule argue that no basis has been shown for deleting it. They also refer to their (then) pending petitions for certiorari of the Home Box Office decision and note that while the FCC decided to seek review of parts of that decision, it did not seek review of the court's decision vacating the pay cable movie rules. Therefore, they argue, the FCC in effect has amended its pay cable rules without proper administrative procedures and is piggybacking the otherwise unexplained proposal in this proceeding to delete the STV movie rule on its unexplained decision not to seek review in the Supreme Court of the court decision invalidating the analagous pay cable rule.

7. We cannot agree that the Commission's decision not to appeal the motion picture anti-siphoning pay cable portion of the Home Box Office decision constitutes a Commission rule deletion in contravention of the Administrative Procedure Act or a prejudgment of the matters set out for comment in the instant proceeding. When a court of competent jurisdiction issues a reasoned opinion vacating a Commission rule on the ground that no basis existed for the rule's enactment, no further administrative action need be taken by an agency declining to seek a judicial appeal. Insofar as the STV motion picture anti-siphoning rules here are concerned, the Commission has considered the arguments presented by the parties and has decided that the better course would be the deletion of these rule provisions. While the Commission's specific regulatory postures toward subscription television licensees and cable television operators are not totally parallel, it is clear that the two communications activities may be viewed as directly competitive and that they should be given equal treatment insofar as program availability is concerned. We do not believe that any useful or public interest purpose would be served by any other conclusion. Therefore, we will delete § 73.643(a) of the Commission's Rules, as proposed.

8. *It is ordered*, That § 73.643 of the Commission's Rules and Regulations, 47 CFR 73.643 be amended by deletion of paragraph (a) and by redesignating paragraphs (b) through (f) as paragraphs (a) through (e), effective January 9, 1978.

9. Authority for the actions taken herein is contained in Sections 2, 4(i), 301 and 303 of the Communications Act of 1934, as amended.

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 2, 4, 301, 303; 48 Stat., as amended, 1064, 1066, 1081, 1082; 47 U.S.C. 152, 154, 301, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-35318 Filed 12-9-77;8:45 am]

[1] Our rules also contained restrictions on the presentation of certain sports events and commercial advertising, and limited sports and movies combined to 90% of programming on pay cable or on subscription television. As with feature films, the Court of Appeals struck down these pay cable rules.

[2] A petition for rehearing of the denial of certiorari is now pending before the Supreme Court.

[6712-01]

SUBCHAPTER D—SAFETY AND SPECIAL RADIO SERVICES

[Docket No. 21349; FCC 77-785]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICE AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

Maritime Mobile Services; Changes in Frequencies; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum.

SUMMARY: This document corrects certain errors contained in Order implementing temporary assignment of new High Frequency (HF) radiotelephone frequencies for use in the maritime mobile service. (42 FR 60145, November 25, 1977.)

EFFECTIVE DATE: January 1, 1978 for adoption of temporary frequency assignment plan.

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

FOR FURTHER INFORMATION CONTACT:

Nicholas G. Bagnato, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Released: December 2, 1977.

Amendment of Parts 81 and 83 to implement changes in frequencies, operating procedures and other criteria relating to radio-telephony in the band 4000 to 27500 kHz in the maritime mobile services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974.

The Appendix to the Order in the above-captioned matter, FCC 77-785, released November 16, 1977, contained errors and should be amended as follows:

1. In paragraph 1, channel 829 was inadvertently omitted from the temporary assignment plan for station WLO, Alabama and should be added between channel 824 and channel 830.

Channel	Coast station transmit (carrier) (kilohertz)	Ship station transmit (carrier) (kilohertz)
829	8805.7	8281.8

2. In paragraph 2, the 6MHz frequency assigned to station WJG, Memphis, Tenn., is in error. The frequency 6212.4 kHz should be deleted and the frequency 6518.5 kHz added.

3. In paragraph 2, the 6 MHz frequency assigned to station WGK, St. Louis, Mo., is in error. The frequency 6212.4 kHz should be deleted and the frequency 6209.3 kHz added.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-35319 Filed 12-9-77;8:45 am]

[4910-59]

Title 49—Transportation

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

[Docket No. FE 77-03; Notice 2]

PART 537—AUTOMOTIVE FUEL ECONOMY REPORTS

Format and Content Requirements

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

ACTION: Final rule.

SUMMARY: This rule establishes the format and content requirements for semiannual reports on fuel economy to be submitted to the National Highway Traffic Safety Administration by automobile manufacturers. Section 505 of the Motor Vehicle Information and Cost Savings Act requires manufacturers to submit semiannual reports on whether and how they will comply with applicable average fuel economy standards and requires the Secretary of Transportation to promulgate rules governing those reports. Section 505 also authorizes the Secretary to require such reports as are necessary to enable him to implement the fuel economy provisions of the Act. This rule is intended primarily to satisfy the requirement for semiannual compliance reports. The reports are also necessary to enable the agency to prepare certain aspects of a statutorily-required annual report to Congress regarding the fuel economy standards.

EFFECTIVE DATE: December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Steve Kratzke, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2992.

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

The National Highway Traffic Safety Administration (NHTSA) is establishing the format and content requirements for the semiannual automotive fuel economy reports to be submitted by all manufacturers of automobiles beginning with the 1978 model year. The requirements for these reports will appear in a new Part 537, added to NHTSA regulations in Title 49 of the Code of Federal Regulations by this action. This rule is issued pursuant to section 505 (a) and (c) of Title V of the Motor Vehicle Information and Cost Savings Act, as amended ("the Act"). Authority to implement Title V was delegated by the Secretary of Transportation to the Administrator of NHTSA in a notice published on June 22, 1976, 41 FR 25015.

This final rule was preceded by a notice of proposed rulemaking ("NPRM") published April 11, 1977, at 42 FR 18867. The proposed rule would have required the manufacturers to report information on their automobiles produced in the current model year and on their automobiles that the manufacturers plan to produce in future model years; i.e., the five model years following the current model year. Most of the current model year information was intended to meet the requirement in section 505(a) for the manufacturers to submit semiannual compliance reports to the agency. The future model year data were intended to be used by the NHTSA primarily in establishing and amending future average fuel economy standards to meet the urgent national need for energy conservation and secondarily in evaluating future fuel economy standards for the purposes of preparing the annual reviews which section 502(a)(2) of the Act requires to be submitted to Congress. These data would offset the incompleteness of the manufacturers' voluntary submissions to the agency. A typical shortcoming is that the manufacturers tend to discuss their plans instead of their capabilities.

All comments to the NPRM were considered in developing this final rule. The major issues which have been raised, and their resolution, are described in the following discussion.

SUMMARY OF MAJOR DIFFERENCES BETWEEN THE PROPOSED AND FINAL RULES

The portion of the proposed rule adopted by this notice is almost unchanged except for clarifying and narrowing changes. The major differences between the proposed and final rules are stated below.

(1) The 1978 pre-model year report is required to contain only the following information relating to passenger automobiles: The manufacturer's projected average fuel economy and views on the representativeness of the projection; model type fuel economy information; certain vehicle configuration technical information; and a general discussion of the manufacturer's marketing measures.

(2) The final rule does not adopt the proposed requirements for submitting current model year information regarding vehicle acceleration graphs, reduction of total drive ratio, impact of other Federal standards on fuel economy, impacts of efforts to comply with average fuel economy standards on automobile performance, material composition, additional compliance efforts, costs, gross income and market share, and engine system combinations and fuel systems.

(3) The final rule does not adopt the proposed requirements for submitting future model year information. Under those requirements, the manufacturer would have submitted information regarding projected average fuel economy, model type fuel economy and technological information, current fuel economy technology, future fuel economy technology, automobile technology and sales mix changes, weight reduction, reduction of total drive ratio, technological differences between passenger and nonpassenger automobiles, marketing measures, additional compliance efforts, impact of other Federal automobile standards on fuel economy, impacts of efforts to comply with average fuel economy standards on automobile performance, availability of capital, manufacturing costs, shifts in consumer demand, and gross income and market share.

(4) Supplementary reports are required only from manufacturers which previously reported in a semiannual report that they would comply with the applicable average fuel economy standards and then find that they will fail to comply. As proposed, the rule required supplementary reports to be filed also by manufacturers which previously reported that they would not comply with the standards and then find that the extent of their noncompliance will be greater than that reported and by manufacturers who average fuel economy was just slightly above the standards and declining.

(5) The reporting responsibility for multistage automobiles has been assigned exclusively to the incomplete automobile manufacturers. The NPRM had proposed that the incomplete automobile manufacturer would always be required to report on its incomplete automobiles. It would have also required a report to be filed by an intermediate or final-stage manufacturer that exceeded certain maximum specifications for those multistage automobiles.

SCOPE AND PURPOSE OF THE REPORTS

Section 505(a) of the Act provides as follows:

(1) Each manufacturer shall submit a report to the Secretary during the 30-day period preceding the beginning of each model year after model year 1977, and during 30-day period beginning on the 180th day of each model year. Each such report shall con-

tain (A) a statement as to whether such manufacturer will comply with average fuel economy standards under section 502 applicable to the model year for which such report is made; (B) a plan which describes the steps the manufacturer has taken or intends to take in order to comply with such standards; and (C) such other information as the Secretary may require.

(2) Whenever a manufacturer determines that a plan submitted under paragraph (1) which he stated was sufficient to insure compliance with applicable average fuel economy standards is not sufficient to insure such compliance, he shall submit a report to the Secretary containing a revised plan which specifies any additional measures which such manufacturer intends to take in order to comply with such standards, and a statement as to whether such revised plan is sufficient to insure such compliance.

(3) The Secretary shall prescribe rules setting forth the form and content of the reports required under paragraphs (1) and (2).

Section 505(c)(1) of the Act requires every manufacturer to establish and maintain such records, make such reports, conduct such tests, and provide such items and information as the NHTSA may, by rule, reasonably require to carry out its duties under Title V. Section 502(a)(2) requires the NHTSA to transmit to the Congress not later than January 15 of each year a review of the average fuel economy standards; section 502 (a)(3), (b) and (c) requires the NHTSA to establish average fuel economy standards; and section 502 (a)(4) and (f) gives the NHTSA the authority to amend average fuel economy standards.

Several commenters urged that the rule require reports with a limited scope and purpose. Volkswagen of America, Inc., (Volkswagen) commented that any manufacturer projecting compliance with the currently applicable average fuel economy standards should be exempted from providing any business or technological data in its reports. Chrysler Corporation ("Chrysler") and Ford Motor Company ("Ford") made essentially the same point, commenting that a manufacturer projecting compliance with the average fuel economy standards should only be required to report its projected average fuel economy and the fuel economy levels and projected production level for each model type.

These suggestions are inconsistent with the plain meaning of the language of section 505(a). Apparently, Chrysler and Ford believe that the fuel economy values and projected production levels for each base level constitute the manufacturer's plans for achieving compliance. The agency disagrees. The fuel economy information and projected production levels describe only the result the manufacturer hopes to achieve. Section 505(a)(1)(B) specifically requires that the report also include a description of the steps that the manufacturer has taken or will take to achieve that result. The "steps" that can be taken to improve average fuel economy and achieve compliance generally fall into two categories: (1) Technology improvements and (2) shifts in the mix of models and options offered for sale. The latter category includes the marketing measures undertaken to promote particular mix goals.

Further, the effective implementation of the fuel economy program requires that these semiannual reports should also enable the Agency to monitor the degree of effort being made by the various manufacturers to improve their average fuel economy. This information is necessary for the agency and Congress to judge the sufficiency of the standards and statutory enforcement scheme, including the civil penalty formula, for obtaining improvements in average fuel economy. This information will also permit a comparison of the approaches being taken by the manufacturers to improve average fuel economy.

APPLICABILITY

Mr. Andrew Pickens commented that the reporting requirements should only apply to manufacturers producing vehicles that use petroleum-based fuel.

This rule is applicable to only those manufacturers. Section 501(1) of the Act defines an "automobile" as "any 4-wheeled vehicle propelled by fuel * * *" Section 501(5) of the Act specifies:

> The term "fuel" means gasoline and diesel oil. The Secretary may, by rule, include any other liquid fuel or any gaseous fuel within the meaning of the term "fuel" if he determines that such inclusion is consistent with the need of the Nation to conserve energy.

Since the NHTSA has not included any fuel other than gasoline or diesel oil within the definition of fuel, no change is necessary in the proposed applicability provision to accommodate Mr. Pickens' concern.

Three low-volume manufacturers, Rolls Royce Motors International ("Rolls Royce"), Avanti Motor Corporation ("Avanti"), and Checker Motors Corporation ("Checker"), all indicated that, because of their limited staffs and resources, and their small impact on industry average fuel economy, their reports should be limited in scope. A low-volume manufacturer is one that produces fewer than 10,000 passenger automobile worldwide annually. See section 502(c) of the Act and 42 FR 38374, establishing 49 CFR 525. Only Checker made specific suggestions. It suggested that low-volume manufacturers not be required to provide data on marketing measures or additional compliance efforts, since low-volume manufacturers generally produce specialized vehicles with a limited number of vehicle configurations.

This agency has no authority to apply selectively the explicit reporting requirements of section 505(a)(1)(A) and (B); that is, (A) a statement whether that manufacturer will comply with the applicable average fuel economy standards and (B) that manufacturer's plan describing the steps it has taken or will take to comply with the standard. The statute expressly requires each manufacturer to comply with those requirements. Based on appropriate distinctions between different groups of manufacturers, NHTSA may selectively apply reporting requirements adopted under the authority of section 505(a)(1)(C) and (c).

As stated above, marketing measures are one of the steps that the manufacturer can take to improve its average fuel economy level. As such, they are required by section 505(a)(1)(B) to be described in each semiannual report filed under section 505(a). The agency notes further that the fewer configurations that a manufacturer has, the simpler that reporting the manufacturer's marketing plans will, in all likelihood, be.

The information on additional compliance efforts and costs is not required to be included in the reports of any manufacturer. Therefore, there is no need to consider whether low volume manufacturers should be afforded special treatment in providing such information.

The NPRM proposed to allocate reporting responsibilities among multistage automobile manufacturers depending upon which manufacturer of a multistage automobile had become the manufacturer for standards compliance purposes under Part 529. See 42 FR 38369, July 28, 1977, for the text of Part 529. There are three types of multistage automobile manufacturers. The incomplete automobile manufacturer is the manufacturer that assembles the frame and chassis structure, power train, steering system, suspension system, and braking system. An intermediate manufacturer is a manufacturer, other than the incomplete automobile manufacturer or final-stage manufacturer, which performs manufacturing operations on an incomplete automobile. The final-stage manufacturer is the manufacturer that completes the production of the multistage automobile except for addition of readily attachable components and minor finishing operations. Part 529 generally treats the incomplete automobile manufacturer as the manufacturer of the multistage automobile. However, in certain circumstances specified in Part 529, the intermediate or final-stage manufacturer can become the manufacturer for purposes of certain Title V requirements.

The NPRM proposed that when an intermediate or final-stage manufacturer became the manufacturer of a multistage automobile for standards compliance purposes, that manufacturer would share the reporting responsibilities with the incomplete automobile manufacturer. It was proposed further that the report by the intermediate or final-stage manufacturers be limited to the same information as low-volume manufacturers are required to provide. The reasoning behind the latter proposal was that, compared to the incomplete automobile manufacturer, the intermediate or final-stage manufacturer would have less knowledge about the specifications of the technological aspects of the incomplete automobile that most significantly affect fuel economy. Additionally, an intermediate or final-stage manufacturer would have a negligible engineering

staff because of the small size and less technical nature of its manufacturing operation. Most of these manufacturers are small enough to be low volume manufacturers. No comments were received on this subject.

Upon further reflection, the NHTSA has determined that the reports filed by intermediate and final-stage manufacturers would be of very limited value to this agency. Exceeding the specifications would typically cause the fuel economy data and technological information in their reports to differ only slightly from the data and information already submitted for these automobiles by the incomplete automobile manufacturers.

Further, the reports would cover a very small number of automobiles, i.e., only those incomplete automobiles for which the intermediate and final-stage manufacturers had exceeded the maximum specifications. It is anticipated that these maximum specifications will very rarely be exceeded by the intermediate and final-stage manufacturers, since doing so would require these manufacturers to recertify the automobiles for compliance with the Clean Air Act and redetermine the fuel economy of the automobiles. These manufacturers would also be required to determine whether exceeding the weight maximum affected the automobiles' compliance with the Federal Motor Vehicle Safety Standards. This testing would be a relatively expensive process, particularly considering that these manufacturers would not have their own testing facilities available.

The agency is also mindful that the burden that would be imposed on the intermediate and final-stage manufacturers if they were required to prepare these reports would be great relative to that imposed on larger manufacturers. As stated above, these manufacturers have a minimal engineering staff, if any.

After a reconsideration of all these factors, the NHTSA has determined under section 501(9) of the Act and Part 529 that the incomplete automobile manufacturer of a multistage automobile will always be considered its manufacturer for purposes of the Act's reporting requirements. This rule has been changed to provide that intermediate and final-stage manufacturers are not required to file reports.

The agency's re-examination of the implementation of this rule by multistage manufacturers has also resulted in several changes in the rule to facilitate the reports by the incomplete automobile manufacturer. The data in § 537.7(c) is generally required to be provided by model type. However, the incomplete automobile manufacturer does not always know what the model type of the multistage automobile will be when completed. Accordingly, the incomplete automobile manufacturer is required to provide the fuel economy information in § 537.7 (c) and (e) by base level, rather than by model type. Further, the technical information in § 537.7 (c)(4)(xviii)-(xxii) and (c)(5) require knowledge of how the automobile will be completed, and therefore, is not required to be provided by incomplete automobile manufacturers with respect to multistage automobiles.

Timing of the Reports

Section 505(a)(1) of the Act specifies the time periods during which semiannual reports for a model year must be submitted. The first report, called the "pre-model year report" in this rule, must be submitted during the 30-day period immediately preceding the model year. The second report, the "mid-model year report", must be submitted during the 30-day period beginning on the 180th day of the model year.

Ford commented that the EPA has designated the date on which comparable class fuel economy ranges become available as the beginning of the model year in a notice published November 10, 1976, 41 FR 49752, at 49756. Ford did not clearly indicate the basis for its belief that that notice, which dealt with fuel economy labeling requirements, contained any designation of the model year. Nowhere in the preamble to that notice did the EPA give any indication that it was making a determination of the model year.

Further, the language of the rule itself shows that the EPA was not making any determination of the model year. 40 CFR § 600.314(d)(1) reads: "The range will be made available on a date that coincides as closely as possible to the date of the general model year introduction for the industry." Rather than indicating that the beginning of the model year occurs on the date on which the EPA announces the comparable class ranges, this language indicates that the EPA recognized that the beginning of the model year is not dependent on and does not coincide with the announcement of the ranges. The EPA merely stated that the two dates should occur as close together as possible. After a review of EPA's November 10 notice, this agency has concluded that nowhere therein did the EPA make any determination of the model year. The EPA concurs with that conclusion.

Volvo of America, Inc. ("Volvo"), stated that its interpretation of the term "model year" as applied to foreign manufacturers was that the model year begins on the date when the first vehicle of the current model year is publicly offered for sale in the United States.

Section 501(12) of the Act defines "model year" as a manufacturer's annual production period which includes January 1 of the calendar year, and gives the EPA Administrator the authority to determine the manufacturer's annual production period. If a manufacturer has no annual production period or if the EPA does not determine when that period occurs, the manufacturer's model year is the calendar year.

To date, no determination of the "model year" has been made specifically for the purposes of section 505(a). In the rule specifying the 1978 model year fuel economy testing and calculation procedures (41 FR 38674, September 10, 1976), the EPA stated that the 1978 model year for domestic manufacturers would begin no earlier than August, 1977. This determination, however, was made without regard to section 505(a). Rather, it was made to provide all parties with 12 months advance notice of the applicable testing and calculation procedures, in accordance with the provisions of section 503(d) of the act.

Based on its consultation with the EPA, this agency has come to the following conclusions in which EPA concurs. Since the EPA has not yet determined any annual production period for domestic or foreign automobile manufacturers applicable to section 505(a), the manufacturers have no annual production period for the purposes of section 505(a). Accordingly, under the terms of section 501(12), the section 505(a) model year for these manufacturers is the calendar year. Therefore, the pre-model year reports for 1978 must be submitted to this agency not earlier than December 2, 1977, and not later than December 31, 1977.

The use of the calendar year as the model year for the manufacturers puts both commenting manufacturers in a position at least as favorable as the ones they had requested. Ford will now have a period in which to prepare its 1978 pre-model year report that is several months longer than the one it would have had if its comment had been adopted. Since Volvo has generally introduced its new automobiles on January 1, this rule will, in effect, treat Volvo as it had requested.

The EPA has indicated to this agency that it will take appropriate action under Title V regarding the definition model year to be used with respect to the submission of reports for the 1979 and subsequent model years.

This agency recognizes that some confusion may result from the use of one definition of model year to determine when the reports must be submitted and another definition to determine which automobiles are to be discussed in the reports. It should be emphasized that this determination of the model year is applicable only to the timing provisions of section 505(a) of the Act. The determination is made only to inform the manufacturers and the public precisely when these semiannual fuel economy reports must be submitted.

This determination does not mean that the manufacturers' reports must contain information on every automobile produced between January 1 and December 31 of each year. Section 505 specifies that the reports must indicate whether the manufacturer will comply with the average fuel economy standards applicable under section 502 to the model year for which the report is made, and the manufacturer's plan for achieving that compliance. Thus, the reports are to contain information only on automobiles produced during that model year. To determine the beginning of the

model year to which a standard applies, the manufacturers must look to the relevant EPA determination of the model year for the purposes of section 502. Under the relevant EPA determination, the 1978 model year for the domestic manufacturers will run from approximately August 1977 to July 1978.

Based on its assumption that the pre-model year reports might be due in early September, Ford expressed concern that the NPRM would require it to submit one preliminary fuel economy average in its pre-model year report to the NHTSA and a different, second preliminary average to the EPA a short time later. The EPA currently requires all manufacturers to submit a preliminary average fuel economy calculation to that agency not later than 10 days after the manufacturer's public introduction date. 40 CFR 600.506–78. Ford stated that the submission of two different averages would be burdensome and that the first average would be less representative than the second. In the case of domestic manufacturers, the problem of being required to submit two different preliminary averages is obviated by the discussion above regarding the beginning of a model year for reporting purposes. Instead of having to submit their pre-model year reports perhaps several weeks before the submission of their preliminary average to the EPA, the domestic manufacturers will not have to submit those reports until several months after that submission to the EPA. There will not be any significant burden since the average submitted in the pre-model year report will be the same as the preliminary average submitted to the EPA, except as modified to reflect running changes and new model introductions made since the submission of that average to the EPA. Based on this agency's participation in EPA's 1977 model year pilot program for calculating the manufacturers' average fuel economies, NHTSA believes that all four of the major domestic manufacturers will have programmed computers to calculate their average fuel economy levels for 1978 and later model years, so that these manufacturers can quickly and at little cost determine the effects of changes in fuel economy or production data on their overall average.

Foreign manufacturers might still face the problem of being required to submit two separate calculations of their preliminary average fuel economy. If a manufacturer had its introduction date on January 1, as many foreign manufacturers do, the manufacturer would not be required to submit its preliminary average fuel economy calculation to the EPA until January 11. However, that manufacturer would be required to submit a preliminary average fuel economy in its report to the NHTSA, due not later than December 31. This agency would thus be faced with the prospect of receiving preliminary average less representative than the one to be subsequently submitted to EPA.

To avoid the problem, this rule has been changed from what was proposed in the NPRM. Under this rule, a manufacturer is not required to include the fuel economy data required for the pre-model year report by § 537.7 (b), (c) (1) and (2), and (c) (4) (xiv)–(xvi) and (xxiv), if that report is due to be submitted before the fifth day after the date by which the manufacturer is required to submit the preliminary determination of average fuel economy to the EPA under 40 CFR 600.506. Any manufacturer taking advantage of this opportunity is required to submit a supplementary report to this agency not later than the fifth day after the date by which that manufacturer must submit the preliminary determination. This supplementary report must contain all the information the manufacturer omitted from its semi-annual report, pursuant to the above provision, and any revisions of the information previously submitted in the semi-annual report as are necessary to reflect this new information.

Semiannual Reports

The short time remaining for the manufacturers to submit their 1978 pre-model year reports has necessitated a substantial reduction of the information required in that report. Under this rule, the report would cover passenger automobiles only. With respect to those automobiles, the manufacturer would provide its projected average fuel economy and views on the representativeness of the projection, its model type fuel economy information, certain vehicle configuration technical information, and a general discussion of the manufacturer's marketing measures. None of this information requires any new analytical work to prepare, and, thus, should be readily available to the manufacturers for inclusion in a report to this agency.

Further, to alleviate the time pressures on the manufacturers and ensure the submission of full reports, the agency will not take enforcement action on timeliness grounds against any manufacturer which submits its pre-model year report by January 31, 1978.

Many commenters complained that the reporting requirements proposed in the NPRM would impose unreasonable and excessive additional testing costs. These complaints were primarily applicable to the proposed future model year reporting requirements. To the extent that the complaints were directed to the current model year reporting requirements, they appear to apply largely to items not adopted in this rule.

In the NPRM, the agency discussed its consideration of possible ways of avoiding the imposition of any new testing costs, and requested comments on the desirability of permitting a manufacturer to submit responses that were an estimate or a set or range of alternatives. To avoid abuse of that opportunity and ensure the usefulness of the estimates, the agency further proposed that any manufacturer submitting estimates or alternatives would be required to state the basis for each estimate or alternative, the major uncertainties associated with it, and the most likely value in the case of an estimate and the most likely alternative in the case of a set or range of alternatives. Despite the request for comments on this proposed method, only one manufacturer addressed this issue. Volvo stated that permitting estimates would give the NHTSA more representative data, and make the manufacturer's task less burdensome.

To place the smallest burden on the industry consistent with the NHTSA's need for information, this rule permits manufacturers to submit estimates in response to requirements for data on marketing. A manufacturer may not provide estimates in response to the requirement for fuel economy data or technical specifications data. One of the primary purposes of the fuel economy data is to calculate average fuel economy. Gross estimates of fuel economy are unsuitable for making such an important and sensitive calculation. The rule accordingly requires the manufacturer to submit fuel economy values which have been approved by the EPA for specified vehicle configurations, if values have been approved. If a value has not been approved for a configuration, the manufacturer must submit any available unapproved fuel economy value developed through the use of EPA's test procedures or through analytical methods approved by the EPA. If none of the above types of values are available, the manufacturer is required to submit a fuel economy value based on tests or analyses comparable to the tests or analyses required by the EPA, and a description of the tests or analyses conducted by the manufacturer. The technical specifications can be easily determined at little or no expense. Further, almost all of that information must already be generated for purposes other than this rule.

Projected Average Fuel Economy

Commenters generally agreed that this was a necessary piece of information. As explained in the preamble to the NRPM, the NHTSA believes that submission of this information would be equivalent to a statement whether the manufacturer would comply with the applicable average fuel economy standards, as required to be included in the reports by section 505(a) (1) (A) of the Act.

Ford challenged the inclusion of a requirement that manufacturers state whether their projected average fuel economy is a sufficiently accurate representation for the purposes of assessing penalties and awarding credits under the Act. If it were not a sufficiently representative figure, the manufacturer would be required to explain how and why the insufficiency resulted, and what additional fuel economy data is necessary to correct the insufficiency. The need, if any, might be to develop fuel economy values for vehicle configurations for which no values are required to be provided. The manufacturer must also state any plans that it has to undertake the testing or analysis necessary to

develop the data and to submit it to EPA under 40 CFR 600.509–78. Section 600.509–78 permits manufacturers to supplement voluntarily the fuel economy data that EPA requires from each manufacturer. As noted by EPA in its notice establishing section 600.509–78, that section's purpose is to accommodate the manufacturer who does not believe that the testing required by EPA provides a reasonable basis for making compliance determinations (41 FR 38674, at 38678; September 10, 1976).

The disclosure requirement is included in this rule because it is essential for the efficient functioning of the fuel economy program. It is in the interests of both the government and the industry that the manufacturers' calculated average fuel economies must be as truly representative of the manufacturers' average fuel economies as practicable. If the calculated average are too low, the manufacturers could have an undue financial burden imposed on them in the form of large, unwarranted penalties. To avoid an unwarranted penalty, a manufacturer might undertake costly and unwarranted vehicle modifications or unnecessary production shifts. If, on the other hand, the calculated averages are too high, the nation would be deprived of the total fuel savings envisioned by the Act and the manufacturers would be given an undue credit.

The EPA was aware of the importance of ensuring representative calculated average fuel economies, and discussed the issue at length in its notice establishing the fuel economy testing and calculation procedures; 41 FR 38674, at 38676, September 10, 1976. The disclosure requirement in this rule will supplement the EPA's efforts in 40 CFR 600.509–78 to ensure the representativeness of the calculated averages.

Requiring manufacturers to disclose deficiencies which they believe exist in the projected average and to disclose their plans for generating additional fuel economy data would enable the government to avoid duplicating the manufacturers' efforts to generate that data and the waste of public resources resulting from such duplication. It would also inform the government about the extent to which the manufacturers were not going to generate the additional data. The government could then decide whether to undertake any of the testing and analysis itself. Timing would be critical to the ability of the government to undertake any additional testing. The probability of the government's being able to locate readily the precise vehicle configurations needed will steadily decline as the end of a model year approaches. Further, the demand on the government's test facilities for emissions and fuel economy testing purposes requires that the government have some flexibility in scheduling any additional testing.

By requiring that apparent deficiencies in the projected average fuel economy be disclosed, the reporting regulation would aid in ensuring the steady and orderly implementation of the fuel economy program by resolving problems before the end of the model year when corrective actions might still be taken. The entire fuel economy program, which constitutes the primary element of the national effort to conserve gasoline, might be disrupted if deficiencies exist and are not revealed until it is too late to take any corrective action.

The establishment of an orderly procedure for identifying and reporting apparent deficiencies in projected average fuel economies should also aid in promoting public confidence in the fuel economy program. The success of the program depends in part on the faith of the public and the manufacturers in the fuel economy averages calculated for the manufacturers.

The burden imposed on the manufacturers by the disclosure requirement should be fairly small. If a manufacturer has not identified any deficiencies in its projected average fuel economy, it simply reports that fact. If, on the other hand, information available to the manufacturer leads it to believe that there are deficiencies, it simply reports the nature and cause of the deficiencies as well as any plans for reducing or correcting them.

After considering the benefits to be gained from the disclosure requirement and the minimal resulting burdens, the agency has determined that the requirement is both a necessary and a reasonable means for ensuring the smooth functioning of the fuel economy program.

Ford characterized this requirement as "an unfortunate effort to force manufacturers to waive their right to challenge the manner in which EPA, in consultation with DOT, developed fuel economy testing procedures and calculations under section 503 of the Act." The agency believes that Ford may not have understood the requirement and its purpose fully.

This disclosure requirement does not require that any manufacturer waive the opportunity to make such a challenge. A waiver is "the voluntary and intentional relinquishment of a known right, claim, or privilege." 28 Am. Jur. Estoppel and Waiver § 154 (1966). Without considering the other elements of a waiver, it may be seen from the absence of any relinquishment that no waiver is imposed by this requirement. If a manufacturer states and explains its beliefs regarding the representativeness of the projected average, it is not thereby precluded from restating those beliefs at a later time, such as when the final average is calculated. Alternatively, if a manufacturer states in one of its reports that, based on current information and analyses, there do not appear to be any deficiencies in the projection, the manufacturer is not precluded from subsequently stating the new information and analysis have revealed previously undiscovered deficiencies.

Model Type Fuel Economy and Technical Information

To provide the agency with the basis for a manufacturer projected average fuel economy, the rule requires the manufacturer to provide fuel economy values for each model type of its automobiles and describe the fuel economy related technical information and specifications of each vehicle configuration on which the model type fuel economy value were based.

Ford commented that it was unlikely that the NHTSA could make use of the approach angle, departure angle, a breakover angle for all the passenger cars sold by Ford. These data, and the required axle clearance, minimum run clearance, and any other features which the manufacturer believes make an automobile capable of off-highway operation were included in the NPRM to permit the NHTSA to determine whether the classification scheme of Part 523 was adequately differentiating automobiles capable of off-highway operation from other automobiles. The NHTSA now believes this purpose will be adequately served if the features that make an automobile capable of off-highway operation are provided only with respect to those automobiles claimed to be capable of off-highway operation as determined under Part 523. If the category "automobiles capable of off-highway operation" fails to include automobiles that the manufacturers believe should be included, the manufacturers will presumably inform the NHTSA of that belief.

Both Ford and Chrysler indicated that this fuel economy information should be required by base level, rather than model type. Neither manufacturer explained why the information should be provided in that fashion. Further, neither indicated that providing the information by model type would pose any significant problem for them. EPA procedures that the manufacturers are to follow to calculate their preliminary average fuel economies provide for determining fuel economy values for vehicle configurations, then base levels, and finally model types. The model type fuel economies are then used to calculate the average fuel economy. Conversion of base level fuel economies to model type fuel economies requires that the manufacturers simply follow the calculation procedure in 40 CFR 600.207–77(b). The manufacturers must perform these calculations in any event at essentially the same time to satisfy the EPA requirement for the preliminary average. NHTSA could not calculate the average since it would lack the necessary sales data to make the conversion from base level values to model type values. The agency has decided, therefore, to require the fuel economy information by model type.

Chrysler objected to providing the road load power at 50 miles per hour, stating that this would dramatically increase their testing costs. This require-

ment was not intended to impose any additional testing costs. To clarify that intention, the requirement has been reworded to provide that road load power information must be provided for an automobile only if a manufacturer has determined, for whatever purpose, that it differs from the road load setting prescribed for that automobile in 40 CFR 86.177–11(d). There is no requirement that the setting be determined for the purposes of preparing the fuel economy reports.

Both Chrysler and Toyota Motor Sales, U.S.A., Inc. ("Toyota") objected to the proposed requirement that each manufacturer provide a graph of acceleration and velocity versus time from zero to 60 miles per hour for each configuration. Toyota indicated that it does not plan models according to this index, and that this requirement would impose additional testing. Chrysler concurred in this latter statement.

This information was proposed to be required to show any effects of complying with increasingly more stringent fuel economy standards on the acceleration capabilities of the manufacturer's automobiles over a wide range of speeds. The NHTSA expects that these effects will be felt more at some speed ranges than at others. However, the NHTSA is uncertain of how accurately this acceleration data could be provided without any additional acceleration testing. If manufacturers like Toyota perform limited acceleration testing, e.g., test the acceleration of only certain models, those manufacturers might need to perform tests on the untested models so that they would have a reliable basis for estimating the acceleration for all the configurations listed in the report. To avoid imposing any additional testing, the agency has deleted the requirement for acceleration and velocity data from this rule.

Automobile Technology and Sales Mix Changes

Avanti and Checker stated that they would be dependent upon their engine suppliers for information regarding changes in the technology used in their engines. The agency believes that by the time the pre-model year report is filed for a model year by one of these manufacturers, the manufacturer should have been able to determine for itself or learn from the suppliers the differences in specifications between their engines for the current model year and those for previous model years. The agency expects the suppliers to cooperate to the extent necessary to enable these low-volume manufacturers to provide the required data.

Both Rolls Royce and Toyota indicated that they could not improve their fuel economy by changing the sales mix. However, the combined fuel economy of Toyota's subcompacts for the 1977 model year ranges between 24 and 41 miles per gallon, according to the Second Edition of the 1977 EPA/FEA Gas Mileage Guide. Shifts in its mix could enable Toyota to achieve a higher or lower average fuel economy. If a manufacturer produces only one model type, and that model type is in the same inertia weight class in both the current model year and immediately preceding model year, the manufacturer would have no sales mix changes to report. No burden is imposed on that manufacturer.

Marketing Measures

The NPRM contained a proposal that the manufacturer be required to state and describe its marketing measures for each model type of its automobiles. The rationale for requiring a description not only of marketing measures designed to aid a manufacturer in improving its average fuel economy, but also of those measures that would tend to have the opposite effect, was to provide the agency with the full context in which to evaluate the former set of measures.

As noted above, many of the manufacturers commented that the reports should not be required to include marketing information. This comment could not be adopted because section 505(a) requires inclusion of that information.

Toyota commented that it makes no special marketing efforts to improve its average fuel economy, since it produces only subcompacts, which Toyota characterized as very fuel efficient. This agency notes that the marketing efforts of certain manufacturers will not affect whether they achieve compliance with the fuel economy standards. If the lowest fuel economy for any model type produced by a manufacturer for the current model year equals or exceeds the applicable average fuel economy standard, the manufacturer's marketing efforts have no bearing on compliance and are not one of the steps the manufacturer has taken to achieve compliance. Such manufacturer cannot fail to comply with the standard, regardless of its marketing efforts since any production mix will comply. Therefore, a manufacturer whose sales mix includes only models with fuel economy levels equal to or greater than the applicable average fuel economy standard is not required to include in its reports for that model year any discussion of its marketing measures.

Further, the agency has decided to reduce substantially the extent to which manufacturers must report marketing measures that will not aid the manufacturer in improving its average fuel economy. The final rule does not require a general description of all of the manufacturer's advertising, pricing, and dealer incentive programs.

The proposed requirement that the manufacturer describe how its use of advertising, pricing, and dealer incentives was designed to aid the manufacturer in improving its average fuel economy is adopted in this rule substantially as proposed in the NPRM. Both the pre- and mid-model year reports are required to include a description of the manufacturer's dealer incentive programs that will be implemented and a description of the manuafcturer's advertising and pricing that will tend to aid the manufacturer in improving its average fuel economy during the current model year. Advertising and pricing programs that will tend to aid the manufacturer in improving its average fuel economy include all programs to promote the sales of model types whose average fuel economy equals or exceeds the applicable standards, and any programs to promote the sales of a model type below the standard in lieu of sales of a model type further below the standard. As a quantification of the manufacturer's advertising efforts, the final rule requires that each report state the amount to be spent to advertise each carline, with additional information to be provided regarding model types, if available. Additionally, the mid-model year reports must include a discussion of the marketing efforts actually made by the manufacturer during the first half of the model year. No retrospective reporting of marketing efforts made during the second half of the model year is required by this rule. Accordingly, this agency is considering further rulemaking to require the reporting of marketing efforts made during the second half of a model year in the pre-model year report for the following model year.

AMC was the only commenter that agreed that marketing information should be required in the report, and indicated its willingness to provide this information.

The NPRM proposed that the marketing information be provided by model type. However, Ford and Chrysler both indicated that the marketing information was not available by model type. Neither indicated how it was available, however. Most advertising appears to be by car line, with perhaps one model type or vehicle configuration being highlighted. Based on this pattern, the NHTSA believes that the information is available by car line to all manufacturers. Therefore, this rule has been changed to provide that the marketing information be provided by car line and, when available, by model type too.

Concerns were expressed by two manufacturers about their ability to provide the marketing data within the period specified in the NPRM. Chrysler stated that it would be very difficult to provide this information before the start of the model year, since the marketing measures change during the model year in response to the economic conditions and the competitive environment. Further, according to Chrysler, the data is not available in detail at the time required. Ford agreed with this assertion, and indicated that dealer incentives are approved during the model year.

None of these comments took into consideration the provision in the proposal for submitting estimates when precise answers cannot be given. Under this provision, which has been adopted in this rule, manufacturers may submit information about their planned advertising as estimates or as sets or ranges of alternatives. If no incentives are planned, then there would be none to report. Thus, these manufacturers should not encoun-

ter the types of problems they suggested.

Chrysler, Ford, and General Motors all indicated that if their marketing plans were disclosed, there would be severe anti-competitive effects. In view of this concern, this agency assumes that the manufacturers will request confidential treatment of this information. The NHTSA procedures for dealing with material claimed to be confidential are discussed below, in the section of this preamble on confidential information.

General Motors suggested that the NHTSA had incorrectly assumed that marketing measures control consumer demand. The NHTSA made no such assumption. The agency does believe that marketing measures can influence the consumer demand. The substantial advertising budgets, rebate programs, and dealer incentives of the manufacturers indicate that they share this belief.

REDUCTION OF (CID) (N/V), IMPACT OF OTHER FEDERAL STANDARDS ON FUEL ECONOMY, IMPACTS OF EFFORTS TO COMPLY WITH AVERAGE FUEL ECONOMY STANDARDS ON AUTOMOBILE PERFORMANCE, MATERIAL COMPOSITION, AND ENGINE SYSTEM COMBINATIONS AND FUEL SYSTEMS

These five items were proposed to be included in the current model year section of the proposed report primarily to verify predictions made by the manufacturers in the future model year section of previously submitted semiannual reports. Since the manufacturers are not required by this rule to provide future model year information, this current model year information would not serve its primary intended purpose, and the requirement for its submission is therefore deleted.

ADDITIONAL COMPLIANCE EFFORTS

This item was proposed to be included in the reports to aid this agency in determining the feasibility of additional compliance efforts by a manufacturer projecting noncompliance with a standard. Section 505(a) does not require inclusion of this requirement in the rule. Upon a re-examination of this requirement, the NHTSA has determined that it could meet its information need better by exercising its authority under section 505(c) of the Act to send out a special order requiring specific, detailed information from a manufacturer which projects noncompliance. Accordingly, this rule does not include the requirement for this item.

COSTS AND GROSS INCOME AND MARKET SHARE

Data on these subjects were proposed to be required in the reports so that the NHTSA could compare the effectiveness and costs of the different manufacturers' compliance strategies and assess the impacts of complying with the average fuel economy standards on the manufacturers individually and as an industry and on consumers. Requirements for these data have been deleted in view of the agency's decision to limit the scope of the report to compliance related purposes. When necessary to obtain information to enable NHTSA to make the assessments of the impacts of compliance on the manufacturers and consumers, it can use special orders.

FUTURE MODEL YEAR DATA

The NPRM proposed that the manufacturers be required to include in their semiannual reports, beginning with the 1978 model year, information concerning their ability to improve future average fuel economy and the costs and other impacts that would result from making improvements. Ford commented that the proposal for reporting future model year information was very extensive and presented unique and troublesome problems for the industry in view of the scope of the information required, the ability of the industry to comply with the reporting requirements, and the potential effects of the reporting requirements on competition within the industry. Ford also questioned the usefulness of the information since much of the information is, according to that company, subject to change. To allow time for a more thorough consideration of these questions, Ford requested that the NHTSA publish a final rule on current model year information, and treat the section of the NPRM on future model year data as an advance notice of proposed rulemaking. Ford suggested that a new 60-day comment period on the future model year data be allowed, followed by a public hearing. Since section 505(a) does not require future model year reporting, Ford believes that NHTSA has no statutory deadline for promulgation of the future model year reporting requirement. AMC expressed substantially the same views.

Other manufacturers made the same point, although they expressed it in terms of the scope of the proposal and the purposes to be served by the information. Chrysler stated that the scope of the NPRM was excessive, and that the reporting requirements for current and future model years should be considered separately. According to Chrysler, the reporting rule should be used only to permit the NHTSA to determine whether the manufacturer will comply with the applicable average fuel economy standards. Chrysler also suggested that special orders be used to obtain any needed future model year information.

Rolls Royce, AMC, and British Leyland Motors Inc. ("British Leyland") all indicated that the scope of the proposed report was so broad that members of their engineering staffs would have to be withdrawn from their fuel economy improvement programs to collect and analyze the data required to comply with the proposed reporting requirements. To avoid this situation, British Leyland suggested that the purpose of the reports should be limited to obtaining data to evaluate the manufacturers' plans for compliance. Toyota and Peugeot also commented that the purpose of the reports should be limited to obtaining information sufficient to evaluate the manufactuer's plans for compliance.

With respect to the leadtime allowed, General Motors recommended that future model year data not be required to be reported in the 1978 model year, because of the short leadtime. Chrysler indicated that it would need at least twelve months after publication of the final rule to submit all the future model year data proposed in the NPRM. Volvo, on the other hand, indicated that it could thoroughly prepare this information in time for submission with the 1978 mid-model year report.

After considering these comments, the NHTSA has decided not to include any requirements for future model year information in the final rule. The agency agrees that the timing on establishing the reporting requirements for current model year information is more critical, given the provisions of section 505(a) of the Act, than the timing on establishing requirements for future model year information. The agency will continue to consider the various options open to it for obtaining future model year information, including issuing a new proposal or special orders.

SUPPLEMENTARY REPORTS

Section 505(a)(2) requires that if a manufacturer indicated in its recent semi-annual report that it would comply with a fuel economy standard and then determines that its compliance plan is not sufficient to enable it to achieve compliance, the manufacturer must submit a revised plan specifying any additional measures that it will take to achieve compliance. Information on compliance plans and potential noncompliances would enable the agency to determine whether the manufacturers were making good faith efforts to comply with the standards. Using its authority under section 505 (a) and (c), the agency intentionally went beyond this requirement in the NPRM.

The first case in which a supplementary report was proposed to be required was when a manufacturer's projected average fuel economy had decreased by 0.1 mile per gallon or more from its most recently reported average, and the resultant average was below the standard or less than 0.4 miles per gallon above the standard. This requirement was intended to alert this agency either that a manufacturer that had projected compliance might be in imminent danger of noncompliance, or that a manufacturer that had projected noncompliance had experienced a further decrease in its average fuel economy. The purpose of this requirement was to provide this agency with information explaining the declining average fuel economy and the steps that the manufacturer intended to take to minimize the decrease.

Both Ford and Chrysler objected to this proposal as burdensome and stated that it was their interpretation of section 505(a)(2) that supplementary reports were required only when a manufacturer's plans, as reported to the NHTSA,

were no longer sufficient to ensure compliance with an applicable average fuel economy standard.

After a reconsideration of the proposed requirements and the comments received, the NHTSA has determined to narrow the rule so that it requires a supplementary report to be filed only in the circumstances specified in section 505(a)(2). As in the case of the future model year information, the agency desires to consider further the value and burden of requiring this information which is outside the nominal scope of section 502(a)(2). The NHTSA will monitor the reports filed under the standards, and consider whether supplemental reporting in addition to the minimum required by section 502(a)(2) of the Act should be required. Accordingly, this rule requires a supplementary report to be filed only if the manufacturer's average fuel economy for a particular model year in its most recent semi-annual report was equal to or greater than an applicable average fuel economy standard, and the manufacturer subsequently projects that its average fuel economy for that model year has fallen below that standard.

Ford and Chrysler expressed the fear that the NPRM would require overly frequent supplemental reporting. To reduce the frequency of supplemental reports, Ford and Chrysler suggested that a greater decrease than 0.1 mile per gallon be required to trigger the necessity for a supplementary report. No threshold is specified in this rule because none is necessary to accommodate the manufacturer's concerns about frequent supplementary reports. Under this rule, a manufacturer is not required to file more than one supplementary report to each semiannual report as a result of lower average fuel economy projections.

The second case in which a supplementary report was proposed to be required in the NPRM was when a manufacturer's statement concerning the representativeness of its average fuel economy is no longer an accurate statement of the manufacturer's views regarding that matter. This supplementary reporting requirement was intended to ensure that a manufacturer promptly raised and explained any concerns about the representativeness of the average and the possible need for additional fuel economy values.

Ford objected to this proposed supplementary reporting requirement based on Ford's interpretation that the NPRM would have required a supplementary report to be filed "whenever any statement with respect to the projected average fuel economy becomes partially or wholly inaccurate or incomplete". Ford stated that this would require daily reporting, and that the standard was so subjective as to be meaningless.

Ford apparently misinterpreted the proposed requirement. The NPRM proposed that a supplementary report be required when a manufacturer determined that its previous statements under § 537.7(b)(3) regarding the representativeness of an average do not accurately reflect its current views. This requirement is narrower than Ford understood it to be. A manufacturer's views about the representativeness will presumably change only after some analysis of these procedures by the manufacturers. Even if a manufacturer were to perform a new analysis every day, it seems implausible that each new analysis would yield a different result than the immediately preceding analysis. Since Ford did not explain why different results were likely, the NHTSA assumes that Ford's statement about daily reporting was based on some misinterpretation of this section.

In response to Ford's comment that the standard was too subjective, the language in the rule has been clarified. The rule requires a supplementary report to be filed when a manufacturer determines that its projected average fuel economy as reported to the NHTSA is less representative than the manufacturer previously reported it to be.

Supplementary information on the manufacturer's views about the representativeness of its projected average fuel economy is needed so that the NHTSA will be promptly informed about the possible need to determine fuel economy values for additional base levels or vehicle configurations. The information would be used to promote efficient, nonduplicative use of resources and to avoid the disruption of the fuel economy program, as explained above in the section of this preamble on semiannual reports. This supplementary reporting requirement imposes no burden on the manufacturer other than to record and submit the results of analyses it has already made.

Mercedes commented that manufacturers which produce for sale in the United States not more than 100,000 automobiles in a given model year should not be required to comply with the supplementary reporting requirements. The NHTSA has no authority to exempt such manufacturers from submitting a supplementary report when it no longer projects compliance since those supplementary reports are required from all manufacturers by section 502(a)(2). The agency continues to believe that supplementary reporting regarding the representativeness of a manufacturer's projected average fuel economy should be required from all manufacturers. It is important to ensure the compliance of all manufacturers, large and small, with the average fuel economy standards. Further, this reporting requirement should impose no significant burden on even the smallest of manufacturers. If a manufacturer has conducted some analysis and concludes that its average is not sufficiently representative, it simply reports that conclusion and the reasons therefor. Otherwise, the manufacturer submits no supplementary information regarding representativeness.

Toyota commented that the requirement that supplementary reports be filed within 30 days of the date when the manufacturer determines or should have determined that a supplementary report is required is too short a period for foreign manufacturers, particularly considering the time losses inherent in the language differences and communication problems confronting those manufacturers in non-English speaking countries. Toyota did not, however, suggest an alternative period. This agency has determined Toyota's comments have some merit and that a slightly longer time period to file the supplementary reports should be permitted. Accordingly, this rule requires the supplementary report to be received by the NHTSA not later than 45 days from the date on which the manufacturer determined, or with reasonable diligence, could have determined, that a supplementary report was required. This 45-day period should be ample time to generate the material, draft and translate the report, and send it air mail to this agency.

None of the comments received by this agency were directed to the proposed content of the supplementary reports. This rule essentially follows the proposal in requiring that the manufacturer state the revised average fuel economy projection or the previously unreported element of unrepresentativeness of the projected average fuel economy, as appropriate, explain the new projection or element of representativeness, and show any changes to the previously submitted report which must be made in light of this newly reported information. To clarify the types of revisions that must be included in the supplementary reports, this rule specifies that the manufacturer no longer projecting compliance shall include any additional technological improvements, sales mix changes, and marketing efforts it intends to make. If the manufacturer does not intend to attempt to take additional steps to achieve compliance, it must describe the steps it could take under § 537.7(f), relating to additional compliance efforts. In the case of a manufacturer that no longer believes its average fuel economy figure is as representative as it previously stated, the rule requires a statement of the reasons for the insufficient representativeness, the additional testing or analysis necessary to eliminate the insufficiency, and any plans of the manufacturer to undertake the additional testing or analysis.

Treatment of Information Claimed To Be Confidential Business Information

The NPRM set out format and content requirements for asserting and supporting a claim that certain information be withheld from public disclosure as confidential business information. In addition, the NPRM indicated a procedure by which the agency would consider and act upon claims for confidentiality. Since the publication of the NPRM, it has become clear to the agency that comprehensive regulations governing confidential business information, and information which is claimed to be confidential, are necessary. Such regulations are in preparation. The procedures and requirements in the final reporting regu-

lation will be followed in the interim.

Several comments were received relating to the treatment of information which is claimed to be confidential business information. Chrysler stated that it did not "believe that a requirement of a showing of significant competitive damage is authorized by the Motor Vehicle Information and Cost Savings Act (as amended), but only that a showing of competitive damage is enough to require confidential treatment." The requirement of "significant" competitive damage proposed in the NPRM is drawn from the express terms of section 505(d)(1) of the Act. That section provides that the agency may withhold information from the public on the grounds that the information is confidential business information "*only* if the [Administrator] * * * determines that such information, if disclosed would result in *significant* competitive damage." [Emphasis added.] Chrysler provided no information, legislative history, or other argument in support of its belief that the Act, notwithstanding the terms of section 505(d)(1), does not require a showing of significant competitive damage to support a manufacturer's claim of confidentiality. Moreover, no other manufacturer made an argument similar to Chrysler's argument. Because of the express terms of section 505(d)(1), and the mandatory nature of its directive, the agency must reject Chrysler's argument.

Chrysler also claimed that certain categories or types of information, which Chrysler identified in its comments, should be entitled to "prima facie" confidential treatment when submitted. The agency agrees with Chrysler that some sort of class treatment of information claimed to be confidential business information would be extremely beneficial. Class determination will reduce the burdens on manufacturers asserting claims for confidentiality, as well as the agency's burden of evaluating claims for confidential treatment of information. Moreover, class determinations will also help to ensure evenhanded treatment of claims for confidentiality.

The agency also agrees with Chrysler that classes should provide for "prima facie" categorization, rather than "per se" categorization. The prima facie approach, by establishing a rebuttable presumption of confidentiality, or nonconfidentiality, will allow the agency the flexibility to give special consideration to special cases that may arise.

The agency, however, cannot agree with the categories of information which Chrysler claims should be afforded prima facie confidential treatment. The categories enumerated by Chrysler would include information that might be too general to be considered confidential business information, within the meaning of section 505(d)(1) of the Act. Moreover, the agency is unwilling to make a class determination of the confidentiality of certain kinds of information without providing the opportunity for comment from interested persons on the appropriateness of the class. Therefore, the agency will defer establishing classes of information for the purposes of determining business confidentiality until the rulemaking establishing procedures for the treatment of confidential information mentioned above is completed. The agency believes that the continued use of case-by-case determinations of confidentiality for the interim period should not be unduly burdensome on the manufacturers or the agency.

Chrysler also commented that when a determination is made that certain information is confidential, that information should not be disclosed unless a "requester is able to make a substantial (as opposed to a casual [sic]) showing of need to review this information." Although Chrysler did not specifically reference it, this comment is presumably directed at the Administrator's power under section 505(d)(1) to release confidential business information when relevant to a proceeding under Title V of the Act. The agency has interpreted section 505(d)(1) as giving it the power to release confidential business information in a proceeding when it is in the public interest to do so. The determination of whether the release of confidential business information is in the public interest will usually entail a balancing of benefits and harms, both public and private, that may result from the release of information which has been determined to be confidential business information. Certainly, the need for the information may be an important factor in this balancing, as would other factors, such as the effect on competition resulting from the release of confidential business information. The agency agrees with Chrysler that these factors, as well as other factors should be carefully considered before the exercise of the power to release admittedly confidential information. However, the agency cannot now assign weight to, or even identify all the factors that should be considered prior to the release of confidential business information. The exercise of the 505(d)(1) power must proceed on a case-by-case basis.

Chrysler stated in its comments that a submitter of information should have ample opportunity to object to the proposed release of confidential business information, or to withdraw that information. The agency agrees that submitters of confidential information, or information claimed to be confidential, should have notice of, and opportunity to object to, the proposed release of that information. The NPRM and the final rule provide for such notice, as will the rule governing the treatment of confidential information. The submitter will have at least ten days, when feasible, between notice of intention to disclose and actual disclosure, during which time the manufacturer may make any objections or take any other action that it regards as appropriate.

The agency does not agree that the submitter of information should have, in any circumstances, the right to withdraw information which it has been lawfully required to submit. Such a right would give to the submitter of the information, rather than the agency, the power to determine what information should be made publicly available. Since Congress clearly gave this power to the agency in section 505(d)(1), Chrysler's comment must be rejected.

Although Ford, General Motors, and AMC made no comments specifically relating to the procedures for treating confidential business information, those manufacturers did express some concern about the harmful effects, especially harm to competition, that would result from disclosure of some of the information which the agency is requiring. Those comments did not explain how disclosure may occur. Presumably, there is no issue of accidential disclosure of information. The agency knows of no instance where confidential business information in the agency's possession was inadvertently or negligently disclosed to the public. The agency takes precautions to ensure that confidential information in its possession is not inadvertently released. Those precautions have been effective in the past, and there is no reason to believe that they will not continue to be effective.

To the extent that confidenial information may be released under the power contained in section 505(d)(1), the statements made with respect to the Chrysler comments are applicable here. The agency will consider all the interests, including the interests of the competitive structure of the automobile industry, before releasing any confidential business information. The agency will not release any information, or indeed, take any action at all, unless the agency believes that its actions will be in the public interest.

Both Ford and General Motors were concerned that confidential business information may be included in the agency's report to the Congress. The agency's report to Congress will be a public document. Therefore, the agency would have to decide to disclose any confidential information before placing it in the report. Given the nature of the report to the Congress, the agency believes it is unlikely that disclosure of confidential business information would be necessary for an informative and complete report to the Congress, and that there are no grounds for the manufacturers' concern in this regard.

A minor change has been made with respect to the NPRM's provisions for incorporation by reference of information in these reports. The NPRM had proposed that, when a document was incorporated by reference in this report, the manufacturer would be required to append a copy of the incorporated document to the report. The NHTSA has determined that this provision is unnecessary in the case of documents which have previously been submitted to NHTSA. With respect to documents incorporated by reference which have pre-

viously been submitted to the NHTSA, the manufacturer is required to clearly identify the document and indicate the date on which and by whom the document was submitted to the NHTSA.

IMPLEMENTATION COSTS

In accordance with Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the agency has summarized below its evaluation of the economic and other consequences of this action on the public and private sectors. The total annual cost of implementing this final rule is expected to be less than $775,000 for the manufacturers and the Federal Government. The share of the manufacturers would be $650,000 and that of the Federal Government would be $125,000. The costs to the manufacturers will consist primarily of the additional administrative costs incurred to gather, tabulate, and submit the required information. The total costs for a manufacturer's semiannual and supplementary reports for a model year will range between $160,000 for a large manufacturer and $5,000 for a low volume manufacturer exempted under section 502(c) of Title V.

In light of the foregoing, Title 49, Code of Federal Regulations, is amended by adding a new Part 537, Automotive Fuel Economy Reports, to read as set forth below.

The program official and attorney principally responsible for the development of this rule are Anees Adil and Stephen Kratzke, respectively.

Issued in Washington, D.C., on December 7, 1977.

JOAN CLAYBROOK,
Administrator.

Sec.

AUTHORITY: Section 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); Section 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2005); delegation of authority at 41 FR 25015, June 22, 1976.

§ 537.1 Scope.

This part establishes requirements for automobile manufacturers to submit reports to the National Highway Traffic Safety Administration regarding their efforts to improve automotive fuel economy.

§ 537.3 Purpose.

The purpose of this part is to obtain information to aid the National Highway Traffic Safety Administration in evaluating automobile manufacturers' plans for complying with average fuel economy standards and in preparing an annual review of the average fuel economy standards.

§ 537.3 Applicability.

This part applies to automobile manufacturers.

§ 537.4 Definitions.

(a) *Statutory terms.* (1) The terms "average fuel economy standard," "fuel," "manufacture," and "model year" are used as defined in section 501 of the Act.

(2) The term "manufacturer" is used as defined in section 501 of the Act and in accordance with Part 529 of this chapter.

(3) The terms "average fuel economy," "fuel economy," and "model type" are used as defined in Subpart A of 40 CFR Part 600.

(4) The terms "automobile," "automobile capable of off-highway operation" and "passenger automobile" are used as defined in section 501 of the Act and in accordance with the determinations in Part 523 of this chapter.

(b) *Other terms.* (1) The term "loaded vehicle weight" is used as defined in Subpart A of 40 CFR Part 86.

(2) The terms "axle ratio," "base level," "body style," "car line," "city fuel economy," "combined fuel economy," "engine code," "gross vehicle weight," "highway fuel economy," "inertia weight," "transmission class," and "vehicle configuration" are used as defined in Subpart A of 40 CFR Part 600.

(3) The term "nonpassenger automobile" is used as defined in Part 523 of this chapter and in accordance with determinations in that part.

(4) The terms "approach angle," "axle clearance," "breakover angle," "cargo carrying volume," "departure angle," "passenger carrying volume," "running clearance," and "temporary living quarters" are used as defined in Part 523 of this chapter.

(5) The term "incomplete automobile manufacturer" is used as defined in Part 529 of this chapter.

(6) The term "designated seating position" is used as defined in § 571.3 of this chapter.

(7) As used in this part, unless otherwise required by the context:

(i) "Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163).

(ii) "Administrator" means the Administrator of the National Highway Traffic Safety Administration or the Administrator's delegate.

(iii) "Current model year" means:

(A) In the case of a pre-model year report, the full model year immediately following the period during which that report is required by § 537.5(b) to be submitted.

(B) In the case of a mid-model year report, the model year during which that report is required by § 537.5(b) to be submitted.

(iv) "Average" means a production-weighted average.

(v) "Sales mix" means the number of automobiles, and the percentage of a manufacturer's annual total production of automobiles, in each inertia weight class. which the manufacturer plans to produce in a specified model year.

(vi) "Total drive ratio" means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

§ 537.5 General requirements for reports.

(a) For each current model year, each manufacturer shall submit a pre-model year report, a mid-model year report, and, as required by § 537.8, supplementary reports.

(b)(1) The pre-model year report required by this part for each current model year must be submitted not more than 30 days and not less than 1 day before the 1st day of that model year.

(2) The mid-model year report required by this part for each current model year must be submitted not earlier than the 180th day and not later than the 209th day of that model year.

(3) Each supplementary report must be submitted in accordance with § 537.8(c).

(c) Each report required by this part must:

(1) Identify the report as a pre-model year report, mid-model year report, or supplementary report, as appropriate;

(2) Identify the manufacturer submitting the report;

(3) State the full name, title, and address of the official responsible for preparing the report;

(4) Be submitted in 10 copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

(5) Identify the current model year;

(6) Be written in the English language; and

(7) (i) Specify any part of the information or data in the report that the manufacturer believes should be withheld from public disclosure as trade secret or other confidential business information.

(ii) With respect to each item of information or data requested by the manufacturer to be withheld under 5 U.S.C. 552(b)(4) and 15 U.S.C. 2005(d)(1), the manufacturer shall:

(A) Show that the item is within the scope of sections 552(b)(4) and 2005(d)(1);

(B) Show that disclosure of the item would result in significant competitive damage;

(C) Specify the period during which the item must be withheld to avoid that damage; and

(D) Show that earlier disclosure would result in that damage.

(d) Each report required by this part must be based upon all information and

data available to the manufacturer 30 days before the report is submitted to the Administrator.

(e) (1) Any manufacturer may provide any item of information or data required by § 537.7(e) as an estimate, or as a set or range of alternatives.

(2) Any manufacturer submitting estimates, or sets or ranges of alternatives as permitted by paragraph (e)(1) of this section, shall state:

(i) The method for determining them;

(ii) The major uncertainties associated with them; and

(iii) The most likely value in the case of an estimate and the most likely alternative in the case of a set or range of alternatives.

§ 537.6 General content of reports.

(a) *Pre-model year and mid-model year reports.* Except as provided in paragraph (c) of this section, the pre-model year report and the mid-model year report for model year 1978 and each model year thereafter must contain the information required by § 537.7(a).

(b) *Supplementary report.* Each supplementary report must contain the information required by § 537.8(b) (1), (2), or (3), as appropriate.

(c) *Exceptions.* (1) The pre-model year report for model year 1978 is required to contain only the information specified in § 537.7 (b) and (c)(1)–(4) for passenger automobiles and a description of how the manufacturer will use marketing measures to aid in achieving the sales mix of passenger automobiles projected for that model year.

(2) The mid-model year report for model year 1978 is required to contain only the information specified in § 537.7 (b)–(e) for passenger automobiles.

(3) The pre-model year report is not required to contain the information specified in § 537.7 (b), (c) (1) and (2), or (c)(4) (xiv)–(xvi) and (xxiv) if that report is required to be submitted before the fifth day after the date by which the manufacturer must submit the preliminary determination of its average fuel economy for the current model year to the Environmental Protection Agency under 40 CFR 600.506. Each manufacturer that does not include information under the exception in the immediately preceding sentence shall indicate in its report the date by which it must submit that preliminary determination.

(4) The pre-model year report and the mid-model year report submitted by an incomplete automobile manufacturer for any model year are not required to contain the information specified in § 537.7 (c)(4)(xviii)–(xxii) and (c)(5). The information provided by the incomplete automobile manufacturer under § 537.7 (c) and (e) shall be according to base level instead of model type or carline.

§ 537.7 Pre-model year and mid-model year reports.

(a) (1) Provide the information required by paragraphs (b)–(e) of this section for the manufacturer's passenger automobiles for the current model year.

(2) After providing the information required by paragraph (a)(1) of this section, provide the information required by paragraphs (b)–(e) of this section for each class, as specified in part 533 of this chapter, of the manufacturer's nonpassenger automobiles for the current model year.

(b) *Projected average fuel economy.* (1) State the projected average fuel economy for the manufacturer's automobiles determined in accordance with § 537.9 and based upon the fuel economy values and projected sales figures provided under paragraph (c)(2) of this section.

(2) State the projected final average fuel economy that the manufacturer anticipates having if the changes described under paragraph (d)(1)(ii) will cause that average to be different from the average fuel economy projected under paragraph (b)(1) of this section.

(3) State whether the manufacturer believes that the projection it provides under paragraph (b)(2) of this section, or if it does not provide an average under that paragraph, the projection it provides under paragraph (b)(1) of this section sufficiently represents the manufacturer's average fuel economy for the current model year for the purposes of the Act. In the case of a manufacturer that believes that the projection is not sufficiently representative for those purposes, state the specific nature of and reason for the insufficiency and the specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency and any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(c) *Model type fuel economy and technical information.* (1) For each model type of the manufacturer's automobiles, provide the information specified in paragraph (c)(2) of this section in tabular form. List the model types in order of increasing average inertia weight from top to bottom down the left side of the table and list the information categories in the order specified in paragraph (c)(2) of this section from left to right across the top of the table.

(2) (i) City fuel economy;

(ii) Highway fuel economy;

(iii) Combined fuel economy; and

(iv) Projected sales for the current model year.

(3) For each vehicle configuration whose fuel economy was used to calculate the fuel economy values for a model type under paragraph (c)(2) of this section, provide the information specified in paragraph (c)(4) of this section in tabular form. List the vehicle configurations, by model type in the order listed under paragraph (c)(2) of this section, from top to bottom down the left of the table and list the information categories across the top of the table from left to right in the order specified in paragraph (c)(4) of this section.

(4) (i) Loaded vehicle weight;

(ii) Inertia weight;

(iii) Cubic inch displacement of engine;

(iv) Number of engine cylinders;

(v) SAE net horsepower;

(vi) Engine code;

(vii) Fuel system (number of carburetor barrels or, if fuel injection is used, so indicate);

(viii) Emission control system;

(ix) Transmission class;

(x) Number of forward speeds;

(xi) Existence of overdrive (indicate yes or no);

(xii) Total drive ratio;

(xiii) Axel ratio;

(xiv) City fuel economy;

(xv) Highway fuel economy;

(xvi) Combined fuel economy;

(xvii) Projected sales for the current model year;

(xviii) (A) In the case of passenger automobiles, interior volume index, determined in accordance with Subpart D of 40 CFR Part 600;

(B) In the case of nonpassenger automobiles:

(*1*) Passenger-carrying volume, and

(2) Cargo-carrying volume;

(xix) Number of designated seating positions;

(xx) Performance of the function described in § 523.5(a)(5) of this chapter (indicate yes or no);

(xxi) Existence of temporary living quarters (indicate yes or no);

(xxii) Body style;

(xxiii) Frontal area;

(xxiv) Road load power at 50 miles per hour, if determined by the manufacturer for purposes other than compliance with this Part to differ from the road load setting prescribed in 40 CFR § 86.177–11(d);

(xxv) Optional equipment which the manufacturer is required under 40 CFR Parts 86 and 600 to have actually installed on the vehicle configuration, or the weight of which must be included in the curb weight computation for the vehicle configuration, for fuel economy testing purposes.

(5) For each model type of automobile which is classified as an automobile capable of off-highway operation under Part 523 of this chapter, provide the following data:

(i) Approach angle;

(ii) Departure angle;

(iii) Breakover angle;

(iv) Axle clearance;

(v) Minimum running clearance; and

(vi) Existence of 4-wheel drive (indicate yes or no).

(6) The fuel economy values provided under paragraphs (c) (2) and (4) of this section shall be determined in accordance with § 537.9.

(d) *Automobile technology and sales mix changes.* (1) For each inertia weight class of the manufacturer's automobiles—

(i) Describe the differences between the technology of its automobiles for the current model year and of its automobiles for the immediately preceding model year that result in its automobiles for the current model year having higher fuel economy than its automobiles for the immediately preceding model year.

(ii) Describe any running changes that the manufacturer intends to make on its automobiles for the current model year that will affect the fuel economy of those automobiles.

(2) Describe any differences in the projected sales mixes of the inertia weight classes of the manufacturer's automobiles for the current model year and of the manufacturer's automobiles for the immediately preceding model year that result in its automobiles for the current model year having higher average fuel economy than its automobiles for the immediately preceding model year.

(e) *Marketing measures.* (1) Describe and quantify the manufacturer's advertising and automobile base price and equipment option pricing that will tend to aid the manufacturer in improving the average fuel economy of its automobiles for the current model year.

(2) Describe and quantify the manufacturer's dealer incentive programs that have been or will be implemented during the current model year for each carline of the manufacturer's automobiles.

(3) State the total number of dollars spent and to be spent on advertising for the current model year for each carline of the manufacturer's automobiles, and to the extent available, for each model type in that carline.

§ 537.8 Supplementary reports.

(a) (1) Except as provided in paragraph (d) of this section, each manufacturer whose most recently submitted semiannual report contained an average fuel economy projection under § 537.7(b)(2) or, if no average fuel economy was projected under that section, under § 537.7(b)(1), that was not less than the applicable average fuel economy standard and who now projects an average fuel economy which is less than the applicable standard shall file a supplementary report containing the information specified in paragraph (b)(1) of this section.

(2) Except as provided in paragraph (d) of this section, each manufacturer that determines that its average fuel economy for the current model year as projected under § 537.7(b)(2) or, if no average fuel economy was projected under that section, as projected under § 537.7(b)(1), is less representative than the manufacturer previously reported it to be under § 537.7(b)(3), this section, or both, shall file a supplementary report containing the information specified in paragraph (b)(2) of this section.

(3) Each manufacturer whose pre-model year report omits any of the information specified in § 537.7 (b), (c)(1) and (2), or (c)(4) (xiv)–(xvi) and (xxiv) shall file supplementary report containing the information specified in paragraph (b)(3) of this section.

(b) (1) The supplementary report required by paragraph (a)(1) of this section must contain:

(i) Such revisions of and additions to the information previously submitted by the manufacturer under this part regarding the automobiles whose projected average fuel economy has decreased as specified in paragraph (a)(1) of this section as are necessary—

(A) To reflect the decrease and its cause;

(B) To describe any expanded use or introduction of technological improvements, production mix changes and marketing measures that the manufacturer intends to make to comply with the applicable average fuel economy standards; and

(C) To indicate a new projected average fuel economy based upon these additional measures.

(ii) An explanation of the cause of the decrease in average fuel economy that led to the manufacturer's having to submit the supplementary report required by paragraph (a)(1) of this section.

(2) The supplementary report required by paragraph (a)(2) of this section must contain:

(i) A statement of the specific nature of and reason for the insufficiency in the representativeness of the projected average fuel economy;

(ii) A statement of specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency; and

(iii) A description of any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(3) The supplementary report required by paragraph (a)(3) of this section must contain:

(i) All of the information omitted from the pre-model year report under § 537.6(c)(2); and

(ii) Such revisions of and additions to the information submitted by the manufacturer in its pre-model year report regarding the automobiles produced during the current model year as are necessary to reflect the information provided under paragraph (b)(3)(i) of this section.

(c) (1) Each report required by paragraph (a) (1) or (2) of this section must be submitted in accordance with § 537.5 (c) not more than 45 days after the date on which the manufacturer determined, or could have, with reasonable diligence, determined that a report is required under paragraph (a) (1) or (2) of this section.

(2) Each report required by paragraph (a)(3) of this section must be submitted in accordance with § 537.5 (c) not later than five days after the day by which the manufacturer is required to submit a preliminary calculation of its average fuel economy for the current model year to the Environmental Protection Agency under 40 CFR 600.506.

(d) A supplementary report is not required to be submitted by the manufacturer under paragraph (a) (1) or (2) of this section:

(1) With respect to information submitted under this part before the most recent semiannual report submitted by the manufacturer under this part, or

(2) When the date specified in paragraph (c) of this section occurs:

(i) During the 60-day period immediately preceding the day by which the mid-model year report for the current model year must be submitted by the manufacturer under this part, or

(ii) After the day by which the pre-model year report for the model year immediately following the current model year must be submitted by the manufacturer under this part.

§ 537.9 Determination of fuel economy values and average fuel economy.

(a) *Vehicle configuration fuel economy values.* (1) For each vehicle configuration for which a fuel economy value is required under paragraph (c) of this section and has been determined and approved under 40 CFR Part 600, the manufacturer shall submit that fuel economy value.

(2) For each vehicle configuration specified in paragraph (a)(1) of this section for which a fuel economy value approved under 40 CFR Part 600 does not exist, but for which a fuel economy value determined under that Part exists, the manufacturer shall submit that fuel economy value.

(3) For each vehicle configuration specified in paragraph (a)(1) of this section for which a fuel economy value has been neither determined nor approved under 40 CFR Part 600, the manufacturer shall submit a fuel economy value based on tests or analyses comparable to those prescribed or permitted under 40 CFR Part 600 and a description of the test procedures or analytical methods used.

(b) *Base level and model type fuel economy values.* For each base level and model type, the manufacturer shall submit a fuel economy value based on the values submitted under paragraph (a) of this section and calculated in the same manner as base level and model type fuel economy values are calculated for use under Subpart F of 40 CFR Part 600.

(c) *Average fuel economy.* Average fuel economy must be based upon fuel economy values calculated under paragraph (b) of this section for each model type and must be calculated in accordance with 40 CFR 600.506, using the configurations specified in 40 CFR 600.506 (a)(2), except that fuel economy values for running changes and for new base

levels are required only for those changes made or base levels added before the average fuel economy is required to be submitted under this Part.

§ 537.10 Incorporation by reference.

(a) A manufacturer may incorporate by reference in a report required by this part any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year.

(b) A manufacturer that incorporates by reference a document not previously submitted to the National Highway Traffic Safety Administration shall append that document to the report.

(c) A manufacturer that incorporates by reference a document shall clearly identify the document, and, in the case of a document previously submitted to the National Highway Traffic Safety Administration, indicate the date on which and the person by whom the document was submitted to this agency.

§ 537.11 Public inspection of information.

Except as provided in § 537.12, any person may inspect the information and data submitted by a manufacturer under this part in the docket section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this section in accordance with the regulations of the Secretary of Transportation in Part 7 of this title.

§ 537.12 Confidential information.

(a) Information made available under § 537.11 for public inspection does not include information for which confidentiality is requested under § 537.5(c)(7), is granted in accordance with section 505 of the Act and section 552(b) of Title 5 of the United States Code and is not subsequently released under paragraph (c) of this section in accordance with section 505 of the Act.

(b) *Denial of confidential treatment.* When the Administrator denies a manufacturer's request under § 537.5(c)(7) for confidential treatment of information, the Administrator gives the manufacturer written notice of the denial and reasons for it. Public disclosure of the information is not made until after the ten-day period immediately following the giving of the notice.

(c) *Release of confidential information.* After giving written notice to a manufacturer and allowing ten days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the Act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under § 537.5(c)(7).

[FR Doc.77-35437 Filed 12-8-77;10:25 am]

[4910-58]

[Docket No. 77-02; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARD

New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY STATEMENT: This amendment adds certain tire size designations to Standard No. 109, New Pneumatic Tires—Passenger Cars. This addition is made pursuant to a request from the Japan Automobile Tire Manufacturers Association to permit the production of tires with the specified designations.

EFFECTIVE DATE: January 11, 1978, if objections are not received.

FOR FURTHER INFORMATION CONTACT:

John A. Diehl, Office of Crash Avoidance, Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1715.

SUPPLEMENTARY INFORMATION: According to agency practice, regular amendments are published modifying the Appendix of Standard No. 109. Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended April 31, 1974 (39 FR 28980), specifying procedures by which routine additions could be made effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed. The Japan Automobile Tire Manufacturers Association petitioned for this addition to the tire tables to permit the production of tires with the specified designations.

The principal authors of this document are John A. Diehl, Office of Crash Avoidance, and Roger Tilton, Office of Chief Counsel.

Acordingly, Appendix A of 49 CFR 571.109 is amended, subject to the 30-day provision indicated above, as specified below.

§ 571.109 [Appendix Amended]

In Table I-S, the following new tire size designation and corresponding values are added.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on December 7, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

TABLE I–S.—*Tire load ratings, test rims, minimum size factors, and section widths for '60' series radial ply tires*

Tire size [1] designation	Maximum tire loads, (pounds) at various cold inflation pressures (lb/in²)													Test rim width (inch)	Minimum size factor (inch)	Section width [2] (inch)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
225/60R13	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	6½	32.40	9.05
225/60R14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	6	32.72	8.65

[1] The letters "H", "S", or "V" may be included in any specified tire size designation adjacent to the R.

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 pct.

[FR Doc.77-35404 Filed 12-9-77;8:45 am]

[3410-90]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 25—ADVISORY COMMITTEE MANAGEMENT

PART 25A—OTHER COMMITTEE MANAGEMENT

Incorporating Provisions of the Sunshine Act and the Food and Agriculture Act of 1977

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This final rule amends the committee management regulations of the Department of Agriculture to bring them in conformance with Pub. L. 94–409, the Government in the Sunshine Act, and Pub. L. 95–113, the Food and Agriculture Act of 1977.

EFFECTIVE DATE: December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

C. R. Hanna, Jr., Assistant Director for Management, Office of Budget, Planning and Evaluation, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–6111.

SUPPLEMENTARY INFORMATION: Pub. L. 94–409, the Government in the Sunshine Act, amended Pub. L. 92–463, the Federal Advisory Committee Act, by requiring the determination that a portion of an advisory committee meeting may be closed to be undertaken in accordance with standards contained in Pub. L. 94–409.

Pub. L. 95–113 places additional requirements upon the Department in the areas of recordkeeping and reporting. It also requires the Secretary to terminate advisory committees which violate provisions contained therein or in the Federal Advisory Committee Act. It is determined pursuant to 5 U.S.C. 553 that notice and opportunity for public participation would be impractical and contrary to the public interest, and good cause is found for making these amendments effective less than thirty days after publication.

Also being amended are the designations of the Department's Committee Management Officer and the Office which provides staff assistance to him.

Because of these numerous amendments, 7 CFR 25 and 25A are being republished.

Subpart A—Purpose and Policy

Sec.
25.1 Purpose.
25.2 Policy.
25.3 Definitions.

Subpart B—Responsibilities

25.7 Department.
25.8 Agencies.

Subpart C—Establishment and Renewal of Advisory Committees

25.11 Establishment and Renewal of Advisory Committees.
25.12 Duration and Renewal of Advisory Committees.

Subpart D—Membership and Meeting Procedure

25.15 General Procedures.
25.16 Clearance of Advisory Committee Members.
25.17 Appointment of Members.
25.18 Pay Guidelines.
25.19 Meetings.
25.20 Disclosure of Official Information to Public Members.

Subpart E—Reporting and Records

25.24 External Reporting Requirements.
25.25 Reports Issued by Advisory Committees.
25.26 Committee Control System.
25.27 Financial Records.

Subpart F—Termination of Advisory Committees

25.28 Termination of Advisory Committees.

Subpart G—Exceptions

23.30 Exceptions.

AUTHORITY: 5 U.S.C. 301; Sec. 8, 86 Stat. 773 (5 U.S.C. App. I) Title XVIII, Pub L. 95–113.

Subpart A—Purpose and Policy

§ 25.1 Purpose.

The regulations in this Part provide guidelines and procedures for the establishment, operation, duration and accessibility to the public of advisory committees under the jurisdiction of the Department of Agriculture.

§ 25.2 Policy.

In addition to complying with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463; 85 Stat. 770, 5 U.S.C. App. I), the Food and Agriculture Act of 1977 (Pub. L. 95–113), and Office of Management and Budget Circular A–63, Revised, requirements with respect thereto, it shall be the policy of this Department to maintain control over the establishment and use of all advisory committees. The provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, the Food and Agriculture Act of 1977, and all regulations issued by the Committee Management Secretariat of the General Services Administration, the Department, and applicable Department agency shall apply to all advisory committees, unless otherwise provided by law. The number of such committees shall be held at the absolute minimum required for effective program operation and compliance with various provisions of the law.

§ 25.3 Definitions.

As used herein, terms are defined as follows:

(a) *Advisory Committee.* Any committee, subcommittee, board, commission, council, conference, panel, task force, or similar group, subgroup, or body which is not composed wholly of full-time officers or employees of the Federal Government and which is established or utilized in the interest of obtaining advice or recommendations for one or more agencies or officers of the Federal Government.

(1) *Non-statutory Advisory Committee.* Any advisory committee established or utilized by the President or a Government official, including an advisory committee authorized, but not established, by a Federal statute.

(2) *Statutory Advisory Committee.* Any advisory committee established by an act of Congress. (If the statute directs the Secretary to establish an advisory committee, it is a statutory committee since the Secretary has no discretion in its establishment.)

Subpart B—Responsibilities

§ 25.7 Department.

(a) The Director, Economics, Policy Analysis and Budget, is the Committee Management Officer of the Department. He is responsible for:

(1) Exercising control and supervision over the establishment, procedures, and accomplishments of advisory committees.

(2) Assigning responsibility for the assembling and maintenance of the reports, records, and other papers of advisory committees.

(3) Carrying out, on behalf of the Department, the provisions of section 552 of Title 5, United States Code, with respect to such reports, records and other papers. To carry out these responsibilities and to evaluate advisory committee activities, the Committee Management Officer shall hold review meetings as necessary. The review meetings shall include the Assistant to the Secretary. Agency personnel shall attend as requested.

(b) The Office of Budget, Planning and Evaluation provides staff assistance

for the Committee Management Officer by:

(1) Maintaining systematic information on the nature, functions and operations of each Department advisory committee, including a complete set of charters and the annual reports for advisory committees.

(2) Filing advisory committee charters with appropriate House and Senate committees, the Library of Congress and the Committee Management Secretariat.

(3) Maintaining committee control records for advisory committees (see Subpart E of this part).

(4) Complying with advisory committee management reporting requirements.

(5) Providing advice and guidance on the establishment, renewal, utilization, management, and reporting of all advisory committees throughout the Department.

(6) Scheduling necessary review meetings of advisory committee procedures and providing adequate notification to those who will attend.

§ 25.8 Agencies.

The head of each agency engaged in advisory committee activity shall be responsible for providing an orderly procedure for:

(a) Establishing or terminating advisory committees and providing guidelines for the selection of members.

(b) Adhering to the law and regulations governing the use of advisory committees.

(c) Designating for each advisory committee a central location for the assembling and maintenance of the reports, records, and other papers of the advisory committee for public inspection and copying.

(d) Conducting periodic reviews of advisory committee activities (see Subpart E of this part).

(e) Maintaining an adequate advisory committee control system. This includes maintaining records of all advisory committees sponsored by the agency.

(f) Submitting Committee Control Records (Form AD–241) for all advisory committees (see Subpart E of this part).

Subpart C—Establishment and Renewal of Advisory Committees

§ 25.11 Establishment and renewal of advisory committees.

(a) *Policy on establishment.* The following policy shall govern the establishment of any advisory committee.

(1) No advisory committee shall be established within the Department unless:

(i) It has been specifically authorized by statute or Presidential directive, or determined as a matter of formal record by the Secretary or appropriate Assistant Secretary or Director, Economics, Policy Analysis and Budget, to be in the public interest.

(ii) It has been established in accord with these regulations.

(iii) Prior consultation with the Committee Management Secretariat has been accomplished.

(iv) Timely notice of the intent to establish the advisory committee is published in the FEDERAL REGISTER.

(v) It has been determined that the advisory committee will serve an essential function.

(vi) The purpose of the advisory committee has been clearly defined.

(vii) The proposed membership of the advisory committee represents a balance of differing views.

(viii) The proposed budget of the advisory committee reflects the reasonably anticipated costs of performing the function of the advisory committee.

(2) Unless provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Decisions regarding actions or policies relating to matters dealt with by an advisory committee shall be made solely by an official of the Government.

(b) *Procedure for establishment.*—(1) *Obtaining approval.* An agency desiring to establish an advisory committee that is not specifically established by statute or by the President shall first consult with and obtain the approval of the appropriate Assistant Secretary or Director, Economics, Policy Analysis and Budget.

(i) If the Assistant Secretary or Director approves, that agency shall prepare a letter for the signature of the Committee Management Officer to the Administrator, General Services Administration, containing the following:

(A) The nature and purpose of the proposed advisory committee and the reasons why it is needed.

(B) An explanation of why the functions could not be performed by the agency or by an existing advisory committee.

(C) A description of the agency's plan to attain balanced membership on the proposed advisory committee in terms of points of view to be represented, functions to be performed and expected participation by women and minorities (see § 25.15).

(D) A statement that notice of the action will be published in the FEDERAL REGISTER.

(E) A statement that establishment is in the public interest in connection with the work of the Department.

(F) A request for concurrence of the Committee Management Secretariat in the Department's decision to establish the advisory committee.

(ii) A draft copy of the charter for the proposed advisory committee will be submitted with the letter.

(iii) This letter shall be submitted to the Office of Budget, Planning and Evaluation which shall be responsible for obtaining Departmental clearances and signature of the letter, and forwarding it to the General Services Administration.

(iv) The Office of Budget, Planning and Evaluation shall notify the Assistant Secretary or Director and the agency by memorandum as to whether the Committee Management Secretariat concurs in the decision to establish the advisory committee.

(2) *Preparation of Federal Register notice.*—(i) If the Committee Management Secretariat concurs, the agency providing support services shall then prepare, for publication in the FEDERAL REGISTER, a notice advising the public of the Department's intent to establish the advisory committee. The notice shall state the name and purpose of the advisory committee, a statement that it is in the public interest to establish the advisory committee in connection with the duties of the Department, and the name and address of the agency official to whom the public may submit comments. The Committee Management Officer shall sign notices for national advisory committees. Notices for regional, state and local advisory committees shall be signed by an official of the agency providing support services. All notices shall receive clearance by the Office of Budget, Planning and Evaluation.

(ii) In the case of advisory committees specifically established by statute or by the President, neither approval of the Committee Management Secretariat nor FEDERAL REGISTER notice of intent to establish said advisory committee is required.

(3) *Preparation of establishment document.* The agency providing support services shall prepare an establishment document as follows:

(i) For a national advisory committee (one operating on a national basis), the establishment document shall be in the form of a numbered Secretary's Memorandum. The document shall include:

(A) Name, clearly defined purpose, and functions of the advisory committee.

(B) Statement of reasons why the advisory committee is necessary and statutory authorization, if any.

(C) Titles and/or names of the chairman, vice-chairman and executive secretary and a statement designating the department employee to attend the meeting if the chairman or vice-chairman are not Department employees. National advisory committees shall be chaired by an official from the Office of the Secretary with an agency official as vice-chairman, unless another arrangement is approved by the Committee Management Officer (see § 25.19(b)).

(D) Statement that the advisory committee will terminate no later than two years after its establishment, unless otherwise provided by statute.

(E) Statement that establishment of the advisory committee is in the public interest in connection with duties imposed on the Department by law.

(F) Statement concerning the plan to achieve balanced membership on the advisory committee (§ 25.15).

(G) Names or titles of committee members or a statement as to who will appoint them.

The document shall be routed to the Office of Budget, Planning and Evaluation through the Office of the General Counsel.

(ii) Regional, State, and local advisory committees shall be established by the appropriate Assistant Secretary or Director, Economics, Policy Analysis and Budget. The establishment document shall be in the form of an unnumbered Secretary's Memorandum. The document shall include:

(A) Name, clearly defined purpose, and functions of the advisory committee.

(B) Statement of reasons why the advisory committee is needed and statutory authorization, if any.

(C) Titles and/or names of the chairman, vice-chairman and executive secretary and a statement designating the Department employee to attend the meeting if the chairman or vice-chairman are not Department employees (§ 25.19).

(D) Statement that the advisory committee will terminate no later than two years after its establishment, unless provided otherwise by statute.

(E) Statement that establishment of the advisory committee is in the public interest in connection with duties imposed on the Department by law.

(G) Names or titles of committee members or a statement as to who will appoint them.

(4) *Preparation of charter.* The agency providing support services shall prepare a charter for the advisory committee containing the following:

(i) The advisory committee's official designation.

(ii) A statement that the advisory committee will serve an essential function.

(iii) The advisory committee's objectives and the scope of its activity.

(iv) The period of time necessary for the advisory committee to carry out its purposes.

(v) The agency or official to whom the advisory committee reports.

(vi) The agency responsible for providing the necessary support for the advisory committee.

(vii) A description of the duties for which the advisory committee is responsible and, if such duties are not solely advisory, a specification of the authority for such functions.

(viii) The estimated annual operating costs in dollars and man-years, including specific estimates of:

(A) The amount of Federal funds which will be used to support, directly or indirectly, the operation of the advisory committee.

(B) The dollar value of the time and expenses which will be incurred by Federal agencies and employees in assisting in the operation of the advisory committee.

(C) The travel expenses, including per diem or subsistence, which will be incurred by advisory committee members and Department employees in attending meetings of the advisory committee, including travel performed in support of the advisory committee's operation.

(D) All expenses which will be paid by sources outside the Government, including, but not limited to, those paid by the advisory committee members or their employers, corporations, organizations, associations, or labor organizations.

(ix) A statement that the estimate of annual operating costs includes all private and public funds to be spent by or on behalf of the advisory committee.

(x) The estimated number and frequency of advisory committee meetings.

(xi) The advisory committee's termination date, if less than two years from the date of the advisory committee's establishment.

(xii) Space for the "date of filing" to be filled in by the Office of Budget, Planning and Evaluation.

(5) *Establishment document as charter.* The establishment document shall serve as the charter if it contains the required information. If it does not, a separate document entitled "Charter of _____ Advisory Committee" shall be prepared and submitted to the Office of Budget, Planning and Evaluation.

(6) *Signing of charter.* The Committee Management Officer shall sign charters for national advisory committees when the charter is not included in the establishment document. Charters for regional, State, and local committees shall be signed by the agency committee management officer or other agency official having responsibility for the committee when the charter is not included in the establishment document.

(7) *Filing of charter.* The original and four copies of the charter shall be submitted to the Office of Budget, Planning and Evaluation no sooner than 15 days following publication of the notice in the FEDERAL REGISTER. The Office of Budget, Planning and Evaluation shall be responsible for filing the charter and notifying the agency providing support services when this is done. An advisory committee shall not meet or take any action until its charter has been filed.

(c) *Termination of approval to establish advisory committee.* If an advisory committee is not established within one year from the date on which the Committee Management Secretariat concurred in its establishment, the approval to establish said committee shall be considered terminated unless the Committee Management Officer grants an extension. In no case shall the approval extend beyond two years from the date on which the Committee Management Secretariat concurred in the establishment of the advisory committee. This policy governs both the establishment and the renewal of advisory committees.

§ 25.12 Duration and renewal of advisory committees.

(a) Unless otherwise provided for by law, each advisory committee shall terminate not later than two years after its establishment or renewal unless it is renewed prior to that time by appropriate action. Unless provided otherwise by the establishing authority, the duration of a subgroup shall be the same as that of the parent committee.

(b) No advisory committee shall be renewed unless it is clearly demonstrated that the committee provides advice necessary to the operation of the Department which can be obtained in no other way.

(1) *Non-statutory advisory committees.* Not more than 60 days before the scheduled date of termination, the agency providing support services and desiring to renew a non-statutory advisory committee shall consult with and obtain the approval of the appropriate Assistant Secretary or Director, Economics, Policy Analysis and Budget.

(i) If the Assistant Secretary or Director approves, the agency providing support services shall prepare a letter for the signature of the Committee Management Officer to the Administrator, General Services Administration. The policy and procedure provided for in § 25.11 (a), (b), and (c) for establishing an advisory committee apply to renewal of an advisory committee, except that the renewal document shall be signed before the FEDERAL REGISTER notice is published.

(ii) Any request for approval to renew an advisory committee submitted less than 30 days before the expiration date or after the expiration date of the advisory committee shall be treated for all purposes as a request to establish a new advisory committee.

(2) *Statutory advisory committees.* Statutory advisory committees shall terminate in accordance with § 25.12.

(i) The charter for a statutory advisory committee whose termination as provided for by law is in excess of two years shall be filed when the committee is established and upon the expiration of each successive two-year period, if any, following the date of enactment of the statute establishing the advisory committee.

(ii) No advisory committee required to file a new charter shall take any action, other than preparation and filing of such charter between the date the new charter is required and the date it is filed.

Subpart D—Membership and Meeting Procedure

§ 25.15 General Procedure.

(a) The membership of an advisory committee shall be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee (sec. 5(b)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I). In addition, committee members shall be appointed with a view toward safeguarding against any special interest inappropriately influencing the advisory committee.

(b) Members shall not serve on more than one advisory committee at any one time unless prior approval is obtained from the Committee Management Officer. Requests for multiple membership shall be submitted in writing through the Office of Budget, Planning and Evaluation. Appointment of new members in the event of vacancies shall be for the unexpired period of the committee. Committee appointments expire when the

committee is terminated in accordance with § 25.12. The appointing authority may, however, terminate an appointment at an earlier time.

(c) In the event the advisory committee is extended for another two-year period, the membership shall be reconstituted. Appointment of new members shall provide for rotation to the extent feasible and practicable, but reappointments may be made to assure effectiveness and continuity of operations consistent with the above constraints. No member, other than an officer or employee of the Department, shall serve on an advisory committee for more than six consecutive years.

(d) Not more than one officer or employee of any corporation or other entity, including all subsidiaries and affiliates thereof, shall serve on the same advisory committee at any one time, unless excepted by the Committee Management Officer.

(e) It shall be the responsibility of the agency providing support services to insure that no person selected as a member of an advisory committee is engaged in employment or has a financial interest which is deemed likely to affect the integrity of his service on the committee.

(f) There shall be no discrimination on the basis of race, color, national origin, religion, or sex in the selection of members. Pursuant to provisions of Pub. L. 95–113, all advisory committees shall, to the extent practicable, have:

(1) A balanced membership reflecting the differing views of the groups substantially affected by the matters to be considered by such advisory committee.

(2) Ethnic, racial and sexual balance.

§ 25.16 Clearance of advisory committee members.

(a) *Policy.* A background clearance is required for all proposed advisory committee members to be appointed by the Secretary except those who are Federal employees.

(b) *Procedures.* (1) The agency which provides support services shall submit for each prospective appointee a biographical sheet showing at a minimum, the person's name, date and place of birth, company affiliation, title of position, name of parent company, if appropriate, business address, residence address, a brief statement of his current business or profession, and past achievements. In addition, as a condition of appointment, members solicited to serve on all nonstatutory advisory committees must be willing to disclose, annually, their major sources of income for inclusion in the annual report required by Pub. L. 95–113 (§ 25.24(b)). Clearance procedures will not be instituted if biographical data is insufficient to permit a complete background review.

(2) An original and three copies of the above information shall be sent to the Assistant to the Secretary.

(3) The procedures described above shall be utilized for both existing and prospective members when an advisory committee is renewed. Therefore, names and biographical data of members should be submitted for clearance when a request for renewal is forwarded.

§ 25.17 Appointment of members.

(a) *Authority.* National and/or statutory advisory committee members shall be appointed by the Secretary. Regional, State, and local advisory committee members shall be appointed by the agency official responsible for the committee, unless determined otherwise by the Department's Committee Management Officer.

(b) *Invitation to serve on National advisory committees.* Letters of invitation shall be prepared for the signature of the Secretary by the agency providing support services and shall include:

(1) Purpose of the advisory committee.

(2) Name of the chairman.

(3) Frequency of meetings, if known.

(4) Location of meetings, if known.

(5) Travel and per diem allowances, if applicable.

(6) Expiration date of appointment.

The agency shall provide appropriate followup where letters of invitation have been issued and no response is received within 21 days of the date the invitation was mailed.

(c) *Certificates of appointment.* For national advisory committees, a Certificate of Appointment, signed by the Secretary, shall be presented to each member. The responsible agency shall have the certificates engrossed with the name of the appointee and the committee. Form AD–73 (Request for Art and Graphic Services), together with the certificates and the information to be engrossed, shall be submitted to the Office of Governmental and Public Affairs. The certificates may be requisitioned from the Office of Operations and Finance. The agency shall arrange for presentation of the certificates either by mail at the time of appointment or at the next meeting of the committee.

§ 25.18 Pay guidelines.

Unless otherwise specifically provided by law, members of advisory committees shall receive no compensation but may receive travel and per diem allowances in accordance with Departmental regulations. If a statute provides for compensation to members of an advisory committee but does not specify a rate of compensation, the agency which provides support services shall review the significance, scope and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of its members and shall recommend to the Committee Management Officer the rate of pay for the members. This recommendation shall be forwarded, in duplicate, through the Office of Budget, Planning and Evaluation. If approved, the original shall be endorsed by the Committee Management Officer and returned to the agency. The rate of pay may not be higher than the daily equivalent of the maxmium rate for GS–15.

§ 25.19 Meetings.

Advisory committee meetings shall be subject to the following provisions:

(a) No meetings shall be held except at the call of, or with the advance approval of, a designated Department official and with an agenda approved by such official. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting will concern matters covered by 5 U.S.C. 552b(c).

(b) Committees shall meet under the chairmanship of, or in the presence of, a Department official who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest. No committee shall conduct a meeting in the absence of the Department official designated in the establishment document to chair or attend the meeting.

(c) The Department shall maintain an open-door policy with respect to meetings. Meetings will be open to the public except when a determination is made in writing by the Secretary that any or all portions of a meeting should be closed in accordance with 5 U.S.C. 552b(c).

(d) If an advisory committee seeks to have all or part of a meeting closed on the basis of an exemption contained in 5 U.S.C. 552b(c), the agency providing support services shall prepare a determination for the Secretary's signature stating that it is essential to close a portion or portions of the meeting and the specific reasons for closing all or part of the meeting. Such determination shall be accompanied by any additional explanation of the facts and reasons why the meeting should be closed as are pertinent. This determination, in duplicate, and accompanying explanation shall be forwarded to the Committee Management Officer, through the Office of the General Counsel and the Office of Budget, Planning and Evaluation at least 45 days before the scheduled meeting.

(e) Only the Secretary has the authority to close a meeting or a part of a meeting.

(f) Requests to close meetings shall be prepared on a case-by-case basis.

(g) The closing of a meeting or any portion of a meeting may be reviewed by the Committee Management Officer after the meeting is held. If it is determined that a meeting or any portion of a meeting was closed inappropriately, corrective action may be taken.

(h) Timely notice of all meetings, both open and closed, shall be published in the FEDERAL REGISTER. The agency providing support services shall be responsible for preparation of the notice and submitting it to the FEDERAL REGISTER in sufficient time to allow for publication at least 15 days in advance of the meeting. Shorter notice may be provided in emergency situations and the reasons for such emergency exceptions shall be made part of the meeting notice. The agency

providing support services should normally start processing meeting notices no later than 30 days before the meeting is scheduled to allow for clearance within the Department and handling time at the FEDERAL REGISTER. The notice shall contain:

(1) The name of the advisory committee.

(2) The time and purpose of the meeting, including a summary of the agenda or the person from whom it may be obtained.

(3) The extent to which the public will be permitted to attend or participate in the meeting.

(4) Statement that the meeting is open and the place where the meeting will be held or, if the meeting is to be closed, an explanation of why it is closed.

(5) The name and address of the person to whom written comments may be made.

(i) In addition, a press release containing all the above information shall be prepared announcing all committee meetings at least 15 days in advance of the meetings. For national committee meetings, the agency providing support services shall provide this release to the Office of Governmental and Public Affairs at least 20 days prior to the meeting date. The Office of Governmental and Public Affairs shall make the release available to the appropriate media. Releases announcing regional, State and local advisory committee meetings shall be furnished by the agency providing support services to the local media.

(j) The Administrator, General Services Administration, may waive the requirement of notice of meeting if he determines otherwise for reasons of national security. If such a determination is desired, the agency providing support services shall prepare a letter to the Administrator for the Secretary's signature. This request, stating the reasons, shall be submitted to the Committee Management Officer, through the Office of the General Counsel and the Office of Budget, Planning and Evaluation, no later than 45 days prior to the meeting. If the Administrator determines that public notice would be inconsistent with national security, the meeting shall be closed to the public.

(k) The agency that provides support services to the committee is responsible for complying with the following rules regarding open or partially open meetings:

(1) The meeting shall be held at a reasonable time and at a place that is reasonably accessible to members of the public.

(2) The size of the meeting room shall be large enough to accommodate the committee members, its staff, and those members of the public who could reasonably be expected to attend.

(3) Any member of the public shall be permitted to file a written statement with the committee before or at a reasonable time following the meeting.

(4) Interested persons may be permitted by the committee chairman to speak at the meeting in accordance with procedures established by the committee.

(l) Detailed minutes shall be kept of all meetings. The chairman or the designated Department employee shall certify to the accuracy of the minutes, which shall include at least the following items:

(1) The time and place of the meeting.

(2) A list of committee members, committee staff, and Department employees present.

(3) A complete summary of all matters discussed and conclusions reached.

(4) Copies of all reports received, issued, or approved by the advisory committee.

(5) A description of the extent to which the meeting was open to the public.

(6) A description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number who attended the meeting.

(m) The records, reports, transcripts, working papers, etc., of all open committee meetings shall be available for public inspection and copying. If a portion of a meeting was closed, the minutes of the open portion shall be available to the public. If meetings of an advisory committee have been entirely or partially closed, the agency that provides support services shall prepare for FEDERAL REGISTER publication, a notice of the availability of the annual report for that committee no later than 60 days after the report's completion. The notice shall include instructions which allow the public access to the report.

(n) Committee records shall be maintained by the agency providing support services for the life of the committee and disposed of in accordance with that agency's records disposal schedule.

(o) If transcripts are made of a meeting, they shall be available within a reasonable period of time following the meeting.

(p) Advice or recommendations of the committee shall be given only with respect to matters covered in the record of the committee's proceedings.

(q) When the meeting ends, a press release shall be issued and/or a briefing held for the news media. The Department shall provide such appropriate additional information as may be requested. The responsibility for the release or briefing rests with the chairman of the advisory committee (or the designated Department representative) working with the agency information person assigned to the meeting and with the Department's Office of Governmental and Public Affairs.

(r) (1) If, in lieu of holding a meeting, recommendations of committee members are solicited by the person to whom the committee reports, or other agency official, on a matter within the committee's jurisdiction, the responsibile agency shall publish a notice in the FEDERAL REGISTER, no later than the time the recommendations are sought, which fully describes the matter to be considered. The notice shall also include:

(i) Instructions to the public on how to file their views on the matter with agency.

(ii) A statement that the request and any responses received will be available for public inspection and copying.

(iii) The location where these records will be maintained.

(2) An annual report shall be filed for each committee soliciting recomendations of committee members under paragraph (r) (1) of this section by April 1. The agency that provides support services to the affected committee shall prepare for FEDERAL REGISTER publication a notice of the availability of the annual report for that committee no later than 60 days after the report is filed. The notice shall include instructions for allowing the public access to the report.

§ 25.20 Disclosure of official information to public members.

Certain types of information classified under security regulations, or specifically restricted by law or Presidential directives, may not be disclosed to members of advisory committees. However, material otherwise restricted "For Official Use Only" may, in some circumstances, be made available when essential to the transaction of committee business. When making material available to committee members it must be clearly understood that all material presented for review at an open committee meeting is to be available for public inspection and copying. Therefore, good judgment must be exercised to assure:

(a) That presentation of the information is essential.

(b) That risk of consequences adverse to the public interest has been carefully weighed.

Subpart E—Reporting and Records

§ 25.24 External reporting requirements.

(a) The Department shall submit an annual report to the General Services Administration for preparation of the annual report required by the Federal Advisory Committee Act. Instructions for preparation of this report shall be issued to the agencies by the Office of Budget, Planning and Evaluation.

(b) The Department shall submit for each advisory committee an annual report, as required by Pub. L. 95–113, to the appropriate committees of Congress and the Library of Congress. This report shall be prepared in accordance with guidelines furnished by the Office of Budget, Planning and Evaluation.

(c) A comprehensive review shall be conducted by the agencies and the results forwarded to the Committee Management Secretariat by the Committee Management Officer. This review shall be conducted in accordance with guidelines furnished by the Office of Budget, Planning and Evaluation.

(d) An Update or Correction Form (OMB Bulletin No. 76–3) shall be submitted to the Committee Management Secretariat within 10 days of the charter

filing for a new or reestablished advisory committee.

§ 25.25 Reports issued by advisory committees.

(a) All reports and recommendations submitted by an advisory committee shall be in written form. The agency that provides support services shall maintain copies of such reports and recommendations and a written record of any responses made by the Department to the advisory committee's recommendations.

(b) The agency that provides support services will forward eight copies of any report issued by an advisory committee, at the time it is issued, to:

Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

This requirement excludes minutes of meetings, material exempt under 5 U.S.C. 552b(c) and the annual reports prepared for submission to the General Services Administration and the Congress (§ 25.-24). If appropriate, background papers prepared for use of the committee may also be provided to the Library of Congress.

§ 25.26 Committee control system.

(a) *Responsibility.* (1) Each agency head shall designate an official to be responsible for the maintenance of central control records of all advisory committees which the agency sponsors or for which it provides support services. Such information shall be kept current at all times and agencies shall be prepared to furnish such information upon request.

(2) Each agency sponsoring an advisory committee shall provide the support services for that committee. The Secretary shall designate the agency which will provide support services for advisory committees established or authorized by statute.

(b) *Submission of committee control record (AD–241).* (1) To provide current and uniform information on all advisory committees in the Department and of interest to the Department, a Department-wide uniform Committee Control Record (AD–241) shall be used for:

(i) Department records maintained in the Office of Budget, Planning and Evaluation.

(ii) Agency committee control records. Each agency, through the official responsible for committee management, shall submit an original and one copy of a complete Form AD–241, Committee Control Record, to the Office of Budget, Planning and Evaluation for each advisory committee for which it provides support service.

(2) As committees are established, reestablished or renewed, agencies shall submit a Form AD–241 to the Office of Budget, Planning and Evaluation. When changes are made on established committees in individual memberships, addresses, or expiration dates, agencies shall submit a Form AD–241 to the Office of Budget, Planning and Evaluation with only blocks 1, 2, and 4 completed and showing and identifying in block 14 the specific change(s) made. Agencies shall submit this form within 15 days after a change occurs. Form AD–241 for statutory committees should be submitted when the advisory committee is established and at the same two-year intervals as its charter is filed.

(c) In addition to the Committee Control Record (AD–241), agencies shall maintain:

(1) Copies of committee charters.

(2) Minutes of committee proceedings.

(3) Copies of press releases and committee reports.

(4) Copies of Secretarial determinations under 5 U.S.C. 552b(c) that committee activities will be closed to the public.

(5) Any other working papers properly a part of advisory committee or subcommittee records.

(6) In addition, when an advisory committee is terminated and then reestablished, all records, reports and the complete files of the terminated advisory committee shall be kept with those of the reestablished advisory committee.

§ 25.27 Financial records.

(a) Each agency, through the official responsible for committee management, shall maintain up-to-date records which disclose the disposition of funds made available to its advisory committees. These records shall be available for inspection and audit by officials of the Department and the Comptroller General or his representatives.

(b) When it appears that committee expenses will exceed the estimate given in the charter by $500 or 10 percent, whichever is greater, the agency providing support services shall obtain prior approval for the expenditure of such additional funds from the Committee Management Officer. A memorandum shall be routed through the Office of Budget, Planning and Evaluation justifying such increased expense estimates and requesting approval. The agency shall be notified of the disposition of the request by the Office of Budget, Planning and Evaluation.

Subpart F—Termination of Advisory Committees

§ 25.28 Termination of advisory committees.

(a) As required by Pub. L. 95–113, an advisory committee shall be terminated if it is found that the advisory committee has:

(1) Expended funds in excess of estimated expenses without obtaining prior approval of the Committee Management Officer (see § 25.27(b)).

(2) Failed to file in a timely manner all required reports.

(3) Failed to meet for two consecutive years.

(4) Failed to issue any written reports other than those required by the Federal Advisory Committee Act or Title XVIII of the Food and Agriculture Act of 1977.

(5) Failed to comply with any provision of the Federal Advisory Committee Act or Title XVIII of the Food and Agriculture Act of 1977.

(6) Responsibility for functions which otherwise would be or should be performed by Federal employees.

(7) Does not serve or has ceased to serve an essential function.

Subpart G—Exceptions

§ 25.30 Exceptions.

The requirements of this Part shall not apply to:

(a) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program.

(b) Any State or local committee or similar group established to advise State and local officials or agencies.

Subpart A—Purpose and Policy

Sec.
25a.33 Purpose.
25a.34 Policy.
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Subpart B—Responsibilities

25a.38 Department.
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Subpart E—Liaison Membership

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AUTHORITY.—5 U.S.C. 301.

Subpart A—Purpose and Policy

§ 25a.33 Purpose.

The regulations in this Part provide guidelines and procedures for the establishment, operation, and duration of all committees, except advisory committees, under the jurisdiction of the Department, and also cover Department liaison members on other committees.

§ 25a.34 Policy.

It shall be the policy of the Department to maintain control over the establishment and use of all committee. The number of such committees shall be held at the absolute minimum required for effective program operation and compliance with various provisions of law.

§ 25a.35 Definitions.

As used herein, terms are defined as follows:

(a) *Committee.*—Any committee, subcommittee, board, commission, or body other than an advisory committee (as defined in § 25.3 of this Title).

(b) *Interagency Committee.*—Any committee made up wholly of fulltime Government officers or employees of more than one department or agency, which is expected to be in existence for more than twelve months.

(c) *Departmental Committee.*—Any committee composed exclusively of representatives of two or more agencies of the Department.

(d) *Agency Committee.*—Any committee composed exclusively of members

from a single agency of the Department.

(e) *Liaison Membership.*—Departmental representation by the Secretary or his designated representative on committees, councils, boards, and similar bodies established by law, Executive Order, or by Presidential direction and not sponsored by the Department. Such membership may relate to international, government, or nongovernment activities, but excludes association with professional, fraternal, civil or similar types of nongovernment groups.

Subpart B—Responsibilities

§ 25a.38 Department.

(a) The Director, Economics, Policy Analysis and Budget, is the Committee Management Officer of the Department. He is responsible for:

(1) Exercising control and supervision over the establishment, procedures, and accomplishments of all committees under the jurisdiction of the Department.

(2) Assigning responsibility for the assembling and maintenance of the reports, records, and other papers or committees during their existence.

(b) The Office of Budget, Planning and Evaluation provides staff assistance for the Committee Management Officer by:

(1) Maintaining systematic information on the nature, functions and operations of each Department committee.

(2) Providing advice and guidance on the establishment, renewal, utilization, management, and reporting of all types of committees throughout the Department.

§ 25a.39 Agencies.

The head of each agency engaged in committee activity shall be responsible for providing an orderly procedure for:

(a) Establishing or terminating committees and providing guidelines for the selection of members.

(b) Adhering to law and regulations governing the use of committees.

(c) Designating for each committee a central location for the assembling and maintenance of the reports, records, and other papers of the committee.

(d) Periodic review of committee activities.

(e) Maintenance of an adequate committee control system. This includes maintaining records of:

(1) All interagency committees which the agency has established or chairs.

(2) All Departmental committees which the agency has established or chairs.

(3) All agency committees.

(4) All liaison memberships held by officials or employees of an agency as designees of the Secretary for committees not established or sponsored by the Department.

Subpart C—Establishment of Committees

§ 25a.42 Establishment of committees.

(a) *Committees not under Federal Advisory Committee Act.* Committees may be established which have public members but do not perform an advisory function (e.g., Honor Awards Committee). Agencies desiring to establish such a committee shall consult with the Committee Management Officer and prepare a Secretary's Memorandum. Members are required to receive clearance (§ 25.16 of this chapter). No charter is required. The committee shall terminate not later than two years after its establishment.

(b) *Interagency committees.* Interagency committees shall be established only after exchange of letters between the participating agencies. A Secretary's Memorandum shall be drafted to formalize or publicize committee activities of major importance. No charter is required.

(c) *Departmental committees.* Other Departmental committees may be authorized by the sponsoring agency in accordance with agency regulations.

(d) *Agency committees.* Agency regulations shall provide for the establishment, conduct, and termination of agency committees.

Subpart D—Reporting and Records

§ 25a.45 Committee control system.

(a) *Responsibility.* Each agency head shall designate an official to be responsible for the maintenance of central control records of all Departmental agency and interagency committees which the agency sponsors or provides support services for including liaison memberships. Such records shall be kept current at all times and shall include:

(1) Minutes of committee proceedings.

(2) Copies of press releases and committee reports.

(3) Any other working papers properly a part of committee or subcommittee records. Agencies shall be prepared to furnish information on these committees upon request. Each agency sponsoring a committee shall provide the support services for that committee.

§ 25a.46 Financial records.

(a) Each agency, through the official responsible for committee management, shall maintain up-to-date records which disclose the disposition of funds made available to interagency committees which it sponsors, establishes, or chairs. These records shall be available for inspection and audit by officials of the Department and the Comptroller General or his representatives.

(b) When it appears that committee expenses will exceed the estimates by 10 percent or more, prior approval of payment of such additional expenses shall be obtained from the Committee Management Officer. A memorandum shall be routed through the Office of Budget, Planning and Evaluation justifying such increased expense estimates and requesting approval. The agency shall be notified of the disposition of the request by the Office of Budget, Planning and Evaluation.

Subpart E—Liaison Membership

§ 25a.49 Policy.

(a) The Secretary may, at his discretion, designate a representative and alternate representative to bodies on which the Department maintains liaison membership. Only such authorized representatives or alternates as the Secretary designates may attend meetings of such bodies for the Department. The delegation of authority to represent the Department provided to the Secretary's representative and alternate may not be redelegated.

(b) When it is impossible for either the representative or alternate to attend the regular meetings of these bodies, the Office of the Secretary should be notified in sufficient time to make necessary arrangements.

§ 25a.50 Procedure.

(a) When the Secretary's representative and alternate on a Government-wide council, commission, or similar body are officials of the Office of the Secretary, the representative and alternate shall notify the Committee Management Officer of their designation. The Office of Budget, Planning and Evaluation shall provide the Committee Management Officer with all necessary staff assistance.

(b) When the Secretary's representative and alternate are agency officials, the representative's agency shall carry out the following procedure.

(1) Prepare a letter for the Secretary's signature informing the Chairman, Executive Director, or similar appropriate official of the body in question of the designation of the Department's representative and alternate.

(2) Route the above materials to the Office of Budget, Planning and Evaluation for appropriate review and clearance.

(3) Maintain a current listing of all such liaison memberships held by agency officials. If an agency official can no longer maintain such a liaison membership, immediately inform the Office of Budget, Planning and Evaluation so that action to appoint a new representative may be taken.

Dated: December 6, 1977.

HOWARD W. HJORT,
Director, Economics, Policy Analysis and Budget.

[FR Doc.77-35317 Filed 12-9-77;8:45 am]

[1505-01]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

CIGAR TOBACCO

Correction

In FR Doc. 77-34822 appearing at page 61592 in the issue for Tuesday, December 6, 1977, in the Supplementary Information paragraph, the last sentence states that no favorable comments were received. It should have read "No unfavorable comments have been received."

proposed rules

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

[4310–02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 231]

ELECTRIC POWER SYSTEM

Colorado River Irrigation Project, Arizona

NOVEMBER 30, 1977.

AGENCY: Bureau of Indian Affairs, Department of the Interior:

ACTION: Notice of proposed revision of rates.

SUMMARY: The purpose of the proposed revision is to increase the four power rate schedules and to change the wording of §§ 231.5, 231.16, 231.22 and 231.23 to conform to the actual cost of services provided. Present revenues are inadequate to meet expenses. As of July 31, 1977 the project has a credit cash balance of $534,191.23 and this credit balance will continue to increase at a rate of $30,000 to $40,000 per month until the proposed rates are in effect. This problem has been caused by the continuing inflation of labor and material and the withdrawal of Colorado River Storage Project power and energy by the Bureau of Reclamation. The need to replace this power and energy from another more expensive source, Arizona Public Service Company, has caused the Colorado River Irrigation Project Power expenses to increase 196 percent.

DATES: Comments must be received on or before December 27, 1977.

ADDRESS: Send comments to: Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, NW., Code 210, Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Charles P. Corke, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone 202–343–2287.

SUPPLEMENTARY INFORMATION: Authority for this notice has been delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 230 DM 2. The purpose of the proposed revision is to increase the four power rate schedules and to change the wording of §§ 231.5, 231.16, 231.22 and 231.23 to conform to the actual cost of services provided.

The principal author of this document is Charles P. Corke, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone number (202) 343–2287.

NOTE.—The Assistant Secretary for Indian Affairs 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 No. A–107.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise §§ 231.5, 231.16, 231.22, 231.23, 231.51, 231.52, 231.53 and 231.54 of Part 231, Subchapter U, Chapter I, of Title 25 of Code of Federal Regulations. This revision is proposed pursuant to the authority contained in 5 U.S.C. 301 (1970 ed.) Section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210–211).

Below is a brief description of the reason for each of the subject changes.

In § 231.5: The $20.00 cash deposit was changed to $50.00 because the $20.00 deposit does not now cover the average customer's estimated monthly bill.

In § 231.16(h) through § 231.16(o): These parts were added to enable the project to recover the costs of testing meters of customers requesting such tests where the meter is found to not be faulty. This also enables the project to credit the customer's account or bill the customer in the event of an over-charge or under-charge for faulty or incorrectly installed meters.

In §§ 231.22(c) and 231.23(a): The $10.00 amount for reconnect charges was changed to $15.00 to reflect actual costs. The purpose of revising §§ 231.51 through 231.54 is to provide additional power revenue to meet the increased cost of purchased power, operation and maintenance costs and to repay the indebtedness the power unit has incurred since the unit started purchasing power from Arizona Public Service Company to compensate for the power and energy withdrawn by the Colorado River Storage Project and for the increase in rates for power and energy purchased from the Bureau of Reclamation. It is proposed to accomplish this by increasing the rates for all customers and adding an installation charge for dusk-to-dawn lights. Paragraph (d), Purchase Power Cost Adjustment, was changed to Fuel Cost Adjustment, because this is a cost by Arizona Public Service Company added on to the project's bill for APS fuel cost charges which they pass on to their customers. These charges change each month.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Assistant Secretary for Indian Affairs, Washington, D.C. 20245 on or before December 27, 1977. It is proposed to amend Part 231, Subchapter U, Chapter I, of Title 25 of the Code of Federal Regulations as follows:

1. By revising § 231.5 to read as follows:

§ 231.5 Cash deposits.

A cash deposit or other form of guarantee in advance, in an amount of twice the estimated monthly bill, but not less than $50, will be required from all consumers except tribal, city, county, State, or Federal agencies. Where service to a consumer requires the construction of extensions beyond existing service lines, the consumer may be required by the Officer-in-Charge to deposit in advance an amount equal to one year's estimated billing.

2. By revising the title of § 231.16 and adding paragraphs (i) through (o) to read as follows:

§ 231.16 Location and installation of meters and metering.

* * * * *

(i) Customer's responsibility. The customer shall exercise reasonable care in protecting the Project's meter and other Project-owned equipment located on his premises. Only Project employees or agencies, or persons authorized by law are permitted to inspect or handle same.

(j) Regularly scheduled meter tests shall be in accordance with the American National Standards Institute (ANSI) Code for Electricity Metering.

(k) Special meter tests. On request of a customer, the Project should within 10 days after receipt of such request, make special meter tests. The customer shall bear the cost of such tests, including meter removal and replacement when the meter is found to be within the limits of acceptable accuracy as defined in paragraphs (k) and (l) below. Such costs shall be a charge of $30.00. In all other cases, the Project will bear the cost of the test.

(l) Replacement of Meter. Whenever a customer requests the replacement of the service meter because of accuracy, such request shall be treated as a request for a test of such meter and, as such, shall fall under the provision of special meter tests.

(m) Standard of meter accuracy. The Project shall not place in service or knowingly allow to remain in service without adjustment any meter that has known error in registration of more than plus or minus two percent at light or at

full load and unity power factor or more than plus or minus three percent at full load and fifty percent power factor.

(n) Adjustment for inaccurate meter registration. Whenever a tested meter in service is found to be fast or slow beyond the limit of accepted accuracy as defined, the Project shall make an adjustment, based on the corrected registration for the period in which the meter was registering incorrectly, if such period is known, and if not known for a period of not exceeding six months, but in no event for a period longer than the present customer's occupany. Whenever any bill or bills have been adjusted or corrected as provided above and whenever such adjustment amounts to $1.00 or more, the Project shall credit to the customer any amount found to have been collected in excess of the proper amount, or the Project may require the customer to pay any additional amount due, as the case may be.

(o) Incorrect meter installation. Whenever any customer shall have been over-charged or under-charged as a result of incorrect installation of a meter or the use of an incorrect meter multiplier in billing the account, the amount of the over-charge shall be adjusted and credited to the customer, if in excess of $1.00 or the amount of the under-charge may be adjusted and billed to the customer if in excess of $5.00, provided that in no event shall such period of adjustment exceed the length of time the service has been supplied to the customer through the incorrect metering installation at the present location.

3. By revising § 231.22(c) to read as follows:

§ 231.22 Bills.

* * * * *

(c) Bills for a connection or reconnection service, the payments for deposits shall be paid before service is connected or reconnected. Reconnection service will be performed on advance payment of $15.00 during normal working hours, or $15.00 plus overtime expenses during non-work hours.

* * * * *

4. By revising § 231.23(a) to read as follows:

§ 231.23 Discontinuance of service on failure to pay bills.

(a) Bills are due and payable upon receipt. On failure of the consumer to pay his bill for electric service within 15 days after billing date, the Officer-in-Charge shall discontinue the supply of energy, and service to the same customer will not be resumed at the same or at any other location until the consumer has paid all bills then due, plus a reconnection charge of $15.00 during normal work works, or $15.00 plus overtime expenses during non-work hours.

* * * * *

5. By revising § 231.51 to read as follows:

§ 231.51 Rate Schedule No. 1—Residential Rate.

(a) *Application.* This schedule applies to electrical service required for residential purposes in individual private dwellings and in individually metered apartments delivered through one meter to a customer at one premise either urban or rural, for domestic use only. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Type of Service.* Single phase, 60 cycle, 120/240 votes.

(c) *Monthly Rate.* (1) $6.00 for the first 100 kilowatt-hours or less.

(2) 4.6 cents per kilowatt-hour for the next 300 kilowatt-hours.

(3) 4.0 cents per kilowatt-hour for the next 800 kilowatt-hours.

(4) 3.0 cents per kilowatt-hour for all additional kilowatt-hours.

(d) *Fuel costs adjustment.* An adjustment shall be added to each kilowatt-hour used equal to the estimated average purchase power adjustment paid by the project to the Project's Power supplier:

6. By revising § 231.52 to read as follows:

§ 231.52 Rate Schedule No. 2—Commercial Rate.

(a) *Application.* This schedule applies to service required by commercial and industrial customers for all uses when such service is supplied at one point of delivery and measured through one meter. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Type of service.* Single or three phase, 60 cycle, at one standard voltage (120/240, 120/208, 277/480, or 480 volts).

(c) *Monthly rate.* (1) $6.00 for the first 100 kilowatt-hours or less.

(2) 4.6 cents per kilowatt-hour for the next 900 kilowatt-hours.

(3) 3.7 cents per kilowatt-hour for the next 4,000 kilowatt-hours.

(4) 2.8 cents per kilowatt-hour for all additional kilowatt-hours.

(d) *Demand charge.* (1) None for the first 5 kilowatts of billing demand.

(2) $2.50 per kilowatt for all billing demand over 5 kilowatts.

(e) *Minimum charge.* (1) $8.00 or $2.00 per kilowatt of billing demand for billing demands over 5 kilowatts, or the amount specified in the contract whichever is greater, except where the Officer-in-Charge determines that the customer's requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period.

(f) *Billing demand.* The highest 15 minute integrated demand in kilowatts occurring during the month or the demand specified in a contract whichever is greater.

(g) *Fuel cost adjustment.* An adjustment shall be added to each kilowatt-hour used equal to the estimated average purchased power adjustment paid by the project to the Project's power suppliers.

7. By revising § 231.53 to read as follows:

§ 231.53 Rate Schedule No. 3—Irrigation Pumping Rate.

(a) *Application.* This schedule shall apply to power used for pumping of irrigation water for irrigation systems when such service is supplied at one point of delivery and measured through one meter and is approved by the Officer-in-Charge. Use must be limited to the consumer's premises and must not be resold.

(b) *Type of service.* Three phase, 60 cycle at one standard voltage (208, 240 or 480 volts).

(c) *Monthly rate.* (1) Energy charge: 1.7 cents per kilowatt-hour.

(2) Demand charge: $1.50 per kilowatt of billing demand.

(3) Minimum charge: $1.50 per kilowatt of billing demand.

8. By revising § 231.54 to read as follows:

§ 231.54 Rate Schedule No. 4—Street and Area Lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, school yards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate and maintain the lighting system, including normal lamp and globe replacement.

(b) *Monthly rate.*

Lamps	Per lamp—	
	Metered	Unmetered
1. 175 W, mercury vapor (approximately 6,500 lm)	$5.00	$6.00
2. 250 W, mercury vapor (approximately 10,000 lm)	6.30	7.70
3. 400 W, mercury vapor (approximately 18,000 lm)	8.60	10.90

(c) *Minimum term of service.* The minimum term of service will be twelve months, payable in advance. This advance payment may be waived by the Officer-in-Charge.

(d) *Installation charges.* The customer will be required to pay the total installation costs including labor and material as determined by the Officer-in-Charge. This will be a non-refundable charge. Ownership of all facilities will remain with the Project, including lamp and globe replacement.

FORREST J. GERARD,
Assistant Secretary for Indian Affairs.

[FR Doc.77-35332 Filed 12-9-77;8:45 am]

[8320–01]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Determinations of Incompetency and Competency

AGENCY: Veterans Administration.

ACTION: Proposed rulemaking.

SUMMARY: The Veterans Administration proposes regulatory authority establishing the effective dates of incompetency determinations. The effective date of an incompetency determination shall be the date the incompetency determination is made. The effective date of a competency determination shall be the date shown by the evidence of record that competency was regained. The need for this authority was brought to light by a Veterans Administration field office request for advice. The effect of the new rules will be to establish a uniform effective date rule for incompetency and competency determinations. In a few cases overpayments will be eliminated.

DATES: Comments must be received on or before January 9, 1978. It is proposed to make this change effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until January 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. T. H. Spindle, Jr., (211B) 202–389–3005.

SUPPLEMENTARY INFORMATION: Most of our Veterans Administration regional office rating boards establish the effective date of an incompetency or competency determination on the facts found. That is, the date shown by the evidence of record is used as the effective date of the incompetency or competency determination. This is customary procedure; there is no statutory or regulatory authority directing use of the facts found rule.

Use of the facts found rule results in a retroactive incompetency effective date. This is because a period of time must elapse for the receipt of medical evidence of incompetency. The beneficiary must also be given notice of the proposed incompetency determination and of his or her right to a hearing before the incompetency determination is made. A retroactive incompetency effective date can result in an overpayment when 38 U.S.C. 320(b)(1) is for application.

Section 3203(b)(1), title 38, U.S.C. provides that when a veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge by the United States or one of its political subdivisions, is rated incompetent by reason of mental illness, and his or her estate from any source equals or exceeds $1,500, further payments of pension, compensation, or emergency officers' retirement pay shall not be made until the estate is reduced to $500. If the veteran regains competency, any amounts withheld under 38 U.S.C. 3203(b)(1) are paid to the veteran 6 months after competency is regained.

When 38 U.S.C. 3203(b)(1) is for application a retroactive incompetency effective date can cause an overpayment if during such retroactive period the veteran's estate exceeds $1,500. This change will eliminate these overpayments and provide a uniform rule for establishing incompetency effective dates.

We are authorizing the facts found rule for establishing the effective date of a determination restoring competency. This will be to the veteran's advantage since any amounts withheld under 38 U.S.C. 3203(b)(1) are paid to the veteran 6 months after a finding that competency has been regained.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until January 19, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

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

Approved: December 5, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In §3.400, paragraphs (x) and (y) are added to read as follows:

§ 3.400 General.

Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, which ever is the later. (38 U.S.C. 3010 (a))

* * * * *

(x) *Effective date of determination of incompetency* (*§3.353*). Date of rating of incompetency.

(y) *Effective date of determination restoring competency* (*§ 3.353*). Date shown by evidence of record that competency was regained.

[FR Doc.77-35388 Filed 12-9-77;8:45 am]

[6712–01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21489; FCC 77-813]

SUBSCRIPTION TELEVISION

Repeal of Programming Restrictions

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action announces the proposed deletion of an FCC rule that restricts which sports events can be presented on subscription television ("STV"), forbids commercial advertising on STV, and provides that not more than 90 percent of an STV station's programming can consist of sports and films combined. The rule to be deleted is identical to a pay cable rule the adoption of which was vacated by the U.S. Court of Appeals (D.C. Cir.), in a case which the U.S. Supreme Court decided not to review. Because of the similar foundations for these rules the Commission wishes to explore whether the STV rule should now be deleted.

DATES: Comments must be filed on or before January 16, 1978, and reply comments on or before February 6, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 30, 1977.

Released: December 7, 1977.

In the matter of repeal of programming restrictions on subscription television, Docket No. 21489.

1. The Commission's Rules and Regulations contained rules restricting the presentation of certain sports events, and feature films, prohibiting commercial advertising and limiting sports and films combined to 90 percent of an STV station's programming on subscription television ("STV") and pay cable. Both sets of rules had similar provisions and were adopted for parallel reasons. On March 25, 1977, the U.S. Court of Appeals, D.C Circuit, vacated the pay cable restrictions in these respects, but not the subscription televison restrictions. *Home Box Office* v. *F.C.C.*, Case No. 75–1280 et al. The Commission petitioned for a

writ of certiorari to obtain supreme Court review of the judgment in part. No review was sought of the vacated cable television movie restrictions, and in fact the Commission adopted a Notice of Proposed Rule Making, 42 FR 34341, in Docket No. 21311, proposing repeal of the feature film restrictions on STV as well.[1] This proposal was based on the similarities in the intent and effect of the STV and pay cable rules. Both reflected the Commission's basic anti-siphoning policy.[2]

2. Before resolving what action to take regarding the parallel rules for STV, the Commission decided to await a decision by the U.S. Supreme Court on whether we have the authority to adopt pay cable rules limiting certain sports presentations, forbidding commercial advertising and limiting sports and films combined to 90 percent of programming. By letter dated October 3, 1977, the Commission was informed that its petition for a writ of certiorari was denied, leaving in effect the Court of Appeals decision vacating those pay cable programming restrictions.[3] Unless there is a justification for applying the parallel regulations on programming aired on STV when such do not apply to pay cable, there is no reason to maintain the STV restrictions.

3. With this in mind, comments are invited on whether there is any justification for retaining the STV restrictions embodied in § 73.643(b), (c) and (d) or whether in light of the fact that the parallel pay cable provisions have been vacated we should simply delete these STV provisions. Other statements which would be pertinent to the issue at hand are also welcomed.

4. Accordingly, it is proposed, That § 73.643 of the Commission's rules and regulations, be amended by deletion of paragraphs (b), (c) and (d) and by relettering paragraphs (e) and (f) as paragraphs (a) and (b).[4]

5. Pursuant to the applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments on or before January 16, 1978, and reply comments on or before February 6, 1978. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such reply comments shall be accompanied by a certificate of service.

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

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

8. Authority for the actions taken herein is contained in sections 2, 4(i), 301, and 303 of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-35406 Filed 12-7-77;8:45 am]

[1] The STV restrictions on the presentation of feature films is contained in § 73.643(a) of the Commission's rules.

[2] The anti-siphoning policy refers to the Commission's effort to prevent the loss of popular television programs to the general viewing audience as a result of being siphoned away from free television to pay services available to only a minority at a direct out of pocket cost.

[3] A petition for rehearing of the denial of certiorari is pending. However, in view of the denial of the original petition, it seems appropriate for the Commission to begin to consider what should be done with the STV rules in the event the parallel pay cable rules cannot be successfully reinstated following action by the Supreme Court.

[4] Paragraph (a) of § 73.643 of the rules was proposed for deletion in the above-mentioned Notice of Proposed Rule Making released in Docket No. 21311.

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 192, 195]

[Notice 77-7, Docket No. 77-10]

TRANSPORTATION OF HAZARDOUS GAS OR LIQUID BY PIPELINE

Qualification and Design of Steel Pipe

AGENCY: Office of Pipeline Safety Operations (OPSO).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice proposes to update the existing incorporation by reference of API Standard 5LS, "API Specification for Spiral-Weld Line Pipe," and API Standard 5LX, "API Specification for High-Test Line Pipe," to include in Part 192, the March 1976 Supplement and the 1977 edition of each document and in Part 195, the 1977 edition of each document.

DATE: Comments must be received by January 12, 1978. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at OPSO Docket Room 6500.

FOR FURTHER INFORMATION CONTACT:

Peggy Hammond, 202-426-0135.

SUPPLEMENTARY INFORMATION: New steel pipe qualifies for use under Part 192 if it is manufactured in accordance with a listed edition of a pipe specification listed in Section I of Appendix B to Part 192. At present, the 1975 edition is the latest listed edition of API Standard 5LS and API Standard 5LX. Pipe manufactured to a later published edition of a listed specification cannot be used under Part 192 until that edition is accepted and listed in Section I of Appendix B. Similarly, in Part 195, the 1975 edition is the latest edition of 5LS and 5LX referenced in § 195.106 regarding pipe design pressure.

By petition dated August 29, 1977, (Docket No. 77 10) the American Society of Mechanical Engineers (ASME) requested that the 1976 Supplements and the 1977 editions of API Standards 5LS and 5LX be incorporated by reference in Part 192 to permit the use of Grade X-70 pipe in the transportation of gas. Pending the incorporation by reference of these documents, Grade X-70 pipe is projected for use in the pipeline proposed by the Alcan Pipeline Company to transport Alaskan natural gas from the North Slope to the lower 48 States. This project was recently approved by Congress and the President in accordance with the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719).

OPSO concurs with ASME's position that both operating experience and test results, as discussed below, demonstrate that Grade X-70 pipe is acceptable for use in gas pipelines. OPSO believes that without any reduction in safety, the new material, which results in thinner walled pipe, will be more economical to use for certain installations than other grades of lower strength pipe which are now acceptable under Part 192.

The information submitted by ASME indicates that in Canada, the Alberta Trunkline System has used Grade X-70 pipe successfully since 1971. This pipeline has been hydrostatically tested without failure to as high as 1.25 times the maximum allowable operating pressure.

In the United States, the Columbia Gas Transmission Corporation participated in 1974 with the Bethlehem Steel Corporation in an experimental project involving 4,800 feet of 36-inch, .385-inch, Grade X-70 pipe. The project was to gain experience with new mill practices in the production of the higher strength, tougher steel and in field welding and bending of the Grade X-70 pipe. Columbia's report on the project (a copy of which is in the Docket) shows the following results:

1. The yield strengths of all four heats of steel used for the project exceeded 70,000 psi by at least 4,900 psi and as much as 14,500 psi, depending on the heat and test method used (strap or ring).

2. Fracture toughness properties were excellent. Drop Weight Tear Tests on all four heats exhibited 100 percent shear appearance at 0°F (−18°C). Also, the ⅔ Charpy V-Notch tests showed impact energies ranging from 44 to 56 ft.-lbs. (59.5 to 75.7 Joules) at 0°F (−18°C).

These results were far above the levels necessary to prevent a long propagating brittle or shear fracture in the pipe used in the experimental project.

3. No significant problems were encountered in girth welding, bending, or other field construction activities, including the qualification of Grade X–70 welding electrodes.

4. The pipeline was hydrostatically tested without failure to a minimum of 101 percent of the specified minimum yield strength (SMYS) and a maximum of 106 percent of SMYS.

As a further indication of the integrity of Grade X–70 pipe, the information submitted by ASME shows that in 1975, Italy, one of the largest manufacturers of X–70 pipe, produced over 400,000 tons with impact energies of 44.3 ft.-lbs. (60 Joules) at 32°F (0°C) and 29.5 ft.-lbs. (40 Joules) at −40°F (−40°C). One year earlier, similarly produced X–70 pipe had impact energies as high as 84.4 ft.-lbs. (115 Joules) at −40°F (−40°C) for thicknesses up to 1.28 in. (32 mm).

In addition to providing for the use of Grade X–70 pipe, the 1976 Supplements or 1977 editions of 5LS and 5LX contain a few other significant changes from earlier editions:

1. Paragraph 4.15 of 5LS and 5LX contains a new weld testing requirement to improve quality control. Under this requirement, each time welding is stopped during production of multiple length pipe, a flattening test must be performed on a test sample taken from the 90° position at the weld.

2. Paragraph 4.17 of 5LS also contains a new weld testing requirement. It provides that for each lot of 50 lengths or less of each size, wall thickness, or grade of pipe containing skelp-end-welds, one skelp-end-weld must be tested by the tensile elongation test or the guided bend test.

3. Under paragraph 8.5(f) of 5LS and 5LX, the term "depth of groove" is defined to clarify former ambiguities in depth measurement when internal weld beads are removed.

4. The procedure for repairing defects which occur during the manufacturing process is changed in paragraph 8.9 of 5LS and 5LX. The change, which is intended to reduce the stress in repair areas, requires that where the orientation of the defect permits, "the repair weld shall be placed in the circumferential direction."

In conjunction with the proposal to incorporate by reference the latest editions of 5LS and 5LX, the introductory language in Section II of Appendix A to Part 192. in Section I of Appendix B to Part 192, and in § 195.3(a) would also be amended. These amendments, which are editorial changes, would remove the present "July 1, 1976" deadline on the applicability of earlier listed editions of documents incorporated by reference. As a result, operators would be permitted to use available components which are manufactured, designed, or installed in accordance with the earlier editions, (regardless of the date involved) as long as the manufacture, design, or installation in accordance with the earlier editions of the relevant document is adopted. This change would be necessary, for example, for operators to use pipe under Part 192 made in accordance with the 1976 Supplement to the 1975 edition of 5LS or 5LX if both the Supplements and the 1977 editions of those documents are adopted as proposed by this Notice.

IMPACT EVALUATION: OPSO has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under E.O. 11821, as amended, and OMB Cir. A–107.

PRINCIPAL AUTHORS

L. M. Furrow, A. O. Garcia, and R. L. Beauregard.

In consideration of the foregoing, it is proposed that Parts 192 and 195 be amended as follows:

1. Section II of Appendix A to Part 192 would be amended to read as follows:

APPENDIX A—INCORPORATED BY REFERENCE

* * * * *

II. *Documents incorporated by reference.* Numbers in parentheses indicate applicable editions. Only the latest listed edition applies except that an earlier listed edition may be followed with respect to pipe or components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

A. * * *

* * * * *

(5) API Standard 5LS "API Specification for Spiral-Weld Line Pipe" (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

(6) API Standard 5LX "API Specification for High-Test Line Pipe" (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

* * * * *

2. Section I of Appendix B to Part 192 would be amended to read as follows:

APPENDIX B—QUALIFICATION OF PIPE

I. *Listed Pipe Specifications.* Numbers in parentheses indicate applicable editions. Only the latest listed edition applies except that an earlier listed edition may be followed with respect to pipe or components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

* * * * *

API 5LS, Steel pipe (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

API 5LX. Steel pipe (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

* * * * *

(Sec. 3, Pub. L. 90–481, 82 Stat. 721, (49 U.S.C. 1672); for offshore gathering lines, sec. 105, Pub. L. 93–633, 88 Stat. 2157, (49 U.S.C. 1804); 49 CFR 1.53.)

3. Sections 195.3 (a) and (c)(1) (iv) and (v) would be amended to read as follows:

§ 195.3 Matter incorporated by reference.

(a) There are incorporated by reference in this part all materials referred to in this part that are not set forth in full in this part. These materials are hereby made a part of this regulation. Applicable editions are listed in paragraph (c) of this section in parentheses following the title of the referenced material. Only the latest listed edition applies, except that an earlier listed edition may be followed with respect to components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

* * * * *

(c) * * *

(1) * * *

(iv) API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1969, 1975, and 1977).

(v) API Specification 5LX "API Specification for High-Test Line Pipe" (1969, 1975, and 1977).

* * * * *

(Secs. 6, Pub. L. 89–670, 80 Stat. 937, (48 U.S.C. 1655); (18 U.S.C. 831–835); 49 CFR 1.53.)

Issued in Washington, D.C., on December 7, 1977.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77-35439 Filed 12-9-77;8:45 am]

[4910–13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77–NW–28–AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed Airworthiness Directive (AD) would establish a requirement for inspections of the emergency escape slide cool gas generator system. The proposed AD is intended to remove from service cool gas generator propellant cartridges which may be defective and explode on actuation of the emergency escape slide system.

DATES: Comments must be received on or before January 13, 1978.

ADDRESSES: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, attention: Airworthiness Rules Docket, Docket No. 77–NW–28–AD, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Starkel, Airframe Section, ANW–212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, 206–767–2516.

SUPPLEMENTARY INFORMATION: During a routine firing of a emergency evacuation slide by an operator, a violent ejection of the breech closure from the cool gas generator occurred. Several injuries and one fatality resulted. A test program was initiated to determine the cause of failure. Recent tests have indicated that the failure is the result of the swelling of the cool gas generator propellant cartridge. Since swollen cartridges which could cause similar occurrences may be in service, an AD is being proposed to require an inspection program of the cool gas generator system on all Boeing 747s which have this system installed and to require reduced life limits for these cartridges.

DRAFTING INFORMATION

The principal authors of this document are Joseph M. Starkel, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by ading the following new Airworthiness Directive:

BOEING. Applies to all Boeing 747 airplanes which incorporate cool gas generators in their emergency escape slide systems. Accomplish the following:

A. Unless already accomplished, inspect each cool gas generator propellant cartridge installed on an airplane in accordance with paragraph C prior to accumulation of 6000 flight hours or 4 years time installed on an airplane, whichever is sooner.

For those cartridges which have accumulated, or will have accumulated before March 1, 1978, more than 6000 flight hours or 4 years time installed on an airplane, compliance may be delayed but must be accomplished by March 1, 1978.

B. After March 1, 1978, inspect all cool gas generator propellant cartridges installed on airplanes at intervals not to exceed one year or 3000 flight hours, whichever is sooner.

C. Inspect in accordance with Section III of Boeing Service Bulletin 747-25-2373. Cartridges exceeding the limits of Rocket Research Company (RRC) Service Bulletin 25-015 (RRC SB-0016) dated 5 August 1977, or later FAA approved revisions, are to be removed from service.

D. After the effective date of this AD, all cartridges to be installed in an airplane emergency escape slide evacuation system must be inspected per paragraph C no earlier than 180 days prior to such installation.

E. After March 1, 1979, remove from service all cartridges that have accumulated 3 years time installed on an airplane.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

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

Issued in Seattle, Wash., on December 2, 1977.

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

[FR Doc.77-35251 Filed 12-9-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-20]

TRANSITION AREA, NEOSHO, MISSOURI

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Neosho, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Neosho, Missouri Memorial Airport which is based on the Neosho, Missouri, VOR.

DATES: Comments must be received on or before January 16, 1978.

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

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

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

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before January 16, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart C, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Neoso, Missouri. To enhance airport usage a straight-in instrument procedure to the Neosho, Missouri Memorial Airport is being established, based on an existing navigational aid, the Neosho, Missouri, VOR. The establishment of an instrument approach precedure based on this navigational aid entails alteration of the transition area at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided additional controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR). Section 71.181, pertaining to transition areas was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

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

NEOSHO, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 094°23'15" W.) and within 2 miles each side of Neosho, Missouri VOR 310° radial, extending from the 5 mile radius area to 8 miles northwest of the VOR; and within 2½ miles each side of the 012° bearing, from the Neosho Memorial Airport extending from the 5 mile radius area to 6 miles north of the airport.

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

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

Issued in Kansas City, Missouri, on December 1, 1977.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.77-35245 Filed 12-9-77;8:45 am]

[4910-13]

[14 CFR Part 137]

[Docket No. 14621; Notice No. 77-28]

AGRICULTURAL AIRCRAFT OPERATIONS

Special VFR Night Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the regulations pertaining to agricultural aircraft operators by permitting special VFR night operations without complying with certain instrument flight requirements. The FAA considers the current instrument flight requirements for special VFR night operations to be unnecessary and impractical for agricultural flights and believes it would be in the public interest if these requirements were eliminated.

DATE: Comments must be received on or before February 10, 1978.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 14621, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8716.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before February 10, 1978, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

BACKGROUND

Section 91.107(e) of the Federal Aviation Regulations (FARs) specifies that no person may operate an aircraft (other than a helicopter) in a control zone under appropriate special VFR weather minimums, between sunset and sunrise, unless that person meets the applicable requirements for instrument flight under Part 61 of the FARs and the aircraft is equipped as required by § 91.33(d).

On April 25, 1975, the California Agricultural Aircraft Association, Inc., petitioned the Administrator of the Federal Aviation Administration, under the rulemaking provisions of Part 11 of the FARs, to amend Part 137 by permitting special VFR night operations without regard to the requirements of § 91.107(e).

Prior to the addition of § 91.107(e), many agricultural aircraft operators conducted special VFR night operations with an appropriate air traffic control authorization as required by § 137.43. However, when the special VFR rules were amended in June of 1972 (37 FR 10435, May 23, 1972) with the addition of § 91.107(e), the instrument flight requirements contained in this provision served to reduce the number of special VFR agricultural operations conducted at night. This reduction in special VFR night operations was due to the fact that most agricultural aircraft are not equipped for IFR flight nor do the pilots who operate these aircraft maintain IFR currency. As a result of the problems generated by the requirements of § 91.107(e), many Part 137 operators sought and were granted certificates of waiver from these requirements in accordance with the provisions of § 91.63. Although the issuance of certificates of waiver permitted special VFR operations to be conducted at night without complying with the requirements of § 91.107(e), this procedure requires case by case determinations and involves considerable FAA and industry resources.

The FAA has determined that the petition filed by the California Agricultural Aircraft Association, Inc., discloses adequate reasons for the issuance of a notice of proposed rulemaking. The agency believes that the instrument flight requirements of § 91.107(e) are not necessary for agricultural aircraft operations conducted under Part 137. There have been no reported unsafe incidents involving special VFR night agricultural operations either before or after the adoption of § 91.107(e). In addition, the considerable time and expense required to process applications for certificates of waiver can be eliminated by the adoption of this proposal.

DRAFTING INFORMATION

The principal authors of this document are E. A. Ritter, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Part 137 of the Federal Aviation Regulations (14 CFR Part 137) by adding a new paragraph (c) to § 137.43 to read as follows:

§ 137.43 Airport traffic areas and control zones.

* * * * *

(c) Notwithstanding § 91.107(e) of this chapter, an aircraft may be operated in a control zone under special VFR weather minimums without meeting the requirements prescribed therein.

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

Issued in Washington, D.C., on December 2, 1977.

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

[FR Doc.77-35244 Filed 12-9-77;8:45 am]

[4910-13]

[14 CFR Parts 21, 36, and 91]

[Docket No. 15376; Reference Notice No. 77-23]

PROPOSED NOISE AND SONIC BOOM REQUIREMENTS FOR CIVIL SUPERSONIC AIRPLANES

Public Hearing and Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public hearing and extension of comment period.

SUMMARY: This notice announces an additional public hearing to be conducted on January 11 and 12, 1978, in Honolulu, Hawaii, to receive the views and comments of interested persons regarding the proposed amendments contained in Notice No. 77-23, regarding noise and sonic boom requirements for civil super-

sonic airplanes, and their relationship to the amendments recommended by the U.S. Environmental Protection Agency contained in Notice Nos. 75–15 and 76–1. Notice No. 77–23 was published October 13, 1977, in the FEDERAL REGISTER (42 FR 55176). Consistent with this action, the comment period for Notice 77–23 is extended from December 31, 1977 to January 31, 1978. The comment periods for Notices 75–15 and 76–1 are also extended to January 31, 1978 to coincide with the extended comment period for Notice 77–23.

DATES: Public hearing: January 11, 1978, at 6:30 p.m., and resuming at 8:30 a.m., January 12, 1978. Comments concerning Notices 75–15, 76–1, and 77–23 must be received on or before: January 31, 1978.

ADDRESSES: State Capital Auditorium, Chamber Level, 415 S. Beretania St., Honolulu, Hawaii 96813.

Make requests to be heard at the hearing to: Public Hearing on Notice No. 77–23, FAA Pacific-Asia Region, Attention: APC–3, P.O. Box 4009, Honolulu, Hawaii 96813, telephone 808–546–8643. Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–24), Docket No. 15376, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Tedrick, Program Management Branch (AEQ–220), Environmental Technical and Regulatory Division, Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202–755–9027.

SUPPLEMENTARY INFORMATION:

THE PUBLIC HEARING

On January 11 and 12, 1978, the Federal Aviation Administration (FAA) will hold an additional public hearing in Honolulu, Hawaii, at the location stated above, regarding proposed amendments to the Federal Aviation Regulations (14 CFR Chapter I). This hearing will afford interested persons the opportunity to prsent views, data, and arguments regarding the substance and issues raised in the proposals contained in Notice No. 77–23, entitled "Proposed Noise and Sonic Boom Requirements for Civil Supersonic Airplanes," which was published in the FEDERAL REGISTER on October 13, 1977 (42 FR 55176). In addition, presentations and comments are specifically invited on the relationship of those proposals to the amendments recommended by the U.S. Environmental Protection Agency (EPA) contained in Notice Nos. 75–15 (40 FR 14093; March 28, 1975) and 76–1 (41 FR 6270; February 12, 1976), which are currently being considered by the FAA under § 611(c) of the Federal Aviation Act of 1958, as amended. Presentations and comments are also invited on the draft environmetal impact statement prepared in conjunction with the notice.

The hearing will be convened at 6:30 p.m., January 11, 1978, and will be resumed at 8:30 a.m., January 12, 1978, at the same location. Additional hearings, if any, would be predicated upon the showing of substantial interest by civic parties in one or more of the other eleven cities identified in the Supplemental Draft Environmental Impact Statement issued October 11, 1977. Requests should be submitted to the FAA's Office of Environmental Quality on or before December 31, 1978.

HEARING PROCEDURE

The hearing will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At the hearing, FAA spokesmen will make a brief opening statement regarding the proposals contained in the notice. Since the hearing will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearing and to participate by making oral or written statements concerning the respective proposals. Written statements should be submitted in duplicate and will be made a part of the regulatory docket. Persons wishing to make oral statements at the hearing must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard at the hearing may be made by contacting the person identified above for that purpose.

WRITTEN COMMENTS TO THE RULES DOCKET INVITED

In addition to material presented for the purpose of the hearing, persons not participating in the hearing are invited to submit written comments to the regulatory docket established for the supplemental notice of proposed rule making. As stated in the notice, such written comments should identify the notice or docket number and be submitted in duplicate to the FAA Rules Docket at the address indicated above.

SCOPE OF INQUIRY

Notice No. 77–23 was issued by the FAA under § 611 of the Federal Aviation Act of 1958, as amended. The notice supplements FAA's review of several options for regulating the noise of civil supersonic airplanes proposed to the FAA by the U.S. Environmental Protection Agency (EPA) and previously published by the FAA pursuant to the Noise Control Act of 1972. These additional proposals would: (1) require all SSTs, except Concordes with flight time before January 1, 1980, to comply with the Stage 2 noise limits of Part 36 in order to operate in the United States; (2) prohibit modifications of current SST types that increase their noise; (3) place operational restrictions on SSTs that do not comply with the Stage 2 noise limits of Part 36; and (4) add procedures adapting the flight test conditions of Part 36 to supersonic airplanes. A proposal to protect United States coastal areas from sonic boom is also included. Those proposals respond to the public need for the control of sonic boom and of the noise of SSTs.

The notice presents the FAA's analysis of the background of the respective proposals and contains the material that is the subject of the public hearing. While all relevant comments are of interest, the FAA specifically invites statements or comments concerning the following:

(a) Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

(b) The views and positions of other Federal, State, and interstate agencies.

(c) Whether the proposed regulations would be consistent with the highest degree of safety in air commerce and air transportation in the public interest.

(d) Whether the proposed regulations would be—

(1) Economically reasonable;

(2) Technologicallly practicable; and

(3) Appropriate for the particular types of aircraft, aircraft engines, appliances, or certificates to which they would apply.

(e) The extent to which the proposed regulations would contribute to providing protection to the public health and welfare by carrying out the purposes of § 611 of the Federal Aviation Act of 1958, as amended.

(f) The overall environmental impacts of the proposed regulations (including environmental factors other than noise).

(g) The economic impact that might result because of adoption of the proposed rules.

Before taking further action under § 611 of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearing and all written statements and comments submitted to the regulatory docket. The specific terms and substance of proposals contained in the notice may be changed in the light of those statements and comments presented.

Transcripts of the hearing will be made and anvone may purchase copies from the reporter. A transcript of the hearing will be available for examination in the Rules Docket.

DRAFTING INFORMATION

The principal authors of this document are Richard N. Tedrick, Office of Environmental Quality Branch, and Richard W. Danforth, Office of the Chief Counsel.

EXTENSION OF COMMENT PERIODS

In order to permit public comment for a reasonable period following the public hearing, the comment period for Notice 77-23 is hereby extended to January 31, 1978. The issues involved in that notice may also affect decisions made in response to Environmental Protection Agency proposals contained in Notice No. 75-15, published in the FEDERAL REGISTER (40 FR 14093) and Notice No. 76-1, published in the FEDERAL REGISTER (41 FR 6270) on February 12, 1976. Therefore, the comment periods for those notices are also extended to Jnauary 31, 1978.

(Secs. 307, 313(a), 601(a), 603, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421(a), 1423, and 1431); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. § 1421 et. seq.); Executive Order 11514; March 5, 1970; 14 CFR 11.45; and 44 U.S.C. § 1508.)

Issued in Washington, D.C., on December 8, 1977.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR Doc.77-35601 Filed 12-9-77;9:40 am]

notices

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETING

Cancellation of Public Meeting

The December 13, 1977, meeting of the Shippers Advisory Committee, announced in the November 28, 1977, issue of the FEDERAL REGISTER (42 FR 60581) is canceled. The committee is established under marketing order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). At its meeting of December 6, 1977, the committee recommended amendment of the current regulations which it considers appropriate in the current supply situation, and requested that the meeting scheduled for December 13, 1977, be canceled.

Dated: December 8, 1977.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc. 77-35492 Filed 12-9-77; 8:45 am]

[3410-11]

Forest Service

MULTIPLE USE PLAN BIG HOLE PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Multiple Use Plan Big Hole Planning Unit, USDA-FS-R1(16)-FES-Adm-76-17.

The environmental statement concerns a proposed action to implement a revised Multiple Use Plan for the Big Hole Planning Unit, located on the Plains and Thompson Falls Ranger Districts, Lolo National Forest in Sanders County, Mont. The action affects 39,090 acres of National Forest Land. The plan recommends that 20,960 acres be managed in various combinations for recreation, esthetics, fisheries, wildlife, watershed, timber, and range. An area of 18,130 acres which will remain unroaded will be managed for recreation, esthetics, wildlife, and watershed.

The primary environmental effects involve the modification of natural conditions on 9,750 acres that are presently roadless. Roadless timber harvest to improve big-game habitat may occur on an additional 15,210 acres of the presently roadless lands. The major changes will be in the vegetative patterns and tree species resulting from management of the vegetative resources; the availability of products, employment, and services provided; and in the natural condition of vegetation, soil, water, and wildlife.

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

USDA, Forest Service, South Agriculture Building, room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.
USDA, Forest Service, Northern Region, Federal Building, 340 North Pattee, Missoula, Mont. 59801.
USDA, Forest Service, Lolo National Forest, Building 24, Fort Missoula, Missoula, Mont. 59801.
USDA, Forest Service, Plains Ranger District, Plains, Mont. 59859.
USDA, Forest Service, Thompson Falls Ranger District, Thompson Falls, Mont. 59873.
University of Montana, University Library, Documents Division, Missoula, Mont. 59801.
University of Montana, Forestry School Library, room 411, Science Complex, Missoula, Mont. 59801.
Missoula City, County Library, Washington and East Main, Missoula, Mont. 59801.

A limited number of single copies are available upon request to Orville L. Daniels, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, Mont. 59801.

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

R. MAX PETERSON,
Deputy Chief,
Forest Service.

DECEMBER 5, 1977.

[FR Doc. 77-35378 Filed 12-9-77; 8:45 am]

[3410-16]

Soil Conservation Service

GREEN HILLS R.C. & D. AREA CRITICAL AREA TREATMENT MEASURES, MO.

Intent to Not Prepare Environmental Impact Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guildelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines, (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Green Hills R.C. & D. Area Critical Area Treatment Measures in Harrison, Daviess, Caldwell, Mercer, Grundy, Livingston, Putnam, Sullivan, and Linn Counties, Mo.

The environmental assessment of this federally-assisted action indicates that the projects will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fencing, and grassed waterways.

The notice of intent to not prepare environmental impact statements has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties through the Soil Conservation Service, 555 Vandiver Drive, Columbia, Mo. 65201. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. a limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until January 11, 1978.

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

Dated: December 5, 1977.

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

[FR Doc. 77-35400 Filed 12-9-77; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 31280]

ALASKA INTERNATIONAL AIR, INC.

Application for Disclaimer of Jurisdiction or Approval Under Section 408 of the Federal Aviation Act of 1958, As Amended; Proposed Approval

Notice is hereby given, pursuant to statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are afforded until December 20, 1977 within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 6, 1977.

JAMES A. SALTSMAN,
Deputy Director, Bureau of Operating Rights.

Application of ALASKA INTERNATIONAL AIR, INC. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended.

Alaska International Air, Inc. (AIA) has requested that the Board disclaim jurisdiction over, or approve, under section 408 of the Federal Aviation Act of 1958, as amended (the Act), the sale of two of its Lockheed L-100-20 aircraft and related spare parts to Consorcio Technico de Aeronautica, S.A.R.L., Aeroporto de Belas, Luanda Angola (CTA). AIA, among other things, operates irregular cargo charter flights under exemptions granted by the Board under section 416 of the Act. CTA is a privately owned airline which operates internal services in Angola and which does not engage in any foreign air transportation within the meaning of the Act.

In its application, AIA notes that CTA can be considered to be a person engaged in a phase of aeronautics and that the two aircraft to be sold may constitute a substantial part of AIA's properties within the meaning of section 408(a)(2) of the Act,[1] which prohibits, without prior approval, the purchase of a substantial part of the properties of an air carrier by a person engaged in a phase of aeronautics.

With regard to its request for a disclaimer of jurisdiction, however, AIA asserts that its performance of irregular charter air transportation on the basis of ad hoc exemption authority should not serve to render it an air carrier of purposes of section 408 of the Act. AIA notes that the Board held it to be subject to section 408 with respect to an acquisition of control[2] but suggests that there is no policy reason for reaching a similar conclusion with respect to equipment transactions.

As to the sales transactions themselves, AIA asserts that the aircraft are surplus to its needs as a result of a decline in the demand for its services; that the transactions will result in a net profit of $3 million; and that the transactions will therefore be beneficial to AIA. AIA states that it has the ability to acquire additional aircraft when and if they are required by a sustained upsurge in demand for its services.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

We have concluded that CTA is a person engaged in a phase of aeronautics and that the two aircraft to be sold constitute a substantial part of AIA's property. AIA's assertions notwithstanding, as a result of its air transportation activities conducted under ad hoc exemptions, AIA appears to be an air carrier within the meaning of section 408(a)(2) of the Act, and the transactions therefore appear to be subject to that section. However, these jurisdictional questions need not now be resolved since the applicant has requested affirmative relief in the alternative and in view of our action below.

It is further concluded that the above described transactions will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation or tend to unreasonably restrain trade or substantially lessen competition or create a monopoly. This transaction was entered into after arm's length bargaining and there appear to be no control or interlocking relationships between AIA, on the one hand, and CTA on the other. Furthermore, no person disclosing a substantial interest in this case is currently requesting a hearing and it is concluded that the public interest does not require a hearing.

One of the traditional concerns of the Board in passing on equipment sales by air carriers has been the possible detrimental impact of these sales on the carrier's operations and ability to meet certificate obligations.[3] On the basis of AIA's statements that the aircraft to be sold are surplus to AIA's needs and that the transactions will result in a profit, it appears that the sale will not impair AIA's operations. Moreover, AIA currently holds no certificates of public convenience and necessity and so the ability to meet certificate obligations is not an issue here. It thus appears that the transactions will not be inconsistent with the public interest or leave the requirements of section 408 of the Act otherwise unfulfilled.

It is therefore found, under authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3 and 385.13, that the transactions, as described above, should be approved without hearing, pursuant to the third proviso of section 408(b) of the Act, and that all other requests in the docket should be dismissed.

Accordingly, *it is ordered*, That:

1. The application for approval of the sale of two L-100-20 aircraft and spare parts by Alaska International Air, Inc. to Consorcio technico de Aeronautica, S.A.R.L., Aeroporto de Belas, Luanda, Angola, as described above, be approved; and

2. Except to the extent specifically granted here, all other requests in the application in Docket 31280 be dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

[FR Doc. 77-35278 Filed 12-9-77; 8:45 am]

[1505-01]

[Order 77-11-07]

CALGARY TRANSPORTATION AUTHORITY, ET AL.

Certificates of Public Convenience and Necessity; Order on Reconsideration of Petition and Applications

CORRECTION

In FR Doc. 77-34332, appearing at page 60935 in the issue for Wednesday, November 30, 1977, the bracketed

[1] AIA owns six L-100 aircraft.

[2] Alaska International Air, Inc., Order 76-5-30, May 10, 1976.

[3] *E.g.* Delta Air Lines, Inc., Sales Transaction, Order 75-12-136, Dec. 24, 1975.

heading should read as set forth above.

[6320-01]

[Docket 30332 Agreement CAB 26702 R-1 through R-11; Agreement CAB 26706 R-1 through R-16; Agreement CAB 26718 R-1 through R-13; Agreement CAB 26721; R-1 through R-7; Order 77-12-5]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted Relating to Cargo Rates

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 1st day of December, 1977.

By Order 77-7-95, July 21, 1977, the Board established procedural dates for the receipt of economic justification from the affected carriers, comments and/or objections from interested persons, and comments in reply pertaining to agreements adopted by the member carriers of the International Air Transport Association (IATA) which would establish new cargo rate structures in a number of world markets for effect October 1977 through September 1979. This order will deal with structures proposed for the South Pacific and North/Central (U.S.-Indian Subcontinent only) Pacific markets.[1,2] The details of the agreements are as follows:

THE AGREEMENTS

SOUTH PACIFIC

In this market, the minimum charges for any consignment would be held unchanged for U.S. west coast points but would be increased by $4 to a level of $25 for all other Western Hemisphere points. Exclusive of the application of any currency-related adjustments, rates for general commodity shipments to/from Hawaii would, in general, be increased by 1.5 to 3.7 percent and by 1.0 to 2.8 percent to/from west coast points. In addition, rates and charges for containerized shipments would be increased by amounts varying from less than 0.1 to over 8.2 percent, with the lesser increases applied to the smaller container types and the greater increases applied to the larger container types. Specific commodity rates (SCR's) from U.S. points would be increased to 5 to 7 cents per kilogram and SCR's to U.S. points would be increased 5 to 7 percent. Finally, the agreement includes provisions which would limit the application of minimum shipment charges and SCR's to traffic moving on direct routes to the Western Hemisphere, rather than, as at present, permitting such traffic to move indirectly via TC2 (Europe/Middle East/Africa), and it provides also for the equalization by January 1978 of the higher general commodity and container rates from Australia with the corresponding lower rates to Australia.

NORTH/CENTRAL PACIFIC

The agreement would establish North/Central Pacific cargo rates between the United States and the Indian Subcontinent only (defined as India, Pakistan, Afghanistan, Nepal, Bangladesh, and Sri Lanka). General cargo rates would be increased in amounts ranging from 2.0 to 3.5 percent over existing tariff levels, and specific commodity rates would be increased by percentages ranging from 1.1 to 7.8.

CARRIER JUSTIFICATION

SOUTH PACIFIC

Pan American, the only U.S. carrier affected by the North/Central and South Pacific agreements, states that implementation of the South Pacific agreement would produce $784,000 additional revenue, representing a 3.5-percent increase over revenue expected during the year ending September 1978 under present rates. The carrier concedes continued favorable operating results, as evaluated under the Board's guidelines, in the South Pacific area under present rates, and contends that it proposed no increases during the IATA area conference. It says, however, that during the conference a strong preference developed among the participants for the elimination of the existing directional differentials in U.S.-Australia rates brought about by the Board's disapproval in July 1976 of proposed increases, on the one hand, and their required implementation from Australia on the other.[3] To this end, the carriers agreed to new levels midway between the "existing" north and southbound levels. Inasmuch as the increases are token and eliminate the differential, Pan American contends they should be approved. Finally, it urges approval of amendments which limit application of certain rates to traffic moving on direct routes to the Western Hemisphere.

NORTH/CENTRAL PACIFIC (U.S.-INDIAN SUBCONTINENT ONLY)

Pan American expects the agreement to produce additional revenue of $208,400, 3.5 percent above expectations during the forecast year ending September 1978 under present rates, and contends that this added revenue is needed to stem the decline in profitability of its overall North/Central Pacific operations. The carrier states that it experienced a $6.8 million operating loss and negative 7.49-percent ROI in its total area operations during the year ended March 1977, and anticipates a $4.7 million operating loss and negative 6.44-percent ROI during the year ending September 1978. The added revenue would reduce the operating loss to $4.5 million and raise its ROI to negative 6.07 percent.

FINDINGS

For the reasons set forth below, we have decided to disapprove all increases proposed in the North/Central (U.S.-Indian Subcontinent) and South Pacific agreements as well as all increases to/from American Samoa proposed in the intra-Pacific and Pacific-TC2 (Europe/Middle East/Africa) agreements. Similarly, we will disapprove all increases proposed in the Pacific-TC2 agreement to/from Guam, but will approve increases to/from Guam proposed in the intra-Pacific agreement.

In passing on any carrier proposals involving rate or fare increases, we are required to give consideration to their need for increased revenue. Although Pan American has supplies no historical or forecast data that would enable us to evaluate its historical and future operating results in the South Pacific area, we have its statement that it anticipates favorable results in its area freight services as evaluated under the Board's current guidelines. This is supported by data it last submitted in 1976 in conjunction with Agreement CAB 25807, which showed a return on investment on its freight operations of 25.17 percent for the year ended

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[1] Although Order 77-7-95 directed carriers to file their economic justification with the Board's Docket Section by August 11, 1977, Pan American did not file its justification for the North/Central and South Pacific rate packages until September 28, 1977, almost 7 weeks late. We acknowledge that Pan American participates in all IATA rate-making areas of concern to the Board and that an increasing number of IATA and non-IATA fare and rate actions imposes burdens that other U.S. international air carriers do not have. However, we must emphasize that a delay of 7 weeks by a major carrier in submission of required economic data makes timely evaluation and disposition of major agreements impossible, and has caused considerable delay in the preparation and issuance of this order.

[2] In this order, we will dispose of two 1977-79 rate structure agreements which also include areas in the Pacific but which apply in U.S. air transportation, as defined by the Act, only insofar as Guam and American Samoa are concerned. Agreement CAB 26702 establishes a new structure for use within the Pacific and Agreement CAB 26718 establishes a new structure for use between the Pacific and Europe/Middle East/Africa.

[3] Agreement CAB 25807 disposed of by Order 76-7-58, July 16, 1976. Although it appears that directional differentials exist, Pan American's tariffs do not reflect this situation. To the extent that Pan American is charging rates other than reflected in its tariffs on file with the Board, Pan American would be subject to enforcement action.

March 1976. The same data projected a 35.6 percent ROI for the year ending June 1977 under rates now in effect. In view of the foregoing we must conclude that Pan American's present area operations under existing rates are producing a return well in excess of the Board's guideline and that approval of an agreement resulting in revenue increases is not warranted. While this action does not reach the question of equalization of directional rates, we believe in view of the excess earnings achieved in this market, that the existing rates are too high. We would suggest, then, that the best way to equalize the directional rates would be to reduce the higher northbound rates in effect from Australia to the level of the southbound rates in effect from the United States. However, we will approve the rule changes which limit application of the specific commodity rates and minimum charges to traffic moving on direct transpacific routes and which bar application of these rates on routings via Europe. This change is consistent with the Board's expressed concern in previous statements that agreed rates be limited to direct routings.[4]

Turning to the U.S.-Indian subcontinent agreement, Pan American's justification forecasts a negative 6.07 percent under the proposed rates for its overall North/Central Pacific all-cargo and combination freight services, and, from that, it might appear that approval of the agreement is warranted. However, this poor showing, stems from its all-cargo services, on which it forecasts negative returns of 29.08 percent and 28.68 percent under present and proposed rates respectively. By contrast, the carrier anticipates healthy returns of 14.16 percent and 14.50 percent in its overall North/Central Pacific combination services under present and proposed rates. Pan American at present offers no freighter services to the Indian subcontinent via the Pacific; such service, provided via the Atlantic, is included in the Atlantic entity for reporting purposes. The carrier performs its transpacific cargo services to the Indian subcontinent with combination B-747 aircraft only. Looking to the projected financial results for Pan American's North/Central Pacific area combination freight services alone, therefore, the increases are not warranted; we do not think it proper to permit increases affecting the U.S.-Indian subcontinent market to support losses on services not actually provided in that market. Accordingly, we will disapprove the increases proposed in the agreement.

Finally, consistently with our actions and reasoning on the South Pacific, we will disapprove all increases proposed between American Samoa and other points in the Pacific area, and for those same reasons and also for the reasons given in the case of the Indian subcontinent, those proposed between Guam/American Samoa and points in Europe/Middle East/Africa. However, Pan American offers freighter service between Guam and other Pacific points within TC3, a service area whose results are included in Pan American's North/Central Pacific economic data. Since those data indicate a need for additional revenue in those North/Central Pacific areas where it actually provides all-cargo freighter services, we will approve the increases proposed between Guam and other Pacific points. We will also approve those portions of the agreements dealing with nonrate matters such as currency surcharge provisions and internal IATA procedural matters.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
26702:			
R-1	001j	2-Year Effectiveness Escape—Cargo (readopting)	3.
R-2	001x	Review of Cargo Rates (readopting)	3.
R-3	002	Standard Revalidation Resolution	3.
R-4	022cc	TC3 Adjustment Factors for Sale of Cargo Air Transportation (new).	3.
R-5	115i	Meeting Non-IATA Cargo Competition (revalidating and amending).	3.
R-7	521	Charges for the Use of Unit Load Devices (revalidating and amending).	3.
R-8	522	Charges for the Use of Member-Owned Unit Load Devices (new)	3.
26706:			
R-1	001c	Cargo Tie-in Resolution—South Pacific	3/1.
R-2	001j	2-Year Effectiveness Escape—Cargo (readopting)	3/1 (South Pacific).
R-3	001n	Special Emergency Escape for JT31 (South Pacific) Agreement	3/1.
R-4	001o	South Pacific Escape—Cargo	3/1.
R-5	001x	Review of Cargo Rates (readopting)	3/1 (South Pacific).
R-6	002LL	Special Amending Resolution—South Pacific	3/1.
R-7	014b	Construction Rule for Cargo Rates	3/1 (South Pacific).
R-8	014x	Special JT31 and JT123 Cargo Construction Rules	3/1; 1/2/3.
R-9	022ff	JT31/123 (South Pacific) Adjustment Factors for Sales of Cargo Air Transportation.	3/1; 1/2/3.
R-10	501	Minimum Charges for Cargo (South Pacific) (except approval shall not extend to the minimum charge levels for any consignment set forth therein).	3/1.
R-11	521	Charges for the Use of Unit Load Devices	3/1 (South Pacific).
R-12	522	Charges for the Use of Member-Owned Unit Load Devices	3/1 (South Pacific).
R-15	570	Quantity Discount	3/1 (South Pacific).
R-16	590	Specific Commodity Rates Board (except approval shall not extend to the rates set forth in attachment "A").	3/1 (South Pacific).
26718:			
R-1	001c	Cargo Tie-in Resolution (new)	2/3; 1/2/3.
R-2	001j	2-Year Effectiveness Escape—Cargo (readopting)	2/3; 1/2/3.
R-3	001x	Review of Cargo Rates (readopting)	2/3; 1/2/3.
R-4	001xx	Special Escape Resolution—Cargo (new)	2/3; 1/2/3.
R-5	002	Standard Revalidation Resolution	2/3; 1/2/3.
R-6	022dd	JT23/123 Adjustment Factors for Sales of Cargo Air Transportation (new).	2/3; 1/2/3.
R-8	521	Charges for the Use of Unit Load Devices (revalidating and amending).	2/3; 1/2/3.
R-9	522	Charges for the Use of Member Owned Unit Load Devices (new)	2/3; 1/2/3.
26721:			
R-1	001g	JT31/123 North and Central Pacific Special Escape Resolution—Cargo (new).	3/1; 1/2/3.
R-2	001j	2-Year Effectiveness Escape—Cargo (readopting)	3/1; 1/2/3 (North/Central Pacific).
R-3	001L	North and Central Pacific Special Effectiveness Resolution	3/1; 1/2/3.
R-4	001x	Review of Cargo Rates (readopting)	3/1; 1/2/3 (North/Central Pacific).
R-5	002hh	JT31/123 North and Central Pacific Special Revalidating and Amending Resolution (except Resolution 556a revalidated therein).	3/1; 1/2/3.
R-6	022ee	JT31/123 (North and Central Pacific) Adjustment Factors for Sales of Cargo Air Transportation (new).	3/1; 1/2/3.

2. It is not found that the following resolutions, incorporated in Agreement CAB 26702, are adverse to the public interest or in violation of the Act insofar as they would apply in air transportation to/from Guam provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
26702:			
R-6	501	Minimum Charges for Cargo (revalidating and amending)	3.
R-10	553	TC3 General Cargo Rates	3.
R-11	590	Specific Commodity Rates Board (revalidating and amending)	3.

[4] See, e.g., Statement of the Civil Aeronautics Board on Cargo Rates Matters to be Negotiated at the IATA Worldwide Traffic Conference in Nice, May 1975.

3. It is not found that the following resolution, incorporated in Agreement CAB 26702, and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26702:			
R-9	533	Charges for Bulk Unitization Australia-New Zealand (new)	3.

4. It is found that the following resolutions, incorporated in the agreements, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26706:			
R-10	501	Minimum Charges for Cargo (South Pacific) (insofar as the minimum charge levels for any consignment are concerned).	3/1.
R-13	536b	Charges for Bulk Unitization—South Pacific	3/1.
R-14	556	JT31 General Cargo Rates—South Pacific	3/1.
R-16	590	Specific Commodity Rates Board (attachment "A")	3/1 (South Pacific).
26721:			
R-5	002hh	JT31/123 North and Central Pacific Special Revalidating and Amending Resolution (resolution 556a revalidated therein).	3/1; 1/2/3.
R-7	590	Specific Commodity Rates Board (revalidating and amending)	3/1; 1/2/3 (North/Central Pacific).

5. It is found that the following resolutions, incorporated in Agreement CAB 26702, are adverse to the public interest and in violation of the Act insofar as they would apply in air transportation to/from American Samoa.

Agreement CAB	IATA No.	Title	Application
26702:			
R-6	501	Minimum Charges for Cargo (revalidating and amending)	3.
R-10	553	TC3 General Cargo Rates	3.
R-11	590	Specific Commodity Rates Board (revalidating and amending)	3.

6. It is found that the following resolutions, incorporated in Agreement CAB 26718, are adverse to the public interest and in violation of the Act insofar as they would apply in air transportation to/from Guam/American Samoa.

Agreement CAB	IATA No.	Title	Application
26718:			
R-7	501	Minimum Charges for Cargo (revalidating and amending)	2/3; 1/2/3.
R-10	535	Charges for Bulk Unitization—JT123 (revalidating and amending).	2/3.
R-11	555	JT23 and JT123 General Cargo Rates	2/3; 1/2/3.
R-12	590	Specific Commodity Rates Board (revalidating and amending)	2/3; 1/2/3.

7. It is not found that the following resolution, incorporated in Agreement CAB 26718 as indicated, affects air transportation within the meaning of the ACT:

Agreement CAB	IATA No.	Title	Application
26718:			
R-13	590w	JT23 Experimental Specific Commodity Rates (new)	2/3.

Accordingly, *It is ordered*, That:

1. Those portions of Agreements CAB 26702, CAB 26706, CAB 26718, and CAB 26721, set forth in finding paragraphs 1, 2, and 3 above, be approved, subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreements CAB 26702, CAB 26706, CAB 26718, and CAB 26721, set forth in finding paragraphs 4, 5, and 6 above be disapproved;

3. Jurisdiction be disclaimed with respect to that portion of Agreement CAB 26718 set forth in finding paragraph 7 above; and

4. The carriers be authorized to file tariffs implementing approved IATA resolutions on not less than one day's notice for effectiveness not earlier than 15 days after date of service of this order. The authority granted in this paragraph expires 30 days after date of service of this order; and

5. Tariffs implementing the approved IATA resolutions in finding paragraphs one and two should be marked to expire not later than September 30, 1979.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-35277 Filed 12-9-77; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

GREAT EASTERN TEXTILE PRINTING CO.

Notice of Petition for a Determination of Eligibility to Apply for Trade Adjustment Assistance

A petition by Great Eastern Textile Printing Co., Inc., 30 Industrial Avenue, Mahwah, N.J. 07430, a pro-

ducer of printed textiles, was accepted for filing on December 2, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competititve with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than December 22, 1977.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 77-35393 Filed 12-9-77; 8:45 am]

[3510-13]

National Bureau of Standards

BUILDING TECHNOLOGY ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a public meeting of the Building Technology Advisory Committee will be held on January 12 and 13, 1978, at the National Bureau of Standards, Gaithersburg, Md. The initial meeting will convene on January 12, 1978, at 1:30 p.m., in Lecture Room B, Building 101, and will adjourn at 4:30 p.m. The meeting will reconvene at 9 a.m., on January 13, at the same location and will adjourn at 2 p.m.

The purposes of this meeting are to brief the committee members on programs being carried out by the Institute for Applied Technology, to establish new operational committee guidelines, and to select topics for study and consideration in building technology.

Further information concerning this meeting may be obtained by contacting Dr. James R. Wright, Committee Control Officer, or James L. Haecker, Executive Secretary, Building Technology Advisory Committee, at the National Bureau of Standards, Building 225, room B-117, Washington, D.C. 20234.

Dated: December 7, 1977.

ERNEST AMBLER,
Acting Director.

[FR Doc. 77-35407 Filed 12-9-77; 8:45 am]

[3510-13]

National Bureau of Standards

USER-TERMINAL PROTOCOLS—ENTRY AND EXIT PROCEDURES BETWEEN TERMINAL USERS AND COMPUTER SERVICES

Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal Automatic Data Processing (ADP) Standards. The proposed standard for User-Terminal Protocols is being recommended for Federal use.

Prior to submission of this proposal to the Secretary of Commerce for approval as a Federal standard, it is essential to assure that proper consideration is given to the needs and views of the public, State,and local governments, manufacturers, and service suppliers.

The technical specifications contained in the proposed standard were developed by Federal Information Processing Standards Task Group 20, under the auspices of the National Bureau of Standards, with support from other government agencies.

Interested parties are requested to send comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Comments to be considered must be submitted by March 13, 1978.

Dated: December 7, 1977.

ERNEST AMBLER,
Acting Director.

PROPOSED FEDERAL INFORMATION PROCESSING STANDARD

DRAFT PROPOSAL, USER-TERMINAL PROTOCOLS

Entry and Exit Procedures Between Terminal Users and Computer Services

Introduction

Little more than a decade has passed since people began to interact directly with computers in the routine performance of their jobs. At that time, a modest number of scientists, engineers, administrators and researchers could subscribe to a handful of computer services, such as computational time-sharing, text manipulation, or bibliographic searching. Some of these services were operated by government agencies and some by private sector enterprises. The services were in their formative stages, and pioneering users had to be willing to overlook differences between them if they chose to deal with more than one service.

Today it is common to encounter government personnel who use one or more sophisticated computer services to store and manipulate data, to provide information, or to extend their intellectual and problem-solving capacity. Just as the number and variety of users has grown, so has the number and variety of computer services, both within and outside the Federal Government. But while the services are no longer in their formative stages, users who choose to deal with more than one are still being asked to overlook differences that strike them as being frustrating and annoying.

Individual computer service vendors have designed and constructed their own offerings as they deemed best, given their own market and set of resources. Constraints imposed by chosen telecommunication facilities, computer equipment and vendor operating systems, the preferences of individual systems designers, and the desire for product differentiation, have produced differing implementations of the logically similar steps that users must take in order to accomplish productive work. Specifically, there has been a proliferation of different implementations of the procedures that a user must observe to be recognized by a computer serivce as one who desires to do work.

Users employ computer services to accomplish productive work, but it is a characteristic of computer services that some interaction both precede and follow the work, in order for that work to be initiated and terminated. These procedures, by which users enter and exit computer services are necessary to both parties, but they may be a burden to users who are interested simply in performing work.

This burden becomes wearisome when users must contend with separate entry and separate exit procedures for each computer service used, particularly when the procedures are just different enough to be confusing. It is the purpose of this standard to lighten that burden.

Specifically, this standard is intended to stem the proliferation of access—entry and exit—procedures, and to establish a single set of procedures that will have widespread applicability. Such procedures should be compatible with all communication environments, and should envision the possibility of interconnecting networks, where a user may need to communicate across one or more interconnections in order to reach a particular destination. The procedures embodied in this standard accomplish these goals, but in so doing impose minimal constraints upon the suppliers of computer services in order not to impede technological advancements in computer services and networks.

This Standard is procedural and does not envision any specific arrangement of computer and communications facilities. Its implementation is necessarily left open. Suppliers of communications and computer services must be cognizant of this standard, but implementation responsibilities and approaches will evolve on a case-by-case basis. The Standard is designed to benefit the users of computer services, and these users should be concerned only with learning and using the access procedures, not with how and by whom they are implemented.

This Standard comes into play the instant there is established the capability of recognizable character transmission and receipt by a user's terminal. Thus, no commands, requests or messages may be presented to or accepted from a user between the time that the user approaches the terminal and the time that this Standard governs what the

user sees and does. Likewise, this Standard is intended to carry a user through the entire procedure involved in commencing use of the desired service. Therefore, nothing may precede the commencement of service use that is not in full accord with this Standard.

This Standard also comes into play the instant an Exit Request Signal is given by a user in service operation, and governs all that occurs until the user either again commences or returns to service operation, or recognizable character transmission is terminated.

DRAFT PROPOSAL

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION

Date ————————

Announcing the Standard for

USER—TERMINAL PROTOCOLS—

Entry and Exit Procedures Between Terminal Users and Computer Services

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order No. 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

NAME OF STANDARD. User-Terminal Protocols, Entry and Exit Procedures between Terminal Users and Computer Services.

CATEGORY OF STANDARD. ADP Operations, Terminal User Procedures.

EXPLANATION. This standard is to be used by Federal Organizations in designing, implementing, and specifying access procedures for computer services. Access procedures are defined as actions and messages exchanged between a user at a data terminal and the terminal, computers, networks, and services for the purpose of gaining access to these services from the terminal. The standard includes definitions, provisions for user and system signals, and details specifying entry and exit procedures. The document concludes with explanatory notes setting forth the rationale for the standard.

APPROVING AUTHORITY. Secretary of Commerce.

MAINTENANCE AGENCY. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

CROSS INDEX. a. FIPS PUB 1, Code for Information Interchange.

b. FIPS PUB 36, Graphic Representation of the Control Characters of ASCII (FIPS 1).

c. ANSI X3.43-1977, American National Standard, Representations of Local Time of the Day for Information Interchange.

d. ANSI X3.51-1975, American National Standard, Representations of Universal Time, Local Time Differentials, and U.S. Time Zone References for Information Interchange.

APPLICABILITY. The procedures specified in this standard apply to all user-terminal interactions where a Federal Government user is seeking access to or exit from one or more computer services.

Excluded from coverage by this standard are instances where the terminal is constructed in such a way that it is usable only with one specific service.

However nothing in this standard precludes conformity in these instances, should implementors so choose.

No terminal characteristics are assumed other than compliance with all applicable Federal Information Processing Standards. In particular, there must be available the ability to individually generate and display the 26 letters of the alphabet, the 10 numeric characters, and the following:

the carriage return character

the space character

the hyphen

the period

the colon

the question mark.

Characters may be entered in upper or lower case depending on individual system and terminal characteristics.

IMPLEMENTATION. The provisions of this standard are effective 12 months after date of publication. All applicable computer services specified and ordered for Federal use on or after the effective date must conform to the provisions of this standard unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Regulations concerning the specific use of this standard in Federal procurements will be issued by the General Services Administration to be a part of the Federal Property Management Regulations. This standard shall be subject to review by NBS within 5 years after its effective date, taking into account all relevant factors, to determine whether the standard should be reaffirmed, revised or withdrawn. Verification of the operation of these user-terminal protocols in conformance with this standard, through demonstration or other means acceptable to the Government, shall be provided prior to the Government's commitment to acquire a system.

TEST PROCEDURES. Test procedures for determination of compliance with this standard will be developed by the National bureau of Standards, (Institute for Computer Sciences and Technology).

WAIVER PROCEDURE. Heads of agencies are permitted to waive the requirements stated in this publication. However such waivers shall be coordinated in advance with NBS. Waiver documentation should be addressed to the Associate director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. It should describe the nature of the waiver and set forth the reasons therefor. The supporting documentation should include:

a. Factors considered by the head of the agency in considering the waiver.

b. Detailed technical specifications of the features for which the waiver is required.

c. Possible recommendations for improvement or additional development of user-terminal protocols.

Thirty days should be allowed for review and response by NBS. However the final decision for approving the waiver is the responsibility of the agency head.

SPECIFICATIONS. Federal Information Processing Standard xxx, User-Terminal Protocols (affixed).

WHERE TO OBTAIN COPIES OF THE STANDARD. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161. When ordering refer to Federal Information Processing Standards Publication ———— (NBS FIPS PUB ————) title and accession number. When microfiche is desired this should be specified. Payment may be made by check, money order, or deposit account.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION

Date ————————

Specifications for

USER-TERMINAL PROTOCOLS—

Entry and Exit Procedures Between Terminal Users and Computer Services

NAME OF STANDARD. User-Terminal Protocols, Entry and Exit Procedures between Terminal Users and Computer Services.

CATEGORY OF STANDARD. ADP Operations, Terminal User Procedures.

1.0 IMPLEMENTOR REQUIREMENTS

Some system messages are shown in this standard on two or more lines. Implementors are not constrained to the line widths or the specific number of lines per message shown in this standard. When it is necessary, because of terminal characteristics, to display or print a system message on more than one line, messages shall be divided such that:

a. A message is divided between lines only at a point where a space character appears in the message. Implementors shall not allow words in system messages to be hyphenated or broken at the end of a terminal line.

b. Any character positions following the point at which a message is divided on the preceding line appear as if they had been filled with space characters.

c. Any continuation line appears as if at least one space character had been printed or displayed at the left margin of the line underneath the first character of the message before the display of graphic characters in the continuation line.

Each system message starts on a new line.

Where a user response may be expressed either in upper case or lower case characters, each upper case alphabetic character shall be treated as equivalent to its corresponding lower case character, except in password and authentication messages.

Implementors shall make no distinction between upper and lower case for alphabetic characters entered into the terminal.

2.0 FORMAT CONVENTIONS

The following conventions are observed in this standard in specifying user and system messages.

Character strings to be displayed literally are shown in upper case letters, e.g.

ENTER DESTINATION

signifies that the display should show the message "enter destination". This may be displayed in upper or lower case characters, depending on individual system and terminal characteristics.

Spaces to be displayed or to be entered are indicated by an asterisk, e.g.:

ENTER*DESTINATION

signifies that there is to be a space between the two words.

Editorial Note: In the final printed version the asterisk will be replaced by the triangle

symbol, the standard designation for the space character.

Names of message elements or variable message content are designated by lower case letters, thus:

destination-name

signifies the name of the desired destination, e.g.

COMPUTER*A*B*C, or SERVICE*XYZ

words of multi-word terms, denoting single concepts, are joined by hyphen(s), e.g.

user-name.

Optional message elements are indicated by square brackets, e.g.

[reason]

signifies that the appropriate reason may be stated here by the implementor.

User responses are shown in upper case and underlined.

3.0 USER, SYSTEM, AND EXIT REQUEST SIGNALS

There are three control signals used in this standard: the user signal, the system signal and the exit request signal:

3.1 USER SIGNAL

Every user message defined in this standard must be ended with a user signal. The default value for the user signal is "carriage return".

If, because of the particular terminal and network characteristics, the user signal is to be other than Carriage Return, any accommodating actions that may be needed will be accomplished during the entry procedure preamble.

3.2 SYSTEM SIGNAL

This signal is generated by a computer, and indicates to the user that the next action is up to the user. In this standard the system signal is represented by the symbol "ss". The system signal shall be generated so as to print or display the colon character (:) at the left margin of a line following a previously printed or displayed line of system message text. A system signal ends every system message defined in this standard for which a user message is expected to follow, with the exception of the device accommodation request.

3.3 EXIT REQUEST SIGNAL

The default value for the exit request signal is DLE. The exit request signal shall be recognized by the system at any time during the operation of a computer service or during the access procedures, when the user is permitted to enter input. The exit request signal need not be recognized within the preamble to the access procedures.

If because of the particular terminal and network characteristics, the exit request signal is to be other than DLE, any accommodating actions that may be needed will be accomplished during the entry procedure preamble.

4.0 ENTRY PROCEDURE

The entry procedure consists of a preamble and a body (see figure 1). The figure shows the types of messages and the flow of messages. User messages, system messages, acknowledgments, and error messages are identified by different symbols.

The preamble permits the establishment of communications, and is used during the initial phases of entry. The preamble is dependent on various system implementations and is not specified in this standard. The body is specified in this standard. The body permits the user who has already established communications to address his desired destination.

The body consists of a destination selection sequence, an identification sequence, and an authentication sequence. The destination sequence is mandatory and appears every time the body is invoked. The identification and authentication sequences are optional. Additional optional sequences may also be appended. All three components are described in this standard.

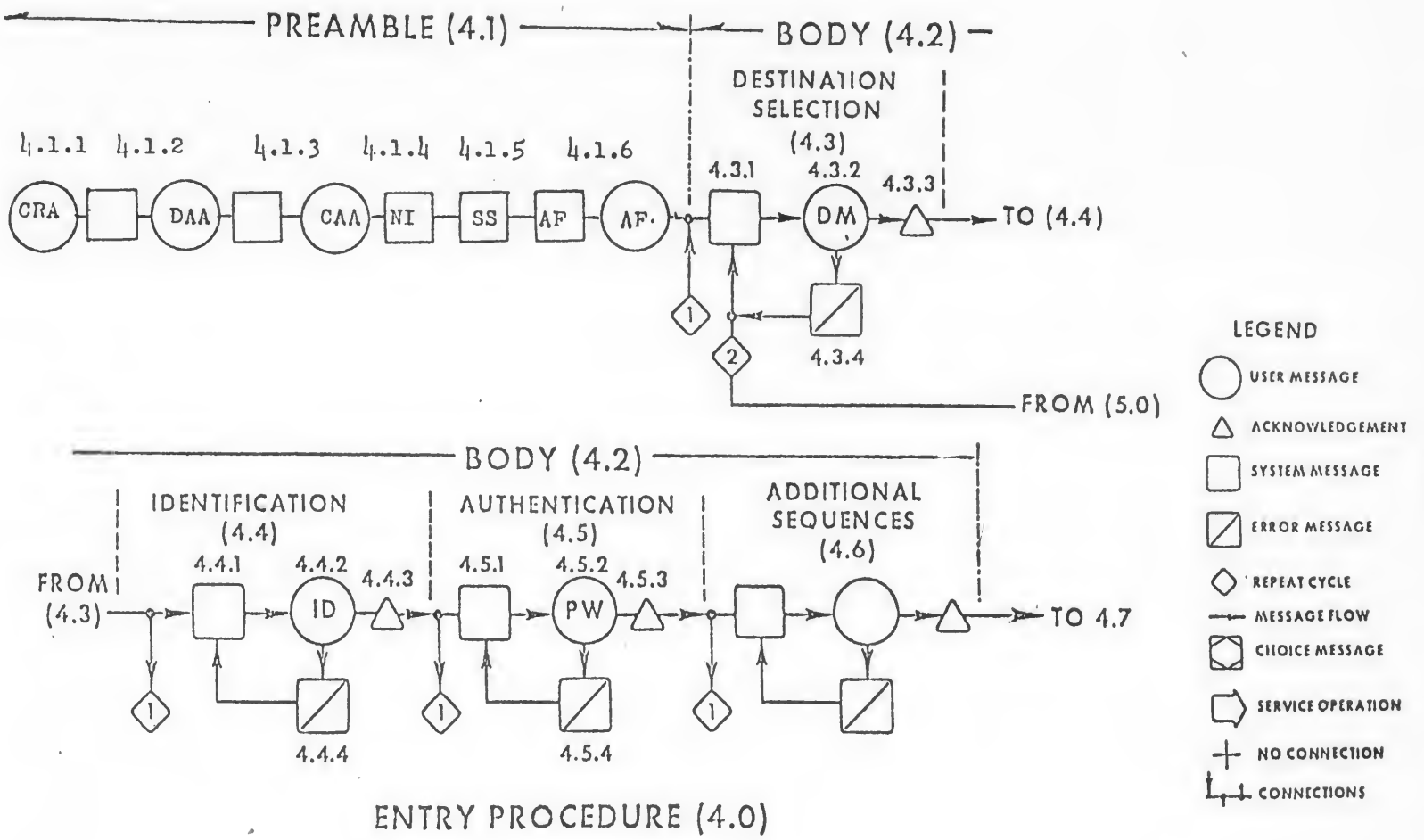
The identification and authentication squences are optional because this standard treats the general case as well as accommodates the specific. That is, the standard is itself independent of implementation constraints, but is designed to accommodate these constraints, whatever they may be. An example of such constraints is security. Whenever such a security constraint applies, the identification and authentication sequences may take on considerable significance, and be deemed mandatory.

Upon successful completion of the entry procedure, the user can begin service operation.

4.1 PREAMBLE

The preamble contains all actions necessary to the establishments of communications, including the ability to send and receive complete messages, and the satisfaction of communications common carrier requirements. Unlike the body, which is recursive, the preamble is performed only once. It may include communications recognition, device accommodation, carrier accommodation, network information messages, signal specification messages, and an abbreviated forms option.

The signal specification(s) are for the access procedures, both entry and exit.



ENTRY PROCEDURE (4.0)

figure 1

4.1.1 COMMUNICATIONS RECOGNITION ACTION.

The communications recognition action (CRA), is defined as the user-initiated action that first alerts the communications link to the user's desire to communicate. The acknowlegment to this action, like the action itself, is dependent upon the specific communications carrier, mode of communication, and terminal, and is not specified by this standard.

4.1.2 DEVICE ACCOMMODATION ACTION.

The device accommodation action (DAA), is that which is necessary to enable recognizable character transmission and reception by the terminal. This standard specifies neither the form nor the sequence of the device accommodation action.

4.1.3 CARRIER ACCOMMODATION ACTION.

The carrier accommodation action (CAA), is that action or set of actions necessary to satisfy requirements unique to the communications carrier, likely a common carrier operating under tariff. This standard specifies neither the existence, form nor sequence of the carrier accommodation action.

4.1.4 NETWORK INFORMATION MESSAGE.

Upon completion of device and carrier accommodation action the user may be given an informative message (NIM), at the implementor's option. This standard does not specify the form of the network information message.

4.1.5 SIGNAL SPECIFICATION MESSAGE.

The default value for the User and Exit Request signals are "Carriage Return (CR)" and "Data Link Escape (DLE)", respectively. If either of these is not the particular signal to be used, the user must be informed of the signal that will be employed in its stead. The signal specification message (SSM), must identify both the point from which it is issued, and the signal(s), as follows:

point-name*:[**USER*SIGNAL*IS*us]
[**EXITREQUEST*SIGNAL*IS*ers]

where us and ers denote the actual user signal and exit request signal, respectively, that will be used. The user and exit request signals should, if possible, be specified with the labelling on the terminal keys that generate these signals, otherwise with the standard ASCII abbreviations.

4.1.6 ABBREVIATED FORM REQUEST.

If the implementor has provided for abbreviated forms of system messages, the following request must be displayed:

ABBREVIATED*FORM[*remarks]
*-*YES*OR*NO? ss

If the user responds Y or YES the abbreviated forms will be used. If the user requests a listing of the abbreviated forms, they will be used. Otherwise the standard forms will be used.

Abbreviated forms are optional with the implementor, subject to two constraints. First, while system messages and requests may be abbreviated, their purpose, substance and sequence may not be changed. Second, the system signal defined in this standard must end every system message for which a user message is expected to follow.

It must be possible for the user to obtain a listing of the abbreviated forms that will be used as a result of a YES response. This listing must be displayed to the user as a result of the responses HELP, ?, and LIST. If instead of YES or NO the user enters either HELP or ? or LIST, the abbreviated forms must be displayed together with their standard form counterparts.

4.1.7 PREAMBLE ERRORS.

The indication and resolution of errors during the preamble are implementor dependent.

4.2 BODY.

The body of the entry procedure provides for destination selection, identification, authentication, and additional optional sequences.

4.3 DESTINATION SELECTION.

The user receives a destination request, which requires entry of a destination message by the user. This is followed by an acknowledgment.

4.3.1 DESTINATION REQUEST.

The user receives the destination request (DR) message:

ENTER*DESTINATION ss

4.3.2 DESTINATION MESSAGE.

The user then enters the name (or code) of the service desired, i.e., the destination message (DM).

4.3.3 DESTINATION ACKNOWLEDGMENT.

When the user's destination request is recognized one of the following acknowledgment messages (DA), will be displayed:

destination-name*IS*AVAILABLE
[*remarks]; or
destination-name*IS*NOT*AVAILABLE
[*reason] [*instructions]

If the second form of the acknowledgment message is sent, the destination request message (see 4.3.1), will be repeated. Following this the user may send another destination message.

4.3.4. DESTINATION ERROR.

If the system does not recognize the name (or code) entered by the user, the system will display the following error message:

destination-
name*IS*NOT*RECOGNIZED
[*instructions]

The destination selection sequence will then be repeated.

The user may repeat destination entry at this point. The number of times that this sequence may be repeated is an implementation option. After successful destination entry the identification sequence begins.

4.4 IDENTIFICATION.

The inclusion of user identification is optional with the implementor.

4.4.1 IDENTIFICATION REQUEST.

If this process is implemented, the user receives the following identification request (IR), message:

ENTER*IDENTIFICATION ss

4.4.2 IDENTIFICATION MESSAGE.

The user enters the identification message (ID), i.e. his or her name or identification code, depending on system implementation.

4.4.3 IDENTIFICATION ACKNOWLEDGMENT.

If an authentication process has been implemented to follow, the authentication request may serve as the identification acknowledgment, (IDA). If no authentication follows and if service operation does not immediately commence, the identification acknowledgment shall be as follows:

IDENTIFICATION*ACCEPTED

If service operation is to follow, the acknowledgment message shall be:

destination-name*ENTERED

4.4.4 IDENTIFICATION ERROR.

If the identification entered by the user is not acceptable, the following message will be displayed:

YOUR*IDENTIFICATION
[*identification*]IS*NOT*
ACCEPTED.**ENTER*IDENTIFICATION*AGAIN ss

The number of times that this sequence may be repeated is an implementor option.

4.5 AUTHENTICATION.

The inclusion of user authentication is optional with the implementor.

4.5.1 AUTHENTICATION REQUEST.

The user receives the following authentication request (AR), message:

ENTER*PASSWORD ss

(See paragraph 4.5.5 PASSWORD PROTECTION).

4.5.2 PASSWORD.

The user then enters the password (PW).

4.5.3 PASSWORD ACKNOWLEDGMENT.

If service operation is to follow, the acknowledgment message shall be:

destination-name*ENTERED

If service operation is not to follow, the acknowledgment message shall be:

PASSWORD*ACCEPTED

4.5.4 AUTHENTICATION ERROR.

If the authentication entered by the user is not acceptable, the following message will be displayed:

YOUR*PASSWORD*IS*NOT*
ACCEPTED.**ENTER*PASSWORD*
AGAIN ss

4.5.5 PASSWORD PROTECTION.

The password shall not be displayed. It shall be protected from misuse by such techniques as overprinting, underprinting or non-printing, to prevent a reader of hard copy, or an observer of a visual screen from unauthorized knowledge and possible misuse of a password. Implementors of this standard are referred to applicable Federal Standards and Guidelines.

4.6 ADDITIONAL SEQUENCES.

Implementors may at their option add other sequences. These sequences shall follow the basic form observed in 4.4 and 4.5. Such sequences may be for the additional specification of security or of other parameters.

4.7 SERVICE OPERATION.

Upon successful completion of the entry procedure sequences, service operation is expected to begin.

5.0 EXIT PROCEDURE.

The exit procedure consists of a preamble and either the TERMINATE, LEAVE, STAY or SUSPEND sequences (see figure 2).

5.1 PREAMBLE.

The preamble consists of the exit request signal (see paragraph 3.3) and the EXIT CHOICE sequence.

5.2 EXIT CHOICE.

Upon receipt of the exit request signal the user receives the exit choice message. The exit choice message permits the user a choice of immediate termination of the session through the TERMINATE command or the possibility to reenter the entry procedure through the LEAVE or SUSPEND messages. The following message is displayed if the SUSPEND choice is supported by the implementor:

ENTER•ONE•OF•THE•FOLLOWING:••TERMINATE•OR•LEAVE•OR•STAY•OR•SUSPEND ss

If the SUSPEND choice is not supported by the implementor or is not appropriate, the following message is displayed:

ENTER•ONE•OF•THE•FOLLOWING:••TERMINATE•OR•LEAVE•OR•STAY ss

5.2.1 EXIT CHOICE ERROR.

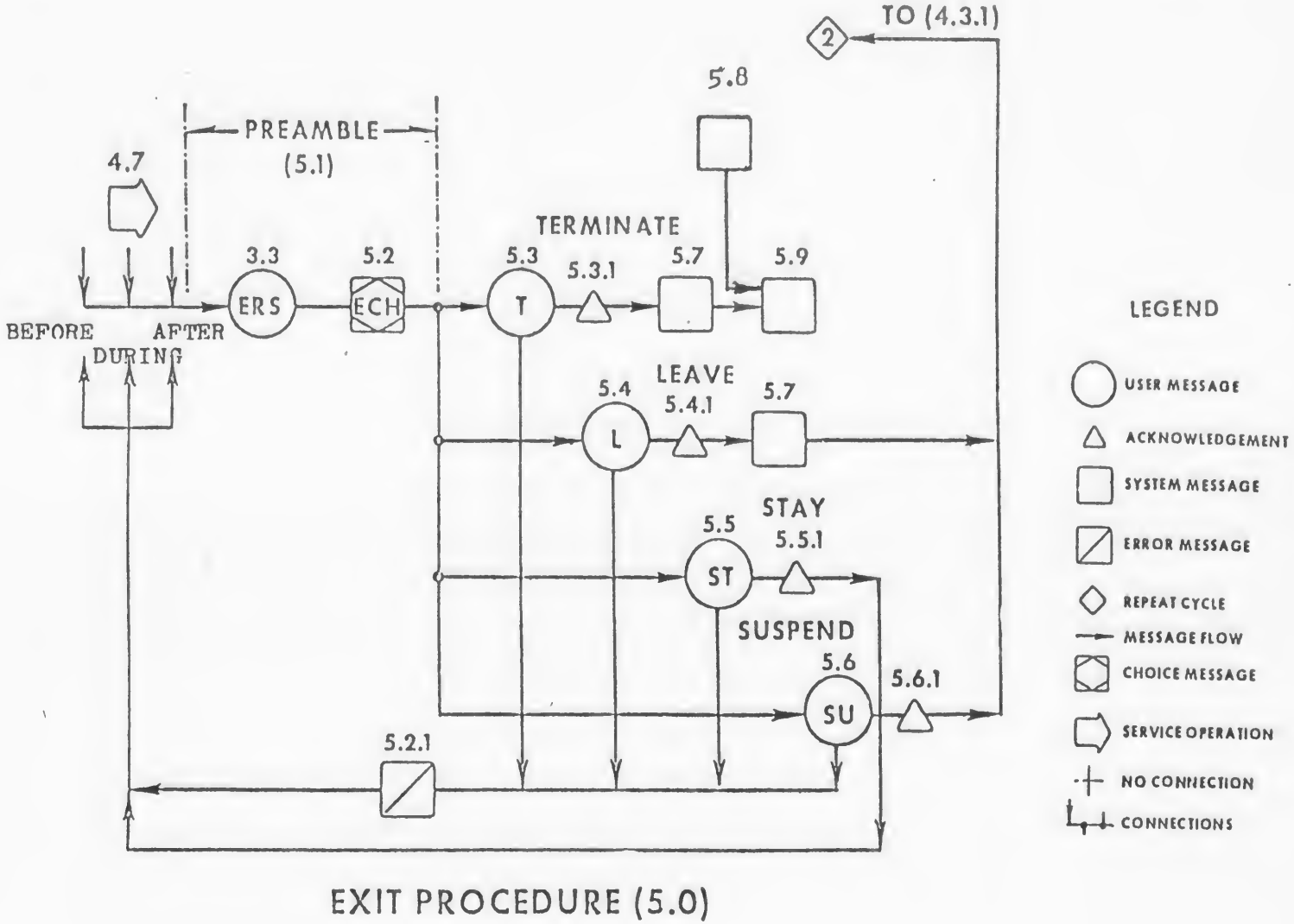
Any response to the Exit Choice message other than the input prescribed below will result in the following message to the user:

USER•INPUT[•input]•NOT•RECOGNIZED••EXIT•REQUEST•CANCELLED

The user will then be returned to the point at which the Exit Request was made.

5.3 TERMINATE.

To end, the user types the word TERMINATE or the letter T.



EXIT PROCEDURE (5.0)

Figure 2

5.3.1 TERMINATE ACKNOWLEDGMENT

The user will receive the following acknowledgment:

[user-name•HAS•]TERMINATED•
[service-name•]AT•time.

If an accounting message is implemented, it will be displayed at this time.

5.4 LEAVE

The LEAVE message enables a user to initiate the entry procedure. An optional accounting message is available. The user types the word LEAVE or the letter L.

5.4.1 LEAVE ACKNOWLEDGMENT

The user receives the following acknowledgment:

[user-name•HAS•]LEFT•
[service-name•]AT•time.

5.5 STAY

This message cancels the exit request and returns the user to the point at which the exit request signal was given. The user types the word STAY or the letters ST.

5.5.1 STAY ACKNOWLEDGMENT

The stay message is acknowledged with the following:

EXIT•REQUEST•CANCELLED.

5.6 SUSPEND

The SUSPEND message may permit a user to change destination without repeating the complete entry procedure. The user does expect to do further work.

The user types the word SUSPEND or the letters SU.

5.6.1 SUSPEND ACKNOWLEDGMENT

The system will display the following acknowledgment:

[user-name•HAS•]SUSPENDED•
[service name]AT•time.

5.7 ACCOUNTING MESSAGE

The accounting message informs the user of resources expended, of usage charges, and usage statistics. The accounting message is optional with the system implementor.

5.8 SYSTEM TERMINATION MESSAGE

Whenever it is necessary to terminate user operation, the following message will be displayed:

TERMINATION•AT•time
[•what-is-being-terminated]
[•reason-for-termination]
[•instructions-and/or-
information-to-user]

5.9 END MESSAGE

The end of a session will be indicated by display of the word END. It will be displayed on a line by itself.

No further system messages may follow.

6.0 NO RESPONSE

The following is prescribed in those cases where the implementor desires to include a "no-response" error. A "no-response" error occurs when a user signal has not been received within an implementor-specified interval following a system signal. This interval shall be at least 2 minutes.

Whenever this error occurs, the message to the user shall be repeated. The number of allowable repetitions is an implementor option.

After the first unanswered repetition, or the last unanswered repetition allowed, the user will be terminated with the system termination message (5.8). The reason for termination shall be stated as follows:

USER•RESPONSE•NOT•COMPLETED

APPENDIX A

CONCEPTS

These Concepts are not a part of the standard, but are appended to this document to provide some of the rationale which governed the development of this standard.

This Standard embodies six basic concepts:

Accomodation of diverse network topologies,
Provision for exit at any time a user desires,
Choice of three types of exit,
User orientation in procedure construction,
Consistency in handling errors, and
Allowance for options that implementors may desire.

ACCOMMODATION OF DIVERSE NETWORKS. It is an underlying premise that users at terminals do and will establish data links to services via communications networks. Furthermore, these networks do and will vary widely in their topology and sophistication.

This Standard is intended to be compatible with all communication networks, regardless of their individual characteristics. This Standard also envisions the possibility of interconnecting networks, where a user must communicate across one or more interconnections in order to reach a particular destination.

While a user may be aware of the network with which a communication connection is established, it is an intent of this Standard that such awareness not be compulsory. The only knowledge that a user is presumed to have in order to commence using a service is the following:

(a) How to make the initial communication connection. This may vary from pressing a single button once, to dialing a telephone number, then listening for a special tone, placing a hand-set in a cradle, and throwing a switch and closing a cover.

(b) How to identify the type of terminal device that is being used, if such identification is required by the network with which the communication connection is made.

(c) The correct name or identifying set of characters for the service desired.

(d) If applicable, the correct set of characters for personal identification and if applicable also, the correct set for validation.

Given these minimal constraints, the objectives of the Standard are achieved by two simple constructs. First, a user does no more nor less than ask for the desired destination by name, and supply identification and/or authentication when so requested. Second, the user does this as many times as it takes either to reach the destination or conclude that the destination is unreachable.

This Standard does not prescribe or assume any communication network or device signalling characteristics, other than conformance with applicable Federal Information Processing Standards. For this reason, the action that a user takes to establish a communication connection into a network or with some data link is outside the Standard, as is any action that a user may have to take to identify the type of terminal device being used.

EXIT AT ANY TIME. It is believed that a user should always have the ability to initiate the exit procedure, and this Standard so provides. Since exit procedure initiation is under user control and is available whenever the user is permitted to provide input, there is no need to present it as a choice or even to initiate it automatically except as a result of normal conclusion of service use. If in the course of the entry procedure it is deemed necessary to automatically terminate a user, such termination is accomplished without going through the full exit procedure.

The ability to exit at any time does not imply that a service should bypass procedures it deems necessary to terminate systems or actions in which the user was involved when an exit was requested.

CHOICE OF EXIT TYPE. Complete termination is not the only conceivable type of exit. Two other types are envisioned, and all three are incorporated in this Standard.

First, a user who has completed activities with a service may wish, without delay, to use some other accessible service. An exit type called "LEAVE" is the means by which a user indicates completion of activity with the service with which he or she has been interacting, and that the user desires to initiate the entry procedure in order to interact with some other service.

Second, one can envision a network in which a user who is active with some service decides to use an additional service without first concluding the current activity. In such a situation the current service would be held in abeyance, or suspended, while another service would be selected and used. Upon returning to the first service the user would pick up at the point of suspension. (Footnote: It is easy to envision this process being conducted for the purpose of transferring data from one service to the other. The particular protocols or procedures by which this might be accomplished are assumed to be either imbeded in or invoked by a service. In any event, they stand apart from the entry and exit procedures set forth in this Standard.)

Thus an exit type called "SUSPEND" is incorporated in this Standard. It indicates that the user wishes to initiate the entry procedure in order to use another service. However, it also indicates that the user is not through with the service in use when SUSPEND is invoked, and that the user expects to return to it.

SUSPEND has two implementation implications. First, the service that the user has been using should not delete the user from active status. In some services this could mean saving the user's work files, or remembering what information has already been retrieved and what searches have been conducted. Second, the user may be able to make reconnection without requiring reidentification and/or revalidation.

In implementing SUSPEND, as in other areas of the Standard where flexibility is offered, it is expected that no actions will be taken that are inconsistent with the contents of this Standard.

USER ORIENTATION OF PROCEDURES. Because the underlying reason for this Standard is to benefit users, all procedures have been constructed from the point of view of those who will interact with them. Consequently, a considerable amount of prompting is incorporated.

Throughout the process of entering, or establishing access to a service, the user is led by a series of requests. Each request is for some specific action. Only when it becomes clear that a user will be unsuccessful in reaching a desired destination will the user face a choice of action, namely whether to

invoke or not to invoke the exit procedure. Even that choice may be removed if communication is deliberately terminated. (Footnote: Accidental termination of communications raises several considerations not addressed in this Standard.)

CONSISTENT APPROACH TO ERRORS. This Standard adopts a uniform scheme for handling errors, in the belief that it is perplexing and frustrating to users to deal with different ways of being informed of and responding to problems. Basically, the Standard adopts these guidelines:

(a) Inform the user immediately whenever a user-generated error or problem occurs.

(b) Inform the user of the nature of the error or problem and the specific user action, or choice of actions by which it can be remedied or overcome.

(c) Confine the remedial actions to the specific command or request in which the error or problem occurred. This means, in effect, that a user may only retry the specific command or request, or be terminated.

If a user who is entering would like to go to a different point in the entry procedure, the user can request to exit, and choose the LEAVE exit type. This would take the user back to the beginning of the entry procedure. The user could also choose to TERMINATE, thereby ending the session.

Similarly, if a user who is exiting with the SUSPEND type is unsuccessful in reaching the desired new destination and wishes to go back to the point from which he or she exited, the user can elect to STAY. If a user wishes to alter or abort a SUSPEND-type exit, the exit request can again be issued, whereupon the user would choose either to LEAVE or TERMINATE.

Implementors who add requests or actions under the implementor options provisions of the Standard are expected to provide error handling that conforms to the approach discussed in this section.

ALLOWANCE FOR IMPLEMENTOR OPTIONS. Because of the richness and diversity of communications networks, and their evolving technologies and management philosophies, it could be inhibiting to standardize entry and exit procedures without leaving room for implementor flexibility. On the other hand, the need for and goals of standardization, as set forth in the introduction to this Standard, must be met.

The result is a Standard that is specific in many respects, but that allows flexibility in those areas where an obvious need for it exists. There are four such areas, as follows:

1. The Standard adopts specific formats for requests and messages to users that are short and reasonably self-explanatory. Nevertheless, shorter, more abbreviated forms of these requests and messages are possible. A user who must frequently execute a particular entry and/or exit procedure may become familiar with such shorthand and prefer it. Consequently, implementors may offer abbreviated request and message forms to their users as an option. The Standard must be implemented also. The abbreviated alternative must be specifically elected each time it is used, otherwise the user will see the Standard forms.

2. The error handling procedures allow only a retry of the request on which an error was encountered. Implementors probably will not want to permit users to retry a request indefinitely, especially if the request was for a password or other authenticator. On the other hand, if numerous services are offered on a network, several of which can be in a "busy" or "unavailable" (e.g., inoperative) condition, a service destination request that yields the response "service-name IS NOT AVAILABLE. ALL PORTS ARE BUSY" might well be followed by an opportunity to request a different service. As a result, implementors should be, and are, enabled to choose for themselves the number of allowable retries, and the messages associated with each, before terminating a user. For any given implementor this choice may vary by request or command.

3. This Standard envisions the three entry procedure components most commonly found in practice, namely destination request, identification, and authentication/validation (sometimes called password). It is conceivable that an implementor may desire yet another component, or even multiple others, all relating to a given user's request for a single, specific destination or service. For this reason, provision is made for implementors to add components, called "additional sequences" in the Standard, provided they follow the patterns for the three components that are formally established.

4. Finally, the SUSPEND exit type can have many possible actions associated with it, as discussed above. The Standard affords discretion to implementors in their handling of this command.

APPENDIX B

DEFINITIONS

ACCESS PROCEDURES.—The term used to encompass both the ENTRY and EXIT procedures.

ACCOUNTING MESSAGE.—A message, usually sent to the user at the end of a terminal session, furnishing detail on resources expanded during that session.

ACKNOWLEDGMENT.—A message indicating to the user that his input was received and accepted.

BODY (of an access procedure).—The set of sequences that together with the preamble comprises an access procedure.

COMPUTER SERVICE.—A coherent logical entity that exists in order to accomplish a specific task or a set of interrelated tasks, as viewed by a user. The computer service is the ultimate destination addressed by the user to accomplish a desired objective. A computer service may comprise multiple computer programs, but as long as they have the capability of interrelating logically to achieve a specific user objective they are viewed as one service, even if the user must take positive action to invoke an individual program. There is not necessarily a one-to-one correspondence between computer processor machinery and computer services. One computer may support multiple computer services, and one computer service may span multiple computers. (Note: where the word "service" appears alone it should be understood to mean computer service.)

DESTINATION.—That which a user seeks to access in the entry procedure. Normally, destination is a computer service. (Given the iterative nature of the entry procedure, it is conceivable that a user may access an intermediate destination which may or may not be a computer service, before accessing the specific computer service that is the user's ultimate destination.)

ENTRY PROCEDURE.—An access procedure which permits a user to make use of a computer service.

EXIT PROCEDURE.—An access procedure that permits a user to stop use of a computer service.

EXIT REQUEST SIGNAL.—The indication from the user that the exit procedure is to be initiated.

IMPLEMENTOR (of an access procedure).—The designer, developer, operator or service vendor providing access procedures to a user.

PREAMBLE (of an access procedure).—A set of actions or sequences which normally are not iterative, or which serve to determine the specific procedure that follows.

SYSTEM (in the context of access procedures).—The aggregate of hardware and software that permit access to and use of services from a user terminal.

SYSTEM MESSAGE.—A message or request to the user.

SYSTEM SIGNAL.—An indication to the terminal user that the next action is up to the user.

TERMINAL.—see: USER TERMINAL.

USER.—(1) An individual who avails himself or seeks to avail himself of some computer service. A user is not necessarily knowledgeable of computer technology. A user may also be referred to as a subscriber or customer. (2) A user may also be an organizational unit any of the members of which may avail themselves of the computer service.

USER MESSAGE.—A message entered into the terminal by the user.

USER SIGNAL.—An indication entered into the terminal by the user, that input is complete.

USER TERMINAL.—The device into which a user enters user messages and from which the user receives system messages.

[FR Doc. 77-35408 Filed 12-9-77; 8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

KJELD N. JENSEN

Receipt of Application for Certificate of Exemption

Notice is hereby given that the following applicant has applied in due and timely form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Kjeld N. Jensen, 23 Water Street, Mattapoisett, Mass. 02739.

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

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

in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products consisting of approximately 125 etched pieces of whale teeth, 24 whole etched whale teeth, 10 carved pieces of whale bone, and 1 etched piece of whale bone. Finished scrimshaw products to be made from approximately 111 whale teeth, 1,000 pieces of whale teeth, and 170 pounds of whale bone.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before January 11, 1978.

Dated: December 6, 1977.

ROLAND FINCH,
Acting Assistant Deputy Director for Fisheries Management.

[FR Doc 77-35417 Filed 12-9-77; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER GLOVES AND MITTENS FROM THE PHILIPPINES

Further Increasing the Import Level

DECEMBER 6, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the import restraint level established for certain man-made fiber gloves and mittens in Category 214 from the Philippines during the agreement period which began on October 1, 1976, and extends through December 31, 1977.

SUMMARY: Paragraph 6 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the Governments of the United States and the Republic of the Philippines, provides that within the applicable group limits categories having specific ceilings may be exceeded in any agreement year by 7 percent. At the request of the Government of the Republic of the Philippines, under the terms of the bilateral agreement, the level for Category 214 is being further increased by 94,936 dozen pairs to a level of 1,532,703 dozen pairs for the 15-month period which began on October 1, 1976, and extends through December 31, 1977.

EFFECTIVE DATE: December 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On September 27, 1976, a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (40 FR 42234), which established the levels of restraint applicable to certain specified categories of cotton and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States during the 12-month period which began on October 1, 1976 and extended through September 30, 1977. A subsequent letter, dated August 5, 1977, and published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40304), amended and extended the bilateral agreement 3 months, through December 31, 1977, and increased the previously established specific levels of restraint to reflect the extension. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level of restraint established for man-made fiber textile products in Category 214, produced or manufactured in the Philippines and exported to the United States during the 15-month period which began on October 1, 1976.

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

DECEMBER 6, 1977.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On September 22, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on October 1, 1976, and extending through September 30, 1977, of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of the Philippines, and exported to the United States, in excess of designated levels of restraint. The directive of September 22, 1976, was amended on August 5, 1977, to increase the previously established level of restraint in accordance with a three-month extension of the agreement, through December 31, 1977. The Chairman advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 6 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on December 6, 1977, to amend the level of restraint established for man-made fiber textile products in Category 214 to 1,532,703 dozen pairs.[2]

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of man-made fiber textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

[FR Doc. 77-35395 Filed 12-9-77; 8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 15, 1975, as amended, between the Governments of the United States and the Republic of the Philippines which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by specified percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any entries made after September 30, 1976.

[3128-01]

DEPARTMENT OF ENERGY

Energy Information Administration

CLEARANCE OF COAL DATA COLLECTION FORMS

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE), Energy Information Administration (EIA) has received clearance from the Office of Management and Budget (OMB) for the mandatory collection of data on the following forms which were previously submitted to the Bureau of Mines (BOM) on a voluntary basis:

Form Number and Form Title

EIA-1—Weekly Coal Monitoring Report (General Industry and Blast Furnaces).
EIA-2 (formerly BOM 6-1400-M)—Monthly Coal Report (Retail Dealers-Upper Lake Docks).
EIA-3 (formerly BOM—6-1400-M-1)—Monthly Fuel Consumption Report (Manufacturing Plants).
EIA-4—Weekly Coal Monitoring Report (Coke and Beehive Plants).

EIA-5 (formerly BOM 6-1365-M)—Coke and Coal Chemicals Materials.
EIA-6 (formerly BOM 6-1419-Q)—Distribution of Bituminous Coal and Lignite Shipments.
EIA-7 (formerly BOM 6-1401-A)—Bituminous Coal and Lignite Production and Mine Operation Report.

EFFECTIVE DATE: October 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Harris, Department of Energy, Office of Energy Data and Interpretation, Division of Coal and Power Statistics, Washington, D.C. 20461, 202-634-7371.

SUPPLEMENTARY INFORMATION: The data collected on the forms listed above will be used for continual monitoring of coal production, stocks, consumption and distribution, with the primary emphasis being to provide an improved data source for coal related analysis including energy/environmental studies, energy policy, and implementation of mandated coal programs. Mandatory reporting of those forms previously submitted to BOM is as follows:

The EIA-2, EIA-3 and EIA-5, must be submitted monthly to DOE not later than fifteen (15) days after the close of the reporting period.
The EIA-6 must be submitted quarterly to DOE not later than thirty (30) days after the close of the reporting period.
The EIA-7 must be submitted annually to DOE not later than thirty (30) days after the close of the reporting period.

Submissions, retroactive to January 1977, are required for those respondents that have not previously reported to BOM on a voluntary basis.

The EIA-1 and EIA-4 will be utilized to collect weekly coke and coal stocks and consumption information in the event of a distruption in coal production and/or supply. The data will be obtained telephonically at the beginning of each week by EIA personnel from approximately 600 general industry and blast furnace facilities and approximately 65 coke and beehive plants. Copies of the forms are being mailed to the reporting universe for reference during this mandatory data collection effort.

The data on the forms listed above is collected pursuant to authority invested in the Department by Pub. L. 93-275, as amended, Section 13(b).

Any information or data submitted in response to the survey, considered by the person furnishing it to be confidential, must be so identified. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., December 5, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 77-35376 Filed 12-9-77; 8:45 am]

[3128-01]

Economic Regulatory Administration

SYNTHETIC NATURAL GAS

Availability of Draft Environmental Impact Statement—Baltimore Gas and Electric Co. (No. DOE/EIS-0002-D)

AGENCY: Department of Energy.

ACTION: Notice of availability and public hearing.

SUMMARY: The Department of Energy (DOE) has made available for public comment a draft Environmental Impact Statement (EIS) concerning the proposed allocation of naphtha to Baltimore Gas and Electric Co. (BG&E) for the production of synthetic natural gas (SNG) at its Sollers Point, Md. facility. A public hearing will be held on January 12, 1978.

DATES: Written comments on or before January 26, 1978; requests to speak by January 6, 1978, 4:30 p.m.; public hearing statements and questions by January 11, 1978, 4:30 p.m.; hearing to be held on January 12, 1978 at 9:30 a.m.

ADDRESSES: Written comments to: Office of the Executive Secretariat, Department of Energy, Box QC, room 3317, Federal Building, 12th and Pennsylvania Avenues NW., Washington, D.C. 20461. Public hearing statements to: Office of Regulation Management, Economic Regulatory Administration, 2000 M Street NW., room 2214, Washington, D.C. 20461. Hearing to be held at: room 2105, 2000 M Street NW., Washington, D.C. 20461

FOR SINGLE COPIES OF DRAFT EIS CONTACT: National Energy Information Center, 12th and Pennsylvania Avenue NW., room 1404, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE, Freedom of Information Reading Room), 12th and Pennsylvania Avenues NW., room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenues NW., room 3104, Washington, D.C. 20461, 202-566-9833.

Finn Neilsen (Economic Regulatory Administration, Fuels Allocation), 2000 M Street NW., room 6318, Washington, D.C. 20461, 202-254-9730.

J. Thomas Wolfe (office of General Counsel), 12th and Pennsylvania Avenues NW., room 7146, Washington, D.C. 20461, 202-566-9750.

Robert Stern (Office of Environmental Impact), 12th and Pennsylvania Avenues NW., room 7119, Washington, D.C. 20461, 202-566-9760.

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., room 2214, Washington, D.C. 20461, 202-254-5201.

SUPPLEMENTARY INFORMATION: On September 30, 1975, BG&E petitioned the Federal Energy Administration for an assignment of naphtha for use as SNG feedstock pursuant to 10 CFR 211.29. On October 1, 1977, pursuant to the Department of Energy Organizational Act, Pub. L. 95-91, and Executive Order 12009 (42 FR 46267, September 15, 1977) the Department of Energy was established and the functions of the Federal Energy Administration were transferred to the DOE. Pursuant to Delegation Order 0204-4, the Administrator of the Economic Regulatory Administration (ERA) was delegated by the Secretary of Energy the authority to administer the regulations promulgated under § 4(a) of the Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, including the allocation of naphtha as an SNG feedstock.

Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), DOE has prepared and made available for public comment a draft environmental impact statement (EIS) concerning the allocation of naphtha as an SNG feedstock for the BG&E Riverside SNG plant located at Sollers Point. This facility was designed to produce 60,000 Mcf of gas per day. It is expected to operate no more than 180 days per year and will produce up to 10,800,000 Mcf of SNG annually. The requested assignment of naphtha is 1,230,000 barrels for use in startup, testing, and commercial production during the 1977-78 heating season and 2,186,000 barrels each succeeding year. Additionally BG&E requests that Amerada Hess Corp. be assigned as supplier of the naphtha feedstock.

The EIS describes the environment affected by the proposed allocation action and the expected impact on this environment, as well as various alternatives to the allocation of feedstock.

COMMENT PROCEDURE: Single copies of the Baltimore Gas and Electric Co. draft EIS may be obtained from the National Energy Information Center, room 1404, 12th and Pennsylvania Avenues NW., Washington, D.C. 20461. Copies of the EIS will also be available for review in the Freedom of Information Reading Room, room 2107, 12th and Pennsylvania Avenues NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

Interested parties are invited to submit written comments with respect to the draft EIS to the Office of the Executive Secretariat, Department of Energy, Box QC, room 3317, Federal

Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with designation "Baltimore Gas and Electric Co. Draft EIS." Ten (10) copies should be submitted. All comments and related information should be received by DOE on or before January 26, 1978, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only, in accordance with the procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

PUBLIC HEARINGS: A. Request Procedures.—A public hearing on the draft EIS will be held at 9:30 a.m., on January 12, 1978, in the Auditorium, room 2105, 2000 M Street NW., Washington, D.C. to receive oral presentations from interested persons.

Any person who has an interest in the draft EIS or who is a representative of a group or class of persons which has an interest in this matter may make a written request for an opportunity to make oral presentation. Such a request should be directed to Office of the Executive Secretariat, DOE, Box QC, room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m., January 6, 1978. Such a request may be hand-delivered to room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has an interest; and to give concise summary of the proposed oral presentation and a phone number where he or she may be reached through January 9, 1978. Each person selected to be heard will be notified by DOE before 4:30 p.m., January 9, 1978, and must submit 100 copies of his or her proposed statement to ERA, Office of Regulation Management, room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., on January 11, 1978.

B. Conduct of Hearings.—DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard. A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Office of Executive Secretariat, DOE before 4:30 p.m., January 11, 1978. DOE will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., December 6, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

[FR Doc. 77-35314 Filed 12-9-77; 8:45 am]

[3128-01]

FEDERAL GOVERNMENT POLICY FOR LIQUEFIED NATURAL GAS IMPORTS

Notice of Public Hearing on Federal Government Policy for Liquefield Natural Gas Imports

AGENCY: Department of Energy.

ACTION: Notice of public hearing.

SUMMARY: The Department of Energy (DOE), on behalf of the Federal Government Interagency Task Force on LNG Imports, gives notice of a public hearing and the opportunity to submit comments on the subject of Federal Government policy on liquefied natural gas (LNG) imports.

DATES: Public Hearing: January 4, 1978. Requests to Speak at Public Hearing: December 14, 1977. Hearing Statements: December 29, 1977. Written Comments: December 29, 1977.

ADDRESSES: Public Hearing: Department of Energy, 12th and Pennsylvania Avenue NW., room 3000A, Federal Building, Washington, D.C. 20461. Requests to Speak at Public Hearing, Written Comments and Hearing Statements: Frank R. Pagnotta, Director, Office of the Secretary, Department of Energy, Old Executive Office Building, room 208, Washington, D.C. 20500.

FOR FURTHER INFORMATION CONTACT:

Henry P. Santiago, Office of the Assistant Secretary, Policy, room 4108, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, telephone 202-566-9919.

James K. White, Office of the General Counsel, room 5116, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, Telephone 202-566-9380.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

The National Energy Plan (NEP), issued by the Executive Office of the President on April 29, 1977, establishes a comprehensive policy to deal with the Nation's energy problems. With regard to LNG imports, the NEP replaces the guidelines proposed by the Energy Resources Council (ERC), which, among other things, limited LNG imports from any one country to 0.8-1.0 Tcf/yr. and stated that about 2 Tcf/yr. was an acceptable level of total imports of LNG. The NEP establishes more flexible guidelines which set no upper limits on LNG imports and provides for Federal Government review of each application to import LNG to assess its availability at a reasonable price without undue risks of dependence on foreign supplies.

B. ISSUES ON WHICH VIEWS AND COMMENTS ARE INVITED

To implement the NEP guidelines DOE has reestablished the LNG Interagency Task Force to develop criteria and recommendations. In conducting its analysis the task force is interested in views and comments from all interested persons. To this end, the task force and DOE are particularly interested in obtaining views and comments on the following issues:

1. *Reliability of Exporting Country.* In the previous analyses done for the ERC, a number of possible criteria were considered and evaluated for use in assessing the reliability of exporting countries. These include:

(a) Overall LNG export activity projected for 1985;

(b) Projected oil and gas export earnings;

(c) Balance of trade projections;

(d) Anticipated foreign borrowings to cover possible trade deficits;

(e) Adequacy of export country's gas reserves to meet its own domestic and export requirements over
the life of the project;
(f) Degree to which host country depends on United States for imports and military, foreign and agricultural aid; other economic leverages or mutuality of interest;
(g) Bilateral U.S. relations;
(h) Activities in multilateral organizations such as CIEC, UN, and OPEC;
(i) Anticipated impact of LNG trade on the country's economic and financial situation;
(j) Possible pricing strategy to be followed by that country;
(k) Exporting country's record in honoring agreements, including experience of other countries purchasing LNG from exporting country;
(l) Technical feasibility of meeting volume and schedule commitments;
(m) Protection against contract violations;
(n) Alternative foreign markets for the LNG;
(o) Extent to which exporting country will participate in financing the project; and
(p) Number of LNG projects already approved.

If the exporting country has the unilateral right to cut off supplies, should the Government certification be conditioned to provide the U.S. purchaser with the reciprocal right to cancel?

Views and comments are invited on the following questions:

Are these criteria appropriate for evaluating the reliability of exporting countries? What other or additional criteria should be used?

2. *Dependence on Imports.* The previous work done for the ERC also considered the problem of dependence. This issue was evaluated from a number of perspectives, including dependence on any individual exporting country, overall national dependence on LNG imports and regional dependence.

The issue of dependence on any individual exporting country turns largely on the reliability of that country, and any views and comments on this issue should be developed within the context of reliability discussed previously.

From the perspective of national dependence, what factors or criteria should be considered in evaluating the acceptability of a project? What type of methodology, if any, may be used to assess a project's impact on national dependence?

With respect to regional dependence, the LNG Task Force in its previous work identified the following criteria as important in assessing the ability of individual regions to absorb supply interruptions:

(a) Projected distribution of LNG imports among the major users in that region. Which major industries may commit themselves to LNG imports as their primary energy source?
(b) Alternative energy sources which are potentially available to the region, including the use of oil instead of gas, and the actions which can be taken to promote these alternative sources;
(c) Total gas supply (domestic and imported), available to region;
(d) Storage capacity relevant to region;
(e) Spread between peak and average demand for region;
(f) Regional suppliers of gas and their share of the market;
(g) Cross-company and cross-regional pipeline interconnections; and
(h) Diversity of LNG sources.

The questions to be considered are:

What other or additional factors are appropriate in considering the degree of acceptable regional dependence? Is there a degree of regional dependence beyond which distribution should be imposed?

3. *Costs and Pricing.* A definitive review of costs and pricing will be conducted when the individual projects are presented for review and approval. However, the development of general principles to guide such review might be useful. Views and comments are invited regarding what principles, if any, should be developed for the following elements:

(a) Base price and escalation provisions;
(b) Minimum bill, all events tariffs and similar provisions;
(c) Shipping arrangements, including cost escalation provisions and number of ships which should be U.S. flag;
(d) Facility construction costs;
(e) Sharing of costs and capital contributions by importers and exporters;
(f) Wholesale and retail pricing of LNG, should LNG be treated in the same manner as all other higher priced natural gas streams? Should an incremental pricing approach be adopted?
(g) Use of cost basing versus commodity pricing (or other pricing provisions), as a basis for assessing reasonableness of costs and prices.

4. *Contingency Plans.* Views and comments are invited with regard to the following questions: What changes or amendments, if any, should be made to the current requirements for contingency plans? Should the requirements of contingency plans be increased to compensate for increased levels of dependence on particular exporting countries or for increased levels of national or regional dependence?

5. *Safety and Siting.* The task force is currently considering various candidate siting criteria. These siting criteria can be classified into the following:

Consequence Minimization Criteria.—Under this approach the siting of LNG docks would insure minimum exposure of the general public to major accidents. Population density requirements around the site and along the transit route would be major elements of this approach. Other possible elements would be geographic characteristics in and around the site and size of the Maximum Credible Accident (MCA).

Probability Minimization Criteria.—Under this approach all design, technological, and operational requirements which could reduce the probability of accidents, particularly the MCA, would be imposed regardless of the site characteristics.

Combination of the Above Categories.—Under this approach the total safety requirements would be determined by the unique characteristics of the project, including the proposed site, size, and type of ships and demographic characteristics outside of the facility. Use of this category would not preclude establishment of minimum requirements relative to consequence minimization and probability minimization.

Views and comments are requested on the viability of each of the above siting approaches and on the elements that each should contain. It is requested that views and comments be as specific as possible.

Among the issues that should be addressed are the following:

(a) Should the construction of other LNG docks in densely populated areas by foreclosed;
(b) Appropriate population density requirements outside the fence;
(c) Size and characteristics of the Maximum Credible Accident (MCA);
(d) Impact on worker safety;
(e) Geographic and other characteristics that an LNG site should have;
(f) Allowable industrial or residential development in proximity to the proposed site including the implications of other energy facilities, i.e., petroleum storage;
(g) Extent and usefulness of current experience with LNG storage and transportation;
(h) The usefulness and content of a safety analysis report to be developed subsequent to construction but prior to operation of the facility; and
(i) Any other siting criteria which may be appropriate for consideration in fulfilling the NEP requirements.

In addition, consideration should be given to the following:

(j) Are existing liability rules adequate to compensate affected parties for damages arising from LNG facility accidents? If not, why not? What additional rules are needed?
(k) Should the number of LNG facilities be minimized by imposing common carrier status, expanding or maximizing the use of present facilities or by other means? If so, what

would be the legal and economic implications of these options?

(1) Any other safety issues.

6. *Scope of the Policy.* The first decision of the ERC Task Force on LNG imports was the determination on March 19, 1976, that short term LNG import projects were not within the scope of the LNG import policy and would, therefore, not be subject to the requirements of the policy decision by ERC.

Short term ventures are those involving contractual commitments of less than three years and requiring at most only minor modifications to LNG facilities and equipment. These projects are basically spot market agreements designed to meet a short term need for the gas or to take advantage of a short term price discount caused by an excess supply situation. The ERC policy, on the other hand, was aimed at LNG import ventures involving long term contractual commitments and construction of new LNG facilities and ships.

Views and comments are invited on the following questions:

To what extent should the new policy, or elements of it, be applied to these short term ventures? Should the new policy, or elements of it, be applied to already approved projects? If so, why and which elements?

C. *Comment Procedure.*—1. *Public Hearing.* The public hearing will be held at 9:30 a.m. on January 4, 1978, and will be continued, if necessary, on January 5, in Room 3000A, Federal Building, 12th and Pennsylvania Avenue, Washington, D.C. A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

2. *Request to Speak at Public Hearing.* Any person who has an interest in this proceeding or is a representative of a group or class of persons that has an interest in it, may make a written request for an opportunity to make an oral presentation at the hearing. Such a request can be mailed or hand delivered to DOE, Frank Pagnotta, Director, Office of the Secretary, Old Executive Office Building, Room 208, Washington, D.C. 20500, and must be received before 4:30 p.m., e.s.t., on December 14, 1977. The request shall state the name of the person making the request, identify the interest represented and if appropriate, state why he or she is a proper representative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation and give a telephone number where the person may be contacted through December 20, 1977. Each person selected to be heard will be so notified by DOE before 4:30 p.m., e.s.t., on December 20, 1977. DOE reserves the right to select the persons to be heard and to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited based on the number of persons requesting to be heard.

This will not be an adjudicative hearing, and there will be no cross-examination of persons presenting statements. A DOE official will be designated to preside at the hearing, and any further procedural rules needed for the proper conduct of the hearing will be announced by this presiding official.

3. *Written Comments and Hearing Statements.* Interested persons who do not intend to participate in the hearing or who wish to submit additional information are invited to submit comments with respect to the subject matter set forth in this notice to Frank Pagnotta, Director, Office of the Secretary, Old Executive Office Building, Department of Energy, Room 208, Washington, D.C. 20500. Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.s.t., on December 29, 1977. Written comments should be identified on the outside of the envelope and on documents submitted with the designation, "LNG Import Policy," Ten copies should be submitted. Persons selected to make oral presentations at the hearing should submit 100 copies of their hearing statements to DOE, Frank Pagnotta, Director, Office of the Secretary, Old Executive Office Building, Room 208, Washington, D.C. 20500. Hearing statements may be mailed or hand delivered and should be received by 4:30 p.m., e.s.t., on December 29, 1977. DOE reserves the right not to accept late filed comments or hearing statements. Comments or hearing statements received after 4:30 p.m., e.s.t., on December 29, 1977, will not be accepted absent a showing of extraordinary circumstances. Any information or data considered by the person furnishing it to be confidential must be so identified and only one copy of such data or information should be submitted. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C. December 6, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration,

[FR Doc. 77-35374 Filed 12-9-77; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. CS71-1040 et al.]

HENRY GOODRICH ET AL.

Applications for "Small Producer" Certificates[1]

DECEMBER 1, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 23, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS71-1040	9/19/77	Henry Goodrich, d.b.a. Goodrich[1] Oil Co., 2003 Beck Bldg., Shreveport, La. 71101.
CS78-56	10/17/77	Andrew C. Thomas Trust U/W/O Joe N. Champlin, Joanna C. Nave, Trustee, 700 1st National Bank Bldg., Enid, Okla. 73701.
CS78-71	11/7/77	Edwin B. Alderson, Jr., 510 1st National Bank Bldg., El Dorado, Ark. 71730.
CS78-85	11/9/77	M. T. Herbst, 5640 Green Tree, Houston, Tex. 77056.
CS78-86	11/9/77	Roy M. Teel, Jr., 4111 South Darlington, Suite 400, Tulsa, Okla. 74135.
CS78-87	11/7/77	Mary Iris Goldston Corp., P.O. Box 22568, 4140 Southwest Freeway, Houston, Tex. 77027.
CS78-88	11/7/77	Frank Glenn, Route 1, Box 30, Wilburton, Okla. 74578.
CS78-89	11/9/77	Montgomery Exploration Co., 4221 1st International Bldg., Dallas, Tex. 75270.
CS78-90	11/10/77	R. K. Coleman, P.O. Box 1568, Brownwood, Tex. 76801.
CS78-91	11/10/77	Daniel Ostermann, R.F.D. Box 9305, Spirit Lake, Iowa 51360.
CS78-92	11/11/77	Liberty Energy Co. of Texas, Inc., 7515 Greenbrier Dr., Dallas, Tex. 75225.
CS78-93	11/11/77	O. A. Whitehead, Box 331, Akron, Colo. 80720.
CS78-94	11/11/77	Alfred Ward & Son, Inc., Box V, Akron, Colo. 80720.
CS78-95	11/11/77	John R. Thompson, 1950 East Highway Abilene, Tex. 79601.
CS78-96	11/11/77	Robert Donnell, 15 Oak Lawn Park, Midland, Tex. 79701.
CS78-97	11/14/77	Simmentasl Ranches, Inc., R.F.D. 4, Mead Rd., Jamestown, N.Y. 14701.
CS78-98	11/14/77	Fort Collins Consolidated Royalties, Inc., P.O. Box 1363, Cheyenne, Wyo. 82001.
CS78-99	11/14/77	Chesley Pruet ——— Paula & Ann Co., a partnership, Chesley Pruet Drilling Co., P.O. Box 31, El Dorado, Ark. 71730.
CS78-100	11/14/77	Divers, Beecher & Gunn, Route 1, Box 183, Grantsville, W. Va. 26147.
CS78-101	11/14/77	MWJ Corp., 4285 1st National Bank Bldg., Dallas, Tex. 75202.
CS78-102	11/14/77	The Coffeyville Gas Co., Box 639, Coffeyville, Kans. 67337.
CS78-103	11/14/77	Alexander Industries, a partnership, 15400 East 14th Pl., Altura Plaza, Suite 424, Aurora, Colo. 80011.
CS78-104	11/14/77	GSI Resources, 10149 Trailpine Dr., Dallas, Tex. 75238.
CS78-105	11/14/77	Coke L. Gage, P.O. Box 38, Decatur, Tex. 76234.
CS78-106	11/15/77	Louisiana Gas Service Exploration Program, 530 Oil and Gas Bldg., New Orleans, La. 70112.
CS78-107	11/15/77	Oil Country Management, Inc., P.O. Box 51302, OCS, Lafayette, La. 70505.
CS78-108	11/16/77	Lingen Petroleum, Inc., 1111 Commerce Bldg., 914 Main, Houston, Tex. 77002.
CS78-109	11/17/77	Red River Oil & Gas Co., 5131 Classen Blvd., Oklahoma City, Okla. 73118.
CS78-110	11/17/77	Transcontinental Exploration Co., Inc., 1400 1st National Bank Tower, Shreveport, La. 71101.
CS78-111	11/17/77	Petroleum, Inc., R. H. Garvey Bldg., 300 West Douglas, Wichita, Kans. 67202.
CS78-112	11/18/77	Antelope Gas Products Co., P.O. Box 57, Kinball, Nebr. 69145.

[1] Applicant and Charles T. McCord, Jr., have become disassociated producers with the result that applicant is now doing businesss as Goodrich Oil Co., and Charles T. McCord, Jr., is continuing to do business as McCord Oil Co. Applicant requests that the order issued herein on Nov. 29, 1971, be amended so as to delete applicant from the Small Producer Certificate issued therein and so as to issue applicant his own Small Producer Certificate.

[FR Doc. 77-35220 Filed 12-9-77; 8:45 am]

[3128-01]

INDUSTRIAL ENERGY CONSERVATION PROGRAM

Requirement for Corporations to File Information on Energy Consumption; Clarification of the Proper Treatment of Joint Ventures

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE), is clarifying the requirement for certain corporations to file information on energy consumption. This clarification is based on a determination by DOE as to the responsibility of a corporation to report energy consumed by a joint venture which the corporation partly owns. Corporations which determine that their status under the Industrial Energy Conservation Program is significantly affected by this notice must file an initial or a revised energy consumption report.

EFFECTIVE DATE: December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Snyder (Office of Conservation and Solar Applications), 12th and Pennsylvania Avenue NW., Old Post Office Building, Washington, D.C. 20461, 202-566-4661.

SUPPLEMENTARY INFORMATION:

I. Background

As part of the Industrial Energy Conservation Program established by Part D, Title III of the Energy Policy and Conservation Act, Pub. L. 94-163 (EPCA) (42 U.S.C. 6341-6345), the Federal Energy Administration (FEA), issued a notice requiring certain corporations to file reports on their 1975 energy consumption (41 FR 36838, September 1, 1976). A subsequent notice was issued in part to clarify some of the filing instructions (41 FR 47285, October 28, 1976). On the basis of the energy consumption reports received from corporations, FEA identified the 50 most energy-consumptive corporations in each of the 10 most energy-consumptive manufacturing industries (41 FR 54977, December 16, 1976). Identified corporations must report their energy consumption and conservation efforts either directly to DOE or indirectly through a third party reporting group. The Department of Energy Organization Act (42 U.S.C. 7101 et seq.), transferred to DOE the functions of FEA, including those of the Industrial Energy Conservation Program.

II. Determination of Control of a Joint Venture

The September 1, 1976 Federal Register notice set forth as the definition of "corporation", for reporting purposes, the definition contained in section 371(a) of the EPCA: "The term 'corporation' means a person as defined in section 3(2)(B) of the EPCA (any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company), and includes any person so defined which controls, is controlled by, or is under common control with such person." This definition was expanded in the subsequent October 28, Federal Register notice which stated:

> FEA wishes to clarify the definition of corporation with respect to the corporate entity which is required to file energy consumption information in respect to the original notice. In any case in which any person defined in section 3(2)(B) of the Energy Policy and Conservation Act (any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company), controls, is controlled by, or is under common control with such other person, *the corporation which is required to file is the ultimate parent corporation.* Control includes both direct and indirect control (emphasis added).

FEA recently had occasion to clarify the meaning this criterion of control in identifying the ultimate parent corporation of a joint venture. FEA's Office of Conservation determined that, for purposes of the Industrial Energy Conservation Program, control of a corporation means the ability to direct or cause the direction of the management and policies of the corpo-

ration. The identification of a controlling, or ultimate parent, corporation is a question of fact to be determined from such criteria as degree of ownership (especially of voting shares), contractual arrangements, and other means of influence. Facts establishing the ability to appoint a majority of a company's board of directors, whether by sufficient stock ownership or other means, are expecially important to the determination of control.

In the case of a joint venture, there is no single parent corporation. However, where one of the corporations which owns the joint venture exercises control as determined by the criteria listed above, that corporation is the ultimate parent corporation and is responsible for reporting the entire amount of energy consumed by the joint venture. Only where an examination of the facts indicates that more than one parent corporation actually exercise control will control be considered to be vested in more than one ultimate parent. In this single case, each joint venturer is required to include an equal percentage of the energy consumed by the joint venture in its energy consumption report.

III. Initial/Revised Energy Consumption Report

Any corporation which determines that this clarification affects its reporting requirement under the Industrial Energy Conservation Program must submit either an initial or a revised report, as applicable, to the address listed above within 30 days of the publication of this notice. Instructions for filing energy consumption reports are contained in the September 1, 1976, and October 28, 1976, Federal Register notices (41 FR, 36838; 41 FR, 47285). If a report includes less than the total energy consumed by a joint venture, sufficient documentation, relevant to control of the joint venture, must be submitted to DOE with the report including:

(1) A copy of the provisions of the joint venture agreement pertinent to the direction and management of the joint venture as well as a copy of all other material pertinent to the direction and management of the joint venture, accompanied by a certification by a duly authorized officer of the corporation that the same are true and correct copies, and were are in full force and effect during 1975, and are in full force and effect at the date of certification, and

(2) A certification by the chief executive officer or other duly authorized officer of the corporation that the corporation does not possess, directly or indirectly, the power to direct or cause the direction of the management and policies of the joint venture whether through the ownership of voting shares, by contract, or otherwise.

IV. Confidential Information

A corporation which believes that any information provided to DOE in its response is a trade secret or commercial or financial information that is privileged or confidential and that disclosure of this information may cause significant competitive damage to it must inform DOE of this conclusion. Specifically, the corporation must (1) file, together with the response, a second copy of the response on which has been clearly indicated the information release of which the corporation believes would cause significant competitive damage, (2) indicate on the original response that it contains confidential information, and (3) file a concise statement which explains, item by item, the exact nature of the significant competitive damage which would result from the release of each item, and whether that item is customarily treated as confidential by the corporation and the industry. A detailed explanation of the competitive damage resulting from public disclosure, rather than general statements that an item is confidential, is needed by DOE to determine whether the item may be released. DOE retains the right to make its own determination regarding any claim of confidentiality. Prior to disclosing any information contained in the response which the Secretary determines is information described in 5 U.S.C. 552(b)(4), the Secretary will afford, pursuant to section 376(e) of the EPCA, the person who provided the information an opportunity to comment on the proposed disclosure.

The effective date of this document is December 12, 1977.

Issued in Washington, D.C., December 6, 1977.

William S. Heffelfinger,
Director of Administration.

[FR Doc. 77-35377 Filed 12-9-77; 8:45 am]

[6740-02]

[Docket No. ER78-1]

KANSAS POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Increased Rates, Denying Motion To Reject, Granting Intervention and Establishing Procedures

December 1, 1977.

On November 1, 1977, the Kansas Power & Light Co. (KP&L), tendered for filing information to complete its October 3, 1977, filing with the Federal Energy Regulatory Commission of proposed increases in rates for service to seventeen wholesale cooperative customers and forty-one wholesale municipal customers.[1] KP&L states that the proposed rates would result in an increase in annual revenues to the company of $6,232,701 (31.8%), based on the twelve-month test period ended October 31, 1978. KP&L further states that the proposed rate schedules represent the first significant general increase in rates in the history of their respective services for both the cooperatives and municipals. The changes in rates include revised capacity charges, including a ratchet provision for the cooperative wholesale service, and increased energy charges purported to reflect changes in base fuel costs for both wholesale services.

For the majority of its wholesale customers, KP&L requests an effective date of November 4, 1977, despite the deficiency of its original October 3, 1977, filing, or at the latest, an efective date of November 5, 1977, reflecting a one-day suspension period should the Commission order a hearing. For twelve of its municipal customers whose contracts have been determined by the Federal Power Commission to permit rate increases only upon a final order by the Commission (see appendix B), KP&L requests an effective date upon the expiration, termination, or renegotiation of the present contracts, and requests waiver of § 35.3(a) of the Commission's regulations for this purpose. KP&L further states that the effectiveness of the rate to these twelve customers would be conditioned upon the filing of a superseding service agreement as ordered in KP&L's prior rate case in Docket No. ER76-39 (Order of December 22, 1975).

KP&L further requests, in the event its proposed rates are suspended and a section 205(e) hearing ordered, that the Commission institute a concurrent section 206(a) proceeding to determine on a prospective basis the just and reasonable rates for these 12 customers.

Public notice of the filing was issued on October 11, 1977, with protests and petitions to intervene due on or before October 25, 1977.

By letter dated October 19, 1977, the Company was notified that its filing was deficient. On October 21, a notice of intervention was received from the State Corporation Commission of the State of Kansas. On October 25, a protest and petition to intervene was filed by the cooperative customers (Cooperatives), and a protest, petition to intervene, and motion to reject was filed by 20 of the Municipal customers (Municipals), with 4 additional customers added by amendment of October 26, 1977.[2]

[1] See Appendices A and B.

[2] The Cities of Herington, Larned, Sterling, St. Mary's, St. John, Stafford, Goff, Marion, Altamount, Clay Center, Wamego, Holton, Chapman, Muscotah, Hillsboro, Scraton, Oswego, Seneca, Osage City, Ellinwood and additions, Lindsborg, Netawaka, Sebetha and Desoto, Kans.

KP&L submitted supplemental information and is hereby given a designated filing date of November 1, 1977. By notice issued November 14, 1977, the Commission granted KP&L's motion of November 7, 1977, to extend the time to answer the protests, petitions to intervene, and motion to reject. KP&L's answers were timely filed on November 16, 1977. On November 23, 1977, the Cooperatives filed an answer to KP&L's answer.

The Municipals offer four bases for their motion to reject: (1) two of the Municipals move to reject the section 205(e) filing under the Sierra-Mobile doctrine[3] on the basis of an alleged fixed-rate contract; (2) other Municipals under contracts held to permit only prospective rate changes under section 206 of the Federal Power Act seek dismissal alleging that the Company filing failed to address the heavier Sierra burden of proof standards purportedly required; (3) discrimination is alleged in KP&L's seeking rate increases for some municipal customers when fixed-rate contracts prohibit increases for others of the same class; (4) the municipals move that the filing should be rejected for failure to comply with § 35.13 of the Commission's regulations and FPC Order No. 555.

The motion to reject the section 205(e) filing on Sierra-Mobile grounds is clearly misplaced since KP&L has not sought an effective date for the subject customers until their present contracts expire except after a section 206(a) proceeding and order. The question of whether the company bears a just and reasonable burden of proof or the heavier Sierra burden in the 206(a) proceeding was determined in KP&L's prior rate filing in Docket No. ER76-39 concerning the same contracts.[4] In the order denying rehearing of the Municipal's contention that KP&L was required to meet the Sierra burden, the Federal Power Commission stated:

> [I]nasmuch as the parties herein have specifically contracted to allow the rates to be altered from time to time to reflect changes authorized by this Commission in a manner consistent with section 206(a), we do not believe that the Sierra burden is imposed.[5]

We reaffirm the prior Commission determination that the contract language in question permits a change in rates under a just and reasonable standard upon final Commission order.

The Municipal's third ground for rejection was also raised in Docket No. ER76-39 and disposed of therein. Municipals assert that KP&L should not be permitted to increase rates to some of its municipal wholesale customers when it has voluntarily agreed to long term fixed-rate contracts with others. The practical effect of adoption of such a policy would be that a fixed-rate contract binding the company as to one customer would also be binding as to all other customers in the same class. Such a holding would nullify the non-fixed rate contracts that were entered into by the utility. Yet this very right gives rise to the Sierra-Mobile doctrine which, as the Court of Appeals has stated:

> * * * is refreshingly simple: the contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid. Rate filings inconsistent with contractual obligations are invalid.[6]

In addition, the Municipal's argument is based on a theory that discriminatory charges for the same or similar conditions of service may not be permitted.[7] As the Commission stated when this argument was considered in the prior proceeding:

> We are, however, not convinced that in the present proceeding all of the municipalities are being served under the same or substantially similar conditions. The most obvious dissimilar condition of service is the fact that the service contract to each municipality is of a unique term. That the length of a contract manifests a dissimilar condition, of service is plain from the Court's decision in Mobile, supra. There the Court held that United Gas Pipe Line Co. was prohibited from raising its rates to only one of its customers, the Mobile Gas Service Corp., although it saw no discrimination in allowing the increase to be passed on to the others. The Court said therein:
>
> The Natural Gas Act, on the other hand, recognizes the need for private contracts of varying terms and expressly provides for the filing of such contracts as a part of the rate schedules. (350 U.S. at 345.)

Similarly, under the Federal Power Act, the Commission has held that the nature of the contract governing service is a relevant factual difference which may legitimize an apparently discriminatory rate differential within a particular class of service, Public Service Co. of Indiana, Op. Nos. 783 and 783-A, Docket Nos. E-8586 and E-8587. We affirm the prior commission determination that KP&L is not prevented by the existence of fixed-rate contracts with some of its municipal wholesale customers from filing for just and reasonable rates for its utility service to others.

Finally, the Municipals move to reject on the ground that KP&L's filing of October 3, 1977, fails to comply with the provisions of § 35.13 of the Commission's regulations and FPC Order No. 555. The Cooperatives also state that the filing must be rejected until the deficiencies regarding section 35.13(4)(iii) are cured. The Commission did find the original filing of October 3, 1977, to be deficient under § 35.13, but this deficiency was cured by the filing on November 1, 1977. In their November 23, 1977, answer to the Company's answer, the Cooperatives contend that the additional data submitted on November 1, 1977, still fails to eliminate the deficiences in the Company's filing. The Commission may reject a filing under § 35.5 of the regulations only if it "patently fails to substantially comply with the applicable requirements." We believe that KP&L's filing as supplemented on November 1, 1977, substantially complies with our filing requirements and should not be rejected on this ground. We also disagree with Municipals' contention that KP&L failed to meet the filing standards for pollution control facilities under § 2.16 of the regulations (established by FPC Order No. 555). The company has submitted testimony and evidence regarding the nature of the pollution facilities included as CWIP in rate base; final determination as to the appropriateness of their inclusion in rate base is a matter to be determined on the record after a hearing.

For the reasons cited above, we will deny the motion to reject.

Both the Cooperatives and Municipals protest various aspects of KP&L's filed cost of service including (1) rate of return; (2) inclusion of minimum bank balances in cash working capital; (3) calculation of income tax deferrals; (4) fuel costs being flowed through the fuel clause; (5) inclusion in working capital of materials and supplies devoted to construction work; (6) calculation of interest expense; and (7) allocation of transmission plant. In addition, both the Cooperatives and Municipals have alleged that the rate increase re-

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[3] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] The controlling contract language reads as follows:

"City shall pay Company monthly on or before ten (10) days after rendition of the bill for electric energy delivered during the preceding month on the basis of the Company's electric price schedule MWH-63, now filed with and approved by the Kansas Corporation Commission or at such revised price schedule as may from time to time be authorized by the said Kansas Corporation Commission for the class of service furnished hereunder, or by any other lawfully constituted regulatory body having jurisdiction in the premises. A copy of the said schedule MWH-63 is attached and made a part hereof."

[5] Docket No. ER76-39, "Order Denying Rehearing" issued February 18, 1976.

[6] *Richmond Power & Light* v. *F.P.C.*, 481 F. 2d 490 (D.C. Cir. 1973).

[7] Otter Tail Power Co., 2 FPC 134 (1940).

sults in discriminatory pricing vis-a-vis KP&L's retail industrial rate with anticompetitive impact, the so-called "price squeeze." Both request that KP&L's filing be suspended for the full 5-month statutory period.

In its answers to the protests, petitions to intervene, and motion to reject, KP&L defends all of the aspects of its filing challenged by the Municipals and Cooperatives, argues that the motion to reject is unfounded, contends that its October 4, 1977, filing fully complied with the Commission's filing requirements, alleges various errors in the filings of the Municipals and Cooperatives, and argues that no suspension of the proposed rates should be ordered. KP&L also denies the possibility of a price squeeze and states that the Cooperatives have failed to support their price squeeze allegations with a prima facie case. The Cooperatives' answer to KP&L's answer asserts that the company's filing is deficient even as supplemented, reasserts its protests to various cost of service items, corrects certain mathematical errors in its initial petition regarding the price squeeze contentions and states that the Cooperatives have met the Commission's "prima facie case" requirements.

Our review of the filings and pleading indicates that the proposed rates filed by KP&L have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We shall therefore suspend the proposed rates and establish hearing procedures. KP&L contends that the maximum suspension of the proposed rates should be one day or the company will suffer financial harm, whereas the Municipals and Cooperatives argue for a full statutory suspension period of five months. Our review of the positions of the parties as well as of the filing indicates that the proposed rates should be suspended for four months and made effective subject to refund. We further find it appropriate to waive the ninety-day notice requirement so that the proposed rate will become effective subject to refund for those customers listed on Appendix B upon the expiration date of their contracts or upon a final Commission decision and order in the section 206(a) proceeding ordered herein, but not before the expiration of the four month suspension period. Pursuant to *Municipal Electric Utility Association of Alabama* v. *F.P.C.*,[1] however, we will require that, as each of the above-mentioned contracts expires, KP&L will file with the Commission a superseding service agreement capable of serving as a notice of termination of contractual service required by 18 CFR section 35.15, and an amended list of purchasers.

[1] 485 F. 2d 967 (D.C. Cir. 1973).

Both the Company and the Cooperatives appear to have misunderstood the Commission's requirements as to a prima facie case on the issue of price squeeze. Section 2.17(b)(d) of the regulations provides that within 30 days from the filing utility's response to data requests authorized by the Administrative Law Judge regarding the price squeeze issue,

> The intervenors shall file their case-in-chief on price squeeze issues, which shall include their prima facie case, unless filed previously.

It is clearly premature at this stage of the proceedings to challenge the sufficiency of the prima facie case which need not be made before the time set forth in the regulations, above. We shall therefore direct the Administrative Law Judge to convene a prehearing conference within 15 days from the date of this order for the purpose of hearing petitioners' request for data necessary to present their prima facie showing on the price squeeze issue.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by KP&L on November 1, 1977, and that the proposed increased rates and charges be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Participation by petitioners in this proceeding may be in the public interest.

(3) Good cause does not exist to grant the motion to reject.

(4) Good cause exists to permit a waiver of the ninety-day notice requirement of the Commission's regulations as to those customers listed in Appendix B attached hereto and to initiate a section 206 proceeding with reference to those customers, all as hereinafter ordered.

(5) Good cause exists to establish price-squeeze procedures to effectuate the Commission's policy announced in Order No. 563.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by KP&L in this proceeding.

(B) Pending such hearing and decision thereon, the proposed increased rates and charges filed by KP&L on November 1, 1977, and identified in appendix A attached hereto are hereby accepted for filing, suspended and the use thereof deferred until April 2, 1978, when they shall become effective, subject to refund.

(C) Waiver of the ninety-day notice requirement of the Commission's Regulations is granted as to those customers listed in appendix B attached hereto. The proposed changes are to become effective as to these customers upon the expiration of each of their contracts, on condition that, when each of their respective contracts does expire, KP&L will file with the Commission, pursuant to *Municipal Electric Utility Association of Alabama* v. *F.P.C.*, 485 F. 2d 967 (D.C. Cir. 1973) a superseding service agreement capable of serving as the notice of termination of contractual service rendered required by 18 CFR 35.15, and an amended list of purchasers.

(D) All rate increases to those customers listed in appendix B which we may approve shall be effective only from the date of such approval or upon the expiration of the contracts, as provided by Ordering Paragraph (C), above, as applicable. KP&L's filing as to these customers shall represent its case-in-chief in the section 206(a) proceeding ordered herein.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before March 8, 1978 (see, Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 33.5(d)), shall convene a conference in this proceeding to be held within ten days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to established all procedural dates and to rule upon all motions (except, petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's rules of practice and procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) Petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interest specifically set forth in the petition to intervene; and *Provided, further,* That the admis-

sion of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(I) Municipal's motion to reject KP&L's filing is hereby denied.

(J) The Administrative Law Judge shall convene a prehearing conference within 15 days from the date of this order for the purpose of hearing petitioners' request for data required to present their case, including a prima facie showing, on the price squeeze issue. Also, the Company shall be required to respond to the discovery requests authorized by the Administrative Law Judge within 30 days, and the petitioners shall file their case-in-chief on the price squeeze issue within 30 days after the Company's response.

(K) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

THE KANSAS POWER & LIGHT CO.

Docket No. ER78-1

Designation	Other party	Description
Supplement No. 5 to rate schedule FPC No. 148 (supersedes supplement No. 3).	Ark Valley ECA, Inc.	Schedule RCW-78.
Supplement No. 4 to rate schedule FPC No. 149 (supersedes supplement No. 3).	Brown-Atchison ECA, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 150 (supersedes supplement No. 3).	Butler Rural ECA, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 151 (supersedes supplement No. 3).	The C&W ECA, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 152 (supersedes supplement No. 3).	Coffey County Rural ECA, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 153 (supersedes supplement No. 3).	D.S. & O. Rural ECA, Inc.	Do.
Supplement No. 5 to rate schedule FPC No. 154 (supersedes supplement No. 3).	Doniphan ECA, Inc.	Do.
Supplement No. 5 to rate schedule FPC No. 155 (supersedes supplement No. 3).	Flint Hills Rural ECA, Inc	Do.
Supplement No. 4 to rate schedule FPC No. 156 (supersedes supplement No. 3).	The Kaw Valley ECC, Inc.	Do.
Supplement No. 5 to rate schedule FPC No. 157 (supersedes supplement No. 3).	Leavenworth-Jefferson EC, Inc.	Do.
Supplement No. 5 to rate schedule FPC No. 158 (supersedes supplement No. 4).	Lyon County EC, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 159 (supersedes supplement No. 3).	Nemaha-Marshall ECA, Inc.	Do.
Supplement No. 5 to rate schedule FPC No. 160 (supersedes supplement No. 4).	Ninnescah Rural ECA, Inc	Do.
Supplement No. 4 to rate schedule FPC No. 161 (supersedes supplement No. 3).	P.R. & W. ECA, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 162 (supersedes supplement No. 3).	The Smoky Hill ECA, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 163 (supersedes supplement No. 3).	The Smoky Valley ECA, Inc.	Do.
Supplement No. 4 to rate schedule FPC No. 164 (supersedes supplement No. 3).	The Twin Valley EC, Inc.	Do.
Supplement No. 2 to rate schedule FPC No. 129 (supersedes supplement No. 1).	City of Scranton	Schedule WSM-78.
Supplement No. 3 to rate schedule FPC No. 147 (supersedes supplement No. 2).	City of Wathena	Do.
Supplement No. 3 to rate schedule FPC No. 165 (supersedes supplement No. 2).	City of Goff	Do.
Supplement No. 3 to rate schedule FPC No. 166 (supersedes supplement No. 2).	City of Netawaka	Do.
Supplement No. 3 to rate schedule FPC No. 167 (supersedes supplement No. 2).	City of Muscotah	Do.
Supplement No. 3 to rate schedule FPC No. 171 (supersedes supplement No. 2).	City of Severence	Do.

THE KANSAS POWER & LIGHT CO.—Continued

Docket No. ER78-1

Designation	Other party	Description
Supplement No. 3 to rate schedule FPC No. 172 (supersedes supplement No. 2).	City of Altamont	Schedule WSM-78.
Supplement No. 3 to rate schedule FPC No. 173 (supersedes supplement No. 2).	City of Marion	Do.
Supplement No. 3 to rate schedule FPC No. 174 (supersedes supplement No. 2).	City of Oswego	Do.
Supplement No. 2 to rate schedule FPC No. 175 (supersedes supplement No. 1).	Cith of Enterprise	Do.
Supplement No. 2 to rate schedule FPC No. 176 (supersedes supplement No. 1).	City of Chapman	Do.
Supplement No. 2 to rate schedule FPC No. 177 (supersedes supplement No. 1).	City of Herington	Do.
Supplement No. 2 to rate schedule FPC No. 178 (supersedes supplement No. 1).	City of Clay Center	Do.
Supplement No. 2 to rate schedule FPC No. 179 (supersedes supplement No. 1).	City of De Soto	Do.
Supplement No. 2 to rate schedule FPC No. 180 (supersedes supplement No. 1).	City of Axtell	Do.
Supplement No. 2 to rate schedule FPC No. 181 (supersedes supplement No. 1).	City of Robinson	Do.
Supplement No. 2 to rate schedule FPC No. 182 (supersedes supplement No. 1).	City of Horton	Do.
Supplement No. 2 to rate schedule FPC No. 183 (supersedes supplement No. 1).	City of Eudora	Do.
Supplement No. 2 to rate schedule FPC No. 184 (supersedes supplement No. 1).	City of Wamego	Do.
Supplement No. 2 to rate schedule FPC No. 185 (supersedes supplement No. 1).	City of Sabetha	Do.
Supplement No. 2 to rate schedule FPC No. 186 (supersedes supplement No. 1).	City of Minneapolis	Do.
Supplement No. 2 to rate schedule FPC No. 187 (supersedes supplement No. 1).	City of Sterling	Do.
Supplement No. 2 to rate schedule FPC No. 188 (supersedes supplement No. 1).	City of Hillsboro	Do.
Supplement No. 2 to rate schedule FPC No. 189 (supersedes supplement No. 1).	City of Holton	Do.
Supplement No. 1 to rate schedule FPC No. 190	City of Reserve	Do.
Supplement No. 2 to rate schedule FPC No. 191 (supersedes supplement No. 1).	City of Larned	Do.
Supplement No. 2 to rate schedule FPC No. 192 (supersedes supplement No. 1).	City of Ellinwood	Do.
Supplement No. 2 to rate schedule FPC No. 193 (supersedes supplement No. 1).	City of Stafford	Do.
Supplement No. 2 to rate schedule FPC No. 194 (supersedes supplement No. 1).	City of Osage City	Do.

APPENDIX B

Wholesale municipal customer	FPC rate schedule No.	Date of scheduled expiration of contract
1. City of Lindsborg	91	Aug. 1, 1978.
2. City of St. Marys	94	Nov. 1, 1977.
3. City of Vermillion	96	Feb. 5, 1978.
4. City of Alma	98	Feb. 22, 1978.
5. City of Centralia	99	May 1, 1978.
6. City of St. John	116	Aug. 1, 1978.
7. City of Elwood	117	Aug. 1, 1978.
8. City of Troy	171	Aug. 6, 1978.

APPENDIX B—Continued

Wholesale municipal customer	FPC rate schedule No.	Date of scheduled expiration of contract
9. City of Morrill	121	July 1, 1980.
10. City of Toronto	124	April 6, 1980.
11. City of Seneca	126	Nov. 1, 1982.
12. City of Waterville	128	May 1, 1983.

[FR Doc. 77-35221 Filed 12-9-77; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ES78-12]

EL PASO ELECTRIC CO.

Notice of Application

DECEMBER 5, 1977.

Take notice that on November 28, 1977, El Paso Electric Co. (Applicant), filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to § 204 of the Federal Power Act to issue 1,500,000 shares of common stock no par value (New Common Stock).

The Applicant is a Texas corporation, with its principal business office at El Paso, Tex., and is engaged in the electric utility business in Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn with a population of approximately 480,000 of whom 365,000 reside in metropolitan El Paso.

The Applicant presently proposes to issue and sell 1,500,000 shares of New Common Stock at competitive bidding in accordance with the Commission's regulations. The Applicant expects to invite bids on or about January 18, 1978, and to receive bids on or about January 25, 1978.

The proceeds from the sale of the New Common Stock will be used to reduce outstanding short-term debt incurred for construction purposes. The short-term debt is expected to aggregate approximately $22,775,000 million at the time of sale and prior to the application of the proceeds. The Applicant's construction program during the period from 1977 through 1980 will require approximately $422.25 million cash.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 16, 1977, file with the Federal energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35396 Filed 12-9-77; 8:45 am]

[6740-02]

[Docket No. CP78-87]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Notice of Application

DECEMBER 2, 1977.

Take notice that on November 15, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-87 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for 2 years for Consolidated Aluminum Corp. (Conalco), an existing industrial customer of one of Applicant's distributor-customers, Humphreys County Utility District (Humphreys County), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Conalco has contracted to purchase natural gas from Mitchell Energy Corp. (Mitchell), which gas would be produced from the Ratliff Creek Field, Colorado County, Tex. It is indicated that Conalco would pay Mitchell $1.85 per Mcf for the gas which price would escalate to $1.95 per Mcf on the first day of the second contract year. It is further indicated that the subject gas is not available to the interstate market.

Applicant proposes (1) to receive from Mitchell at an interconnection of Applicant and Mitchell's existing facilities in Colorado County, Tex., the scheduled daily volume (SDV) to be transported by Applicant and delivered to Humphreys County for Conalco's account, up to a maximum daily quantity (MDQ) of 400 Mcf, plus additional volumes for Applicant's system fuel and use requirements associated with the transportation service and the related plant volume reduction (PVR) associated with processing the subject gas, (2) to transport and deliver such volumes, for the account of Conalco, to the Chesterville Gas processing plant, where such gas would be processed pursuant to arrangements to be made between Conalco and the operator of such plant, (3) to receive at the tailgate of said plant the SDV, plus the fuel and use volumes and (4) to transport and deliver to Humphreys County at Applicant's existing interconnection with Humphreys County in Perry County, Tenn., for the account of Conalco, daily volumes equivalent to the volumes so received at the tailgate of said plant, exclusive of the fuel and use volumes, up to said MDQ. Applicant states that such transportation service would enable Conalco to receive gas for Priority 2 process needs at its plant in New Johnsonville, Tenn., where it manufactures aluminum products.

It is indicated that Conaco would pay Applicant each month for the aforementioned transportation service (1) a demand charge to be determined by multiplying $1.65 by the MDQ, less any demand charge credit provided therein, if applicable; and (2) a volume charge equal to 21.05 cents multiplied by (a) the total of the daily volumes delivered by Applicant during such month or (b) the number of days in said month multiplied by 66⅔ percent of the MDQ, whichever is greater, less any applicable annual minimum bill credit as provided therein. In addition to the SDV, Applicant would receive each day for its system fuel and use requirements, a volume of gas equal to 3.94 percent of the SDV received for transportation on such day, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by 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. 77-35397 Filed 12-9-77; 8:45 am]

[6740-02]

[Docket No. RP77-94]

WESTERN GAS INTERSTATE CO.

Notice of Certification of Proposed Pipeline Rate Settlement

DECEMBER 6, 1977.

Take notice that on November 28, 1977, the Presiding Administrative Law Judge certified to the Commission for its consideration a proposed settlement agreement which, if approved, would resolve all issues in the above-captioned proceeding. The settlement agreement was served on the Commission Staff, the only other party to the proceeding.

Any person desiring to be heard or to protest the settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before December 14, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-35399 Filed 12-9-77; 8:45 am]

[6740-02]

[Docket No. RP77-94]

WESTERN GAS INTERSTATE CO.

Notice of Filing of Substitute Tariff Sheets

DECEMBER 5, 1977.

On November 23, 1977, Western Gas Interstate Co. ("WGI") filed certain substitute tariff sheets[1] which WGI requests the Commission to make effective as of November 1, 1977. WGI states that the substitute tariff sheets are filed in accordance with a settlement agreement entered into by the parties to the proceeding and that such tariff sheets reflect the agreement of the parties as to all rates to be charged by WGI from and after November 1, 1977, the otherwise effective date of the original rate changes in this proceeding. WGI proposes that the tariff sheets be subject to final Commission action in this docket.

Any person desiring to be heard or to protest said tariff sheets should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, on or before December 16, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35398 Filed 12-9-77; 8:45 am]

[1]Original Volume No. 1, Substitute Eighth Revised Sheet No. 3A, Substitute First Revised Sheet No. 33A, Substitute First Revised Sheet No. 33B, Substitute Second Revised Sheet No. 33C; Original Volume No. 2, Substitute First Revised Sheet No. 1A.

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 828-4]

SHORT-TERM COAL LEASE, COLORADO WESTMORELAND, INC.

Request for Environmental Impact Statement

Pursuant to section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Region VIII Office of the Environmental Protection Agency (EPA) has reviewed the short-term coal lease application of Colorado Westmoreland, Inc. (application C-25079) for expansion of that company's Orchard Valley Mine into Federal coal reserves near Paonia, Colo. EPA has also reviewed the recommendations of the Bureau of Land Management regarding the lease sale proposed in response to the application. Based upon the possible primary and secondary effects of expanding production beyond 700,000 tons per year, uncertainties regarding the adequacy of environmental mitigation measures planned, and upon inadequate public discussion and technical investigation into full recovery of the Federal coal reserves, it is EPA's opinion that any lease sale in excess of 2,100,000 tons and allowing production higher than 700,000 tons per year for more than 3 years would constitute a Major Federal Action having Significant Effects on the Human Environment, and would therefore require the preparation of an Environmental Impact Statement. EPA has advised the Department of the Interior that a limited short-term lease of significant coal reserves to maintain the mine at present levels of employment and production, may be acceptable if, during this short-term lease, an Environment Impact Statement is prepared to evaluate the impacts of larger leases and higher rates of production. The Department has also been advised that adequate mitigative measures should be stipulated in any lease.

Dated: December 6, 1977.

J. M. MCCABE,
Acting Director,
Office of Federal Activities.

[FR Doc. 77-35432 Filed 12-9-77; 8:45 am]

[6560-01]

[FRL 828-5; OPP-42053A]

STATE OF ALABAMA

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan to EPA for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On October 20, 1977 notice was published in the FEDERAL REGISTER (42 FR 55911) of the intent of the Regional Administrator, Environmental Protection Agency (EPA) Region IV, to approve the Alabama State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides.

Complete copies of the Alabama State Plan (except for sample examinations) were made available for public inspection at the following locations: Alabama Department of Agriculture and Industries, Division of Agricultural Chemistry, Montgomery, Ala. 36109; U.S. Environmental Protection Agency, Pesticides Branch, Room 204, 345 Courtland Street NE., Atlanta, Ga. 30308; and the U.S. Environmental Protection Agency, Office of Pesticide Programs, Federal Register Section, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

No comments were received concerning the Alabama State Plan during the 30 day comment period. Therefore, it has been determined that the Alabama State Plan will satisfy the requirements of section 4(a)(2) of the amended FIFRA and 40 CFR Part 171.

The Alabama State Plan will remain available for public inspection at the Alabama Department of Agriculture and Industries, Division of Agricultural Chemistry, Montgomery, Ala. 36109.

EFFECTIVE DATE

Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the approval granted herein to the Alabama

State Plan shall be effective upon signature of this notice. Accordingly, this approval shall become effective immediately.

Dated: December 5, 1977.

JOHN C. WHITE,
Regional Administrator,
Region IV.

[FR Doc 77-35431 Filed 12-9-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21499; FCC 77-819]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND ASSOCIATED BELL SYSTEM COMPANIES, OFFER OF FACILITIES FOR USE BY OTHER COMMON CARRIERS

Memorandum Opinion and Order

Adopted: November 30, 1977.

Released: December 7, 1977.

By the Commission: Commissioner Brown not participating.

1. In our Memorandum Opinion and Order released October 25, 1977, in Docket No. 20452, AT&T Interconnection Facilities for International Record Carriers (IRCs), FCC 77-694, we stated that we would soon institute an investigation into the lawfulness of American Telephone & Telegraph Co.'s (AT&T) and the Associated Bell System Companies' facilities offerings to other common carriers (OCCs). See FCC 77-694 at para. 40. We here set for investigation these OCC facilities tariff offerings. The specific tariffs which shall be included for investigation, and any revisions thereto, are set forth in the Appendix hereto.

2. Basically this investigation will focus on the lawfulness under Sections 201(b) and 202(a) of the Act, 47 USC §§ 201(b) and 202(a), of the charges and other provisions contained in the OCC facilities tariffs. Thus, AT&T and its associated companies will have the burden of proving among other things, that the OCC facilities tariffs are just and reasonable and that any discrimination or preferences given under the tariffs between and among different classes of carriers for like facilities are reasonable. Also, any carrier claiming it is entitled to a rate or other preference vis-a-vis other carriers under the tariffs will be given the opportunity in the investigation to show that such preferences are justified by cost differences or other justification.[1] We shall set forth specific issues and procedures by separate order in the near future. As an aid to determining what specific issues and procedures shall govern this proceeding, and to determine what other proceedings, if any, may be necessary, we are requesting comments and reply comments from interested parties suggesting possible issues and procedures. Particularly, we request comments on the manner in which issues arising from Docket 18128 implementation should be considered. Also, we note that AT&T and its Associated Companies have stated plans to file cost justification for the OCC facilities tariffs no later than December 1, 1978. Comments are requested as to the manner in which an investigation should include this proposed filing for consideration, e.g., whether all or part of this proposed justification can be filed at an earlier date, and if not, how the hearing should be organized so that it can proceed in the most expeditious and efficient manner.

3. Accordingly, *it is ordered,* That, pursuant to Section 4(i), 4(j), 201-205, and 403 of the Communications Act, 47 USC §§ 154(i), 154(j), 201-205, and 403, an investigation and hearing is hereby instituted into the lawfulness of the AT&T and Bell System Associated Companies facilities tariffs attached hereto as an appendix;

4. *It is further ordered,* That, specific issues and procedures to govern this investigation shall be set forth by further Commission order;

5. *It is further ordered,* That AT&T and the Bell System Associated Companies are hereby named parties respondent herein:

6. *It is further ordered,* That interested parties shall file comments suggesting issues and procedures for the investigation(s) on or before January 25, 1978 and reply comments shall be filed on or before February 15, 1978.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Acting Secretary.

APPENDIX.—TARIFFS UNDER INVESTIGATION

Carrier	FCC Tariff No.	States
Entrance facilities		
American Telephone & Telegraph Co.	265	
Pacific Telephone & Telegraph Co., The.	123	
Overseas connecting facilities for IRCs		
Bell Operating Companies.	4	
Intercity and local distribution facilities		
American Telephone & Telegraph Co.	266	Interstate.
Bell Telephpone Co. of Pennsylvania, The (Diamond State Telephone Co., The).	38	Pennsylvania, Delaware.
Chesapeake & Potomac Telephone Cos., The.	2	Washington, D.C., Maryland, Virginia, West Virginia.
Cincinnati Bell, Inc ...	34	Ohio, Kentucky.
Illinois Bell Telephone Co.	38	Illinois.
Indiana Bell Telephone Co., Inc.	33	Indiana.
Michigan Bell Telephone Co.	37	Michigan.
Mountain States Telephone & Telegraph Co., The (Malheur Home Telephone Co.).	59	Arizona, Colorado, Idaho, Montana, New Mexico, Texas, Utah, Wyoming, Oregon.
New England Telephone & Telegraph Co.	39	Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New Jersey Bell Telephone Co.	33	New Jersey.
New York Telephone Co.	39	New York, Connecticut.
Northwestern Bell Telephone Co.	45	Iowa, Minnesota, Nebraska, North Dakota, South Dakota.
Ohio Bell Telephone Co., The.	37	Ohio.
Pacific Northwest Bell Telephone Co.	4	Oregon, Washington, Idaho.
Pacific Telephone & Telegraph Co., The (Bell Telephone Co. of Nevada).	126	California, Nevada.
South Central Bell Telephone Co.	3	Alabama, Kentucky, Louisiana, Mississippi, Tennessee.
Southern Bell Telephone & Telegraph Co.	55	Florida, Georgia, North Carolina, South Carolina.
Southern New England Telephone Co., The.	33	Connecticut.
Southwestern Bell Telephone Co.	65	Arkansas, Kansas, Missouri, Oklahoma, Texas.
Wisconsin Telephone Co.	35	Wisconsin.

[FR Doc. 77-35410 Filed 12-9-77; 8:45 am]

[6712-01]

WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC) INDUSTRY ADVISORY COMMITTEE

Notice of Renewal

In June 1975 the Federal Communications Commission established a number of Federal advisory committees to assist in preparations for the upcoming General World Administrative Radio Conference (WARC), of the International Telecommunication Union, scheduled to convene in Geneva in September 1979. One of these preparatory advisory committees, the WARC Industry Advisory Committee, was scheduled to terminate on December 5, 1977. The Commission has, however, renewed the charter for this committee for the period December 6, 1977, to March 31, 1978. Notice is renewal of the WARC

[1] In this regard, the statement in our Docket 20452 action, supra at para. 42, fn. 33, to the effect that the IRCs could not seek to justify any rate preferences between the like facilities involved on grounds other than costs was not meant to preclude them from showing in this proceeding that cost differences justify a rate differential.

Industry Advisory Committee is hereby published.

The 1979 World Administrative Radio Conference will develop international plans for allocation of the radio spectrum during the period 1980-2000. To assure that the future needs of all radio services are adequately represented in Conference preparations, the Commission sponsors fourteen specialized committees, each responsible for examining the needs of a particular radio service.

The purpose of the WARC Industry Advisory Committee is to study the advice and recommendations furnished by these specialized committees and to recommend practical solutions in cases where the future spectrum requirements identified by two or more specialized committees conflict. The committee is also responsible for analyzing proposals advanced by other nations with respect to future usage of the spectrum. The Commission anticipates that much of the work of the Industry Advisory Committee will be performed by the United States delegation to the 1979 Conference, once that delegation is appointed by the Department of State.

The Conference delegation is expected to be formed during the first quarter of calendar year 1978. Accordingly, the Commission has determined that renewal of the WARC Industry Advisory Committee until March 31, 1978, is necessary and in the public interest. The Committee Management Secretariat of the General Services Administation has concurred in the renewal of this committee.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 77-35409 Filed 12-9-77; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST HAYS BANSHARES, INC.

Formation of Bank Holding Company

First Hays Banshares, Inc., Hays, Kans., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)), to become a bank holding company by acquiring 88.6 percent or more of the voting shares of The First National Bank of Hays City, Hays, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than January 3, 1978.

Board of Governors of the Federal Reserve System, December 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary
of the Board.

[FR Doc. 77-35415 Filed 12-9-77; 8:45 am]

[6210-01]

FULTON NATIONAL CORP.

Acquisition of Bank

Fulton National Corp., Atlanta, Ga. ("Fulton National"), has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)), to acquire 91 percent or more of the voting shares of COLPAK Enterprises, Inc., College Park, Ga. ("COLPAK"), parent holding company of Bank of the South, College Park, Ga.; and 92 percent or more of the voting shares of FORPAK Investment Co., Forest Park, Ga. ("FORPAK"), parent holding company of Bank of Forest Park, Forest Park, Ga. Applicant's wholly owned subsidiary, Fulcorp, Inc., Atlanta, Ga. ("Fulcorp"), would acquire and hold all of Fulton National's voting shares of COLPAK and FORPAK and, accordingly, has applied pursuant to § 3(a)(1) of the Act (12 U.S.C. § 1842(a)(1)), to become a bank holding company. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

FORPAK's wholly owned subsidiary, FORPAK Investment Corp., Atlanta, Ga. ("Company"), is authorized to engage in second mortgage lending activities. Fulton National and Fulcorp have applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire indirectly voting shares of Company.

Interested persons may express their views on the question whether consummation of the later proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 3, 1978.

Board of Governors of the Federal Reserve System, December 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary
of the Board.

[FR Doc. 77-35416 Filed 12-9-77; 8:45 am]

[4110-89]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

REGIONAL EDUCATION PROGRAM FOR HANDICAPPED PERSONS

Notice of Closing Date for Receipt of Non-Competing Continuation Applications for Fiscal Year 1978

Notice is given that, pursuant to the authority contained in section 625 of the Education of the Handicapped Act (20 U.S.C. 1424a), applications are being accepted for non-competing continuation grants for Regional Education Program Projects.

Closing Date: April 3, 1978.

A. *Application forms and information.* Application forms are being prepared but are not yet available. We anticipate that the application forms and program information packages will be ready for mailing on or about December 15, 1977.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

B. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Attention: 13.560, Washington, D.C. 20202. In order to be assured of consideration, applications for non-competing continuations should be received on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 30, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the origi-

nal receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

D. *Program information.* Eligible applicants are those awardees whose projects have completed one or more years of funding and whose approved project funding period has not expired. In formulating proposals, potential applicants should be aware of the amounts of funds available for the program for fiscal year 1978.

The funding level for the Regional Education Program is expected to be approximately $2.4 million for fiscal year 1978. Funding for projects under 13.560 has ranged between $56,000 and $318,000. The approximate number of non-competing continuation grants to be awarded is twenty.

E. *For further information contact.* Mel Ladson, Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, telephone 202-245-9722.

F. *Applicable regulations.* The regulations applicable to this program, include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and the applicable program regulations (45 CFR Parts 121, 121k).

(20 U.S.C. 1424a.)

(Catalog of Federal Domestic Assistance No. 13.560; Regional Education Program.)

Dated: December 6, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 77-35422 Filed 12-9-77; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FORT MOHAVE TRIBE OF INDIANS

Plan for the Use and Distribution of Mojave Judgment Funds Awarded in Docket 295-A Before the Indian Claims Commission

DECEMBER 2, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 210 DM 1.2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of any Indian tribe. Funds were appropriated by the Act of December 18, 1975, 86 Stat. 826, in satisfaction of the award granted to the Fort Mojave Tribe of Indians in Indian Claims Commission docket 295-A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 26, 1977, and was received (as recorded in the Congressional Record) by the House of Representatives on September 8, 1977, and by the Senate on September 9, 1977. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on November 12, 1977, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of December 18, 1975, 89 Stat. 826, in satisfaction of an award granted to the Mojave Tribe of Indians of Arizona, California and Nevada in docket 295-A before the Indian Claims Commission, including all interest and investment income accruing thereto, less attorney fees and litigation expenses shall be utilized by the Fort Mojave Tribe of the Fort Mojave Reservation of Arizona, California, and Nevada as herein provided:

1. PER CAPITA PAYMENT ASPECTS

(a) The Fort Mojave tribe's latest approved membership roll shall be brought current, pursuant to the Constitution and Bylaws of the Fort Mojave Tribe, to include all eligible members born on or prior to and living on the effective date of this plan. Subsequent to the preparation and approval of the membership roll referred to above, the Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of seventy-five (75) percent of the funds in a sum as equal as possible to each Fort Mojave Tribal enrollee.

(b) Five (5) percent of the funds shall be held in an escrow account to pay successful appeals from the Tribal Council to the Secretary.

(c) The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to 26 [5] CFR 60.10(c) and (b)(1) and 104.4, as amended November 5, 1976 (41 FR 48735, 48736). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, part 4, subpart D.

2. PROGRAMING ASPECT

(a) FHA Loan Payment Support. Seventeen (17) percent of the funds shall be used for partial repayment of the Federal Housing Authority loan to the Fort Mojave Tribe.

(b) Tribal Farm Fourteen, Inc. Three (3) percent of the funds shall be used for the tribal farm development project called Tribal Farm Fourteen, Inc.

(c) Escrow Funds. The five (5) percent escrow funds cited in Section 1.b. of this plan not expended toward successful appellants will be utilized for tribal programs as determined by the Fort Mojave Tribal Council subject to the approval of the Secretary.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 77-35401 Filed 12-9-77; 8:45 am]

[4310-02]

Bureau of Indian Affairs

SAGINAW, SWAN CREEK AND BLACK RIVER BANDS OF CHIPPEWA

Plan for the Use and Distribution of Saginaw, Swan Creek and Black River Bands of Chippewa Indians Judgment Funds Awarded in Docket 57 Before the Indian Claims Commission

DECEMBER 2, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 210 DM 1.2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of any Indian tribe. Funds were appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted in favor of the Saginaw Chippewa Indian Tribe of Michigan and the Saginaw, Swan Creek and Black River Bands of Chippewa Indians in Indian Claims Commission Docket 57. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 8, 1977, and was received (as recorded in the Congressional Record) by the House of Representatives on September 7, 1977, and by the Senate on September 9, 1977. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on November 12, 1977, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award in favor of the Saginaw Chippe-

wa Indian Tribe of Michigan and the Saginaw, Swan Creek and Black River Bands of Chippewa Indians in Docket 57 before the Indian Claims Commission, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

The Secretary of the Interior (hereinafter "Secretary") shall divide such funds in Docket 57 on the basis of the number of enrollees of the Saginaw Chippewa Indian Tribe of Michigan and of the number of enrollees on the payment roll of lineal descendants of the Saginaw, Swan Creek and Black River Chippewa Indians, parties to the Treaty of September 24, 1819, 7 Stat. 203, prepared pursuant to this plan, to the total enrollment of both groups.

SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN

Eighty (80) percent of the apportioned share of the tribal organization, including the interest and investment income accrued thereon, shall be distributed in per capita shares in a sum as equal as possible to each enrolled member born on or prior to and living on the effective date of this plan. The membership roll of the tribe shall be brought current pursuant to tribal enrollment procedures.

Twenty (20) percent of the apportioned funds, including interest and investment income accrued thereon, and any amounts remaining after the per capita provided above, shall be invested by the Bureau of Indian Affairs pursuant to 25 USC 162a, until such time as the tribe develops a further program plan, which shall be approved by the Secretary. The Secretary shall approve no plan for the use of the program funds of the tribe until at least thirty days after the plan has been submitted by the Secretary to the Congress.

SAGINAW, SWAN CREEK AND BLACK RIVER BANDS OF CHIPPEWA INDIANS DESCENDANT ENTITY

The Secretary shall publish rules and regulations in the FEDERAL REGISTER governing enrollment procedures for the Saginaw, Swan Creek and Black River Bands of Chippewa Indian descendant entity. Pursuant to such rules the Secretary shall prepare a roll of persons who trace their ancestry to the above named bands who are not enrolled or entitled to be enrolled with the Saginaw Chippewa Indian Tribe of Michigan, who were born on or prior to and are living on the effective date of this plan, and whose name or the name of a lineal ancestor of the Saginaw, Swan Creek or Black River Chippewa Bands appears on any of the records cited herein: (a) The 1868 census of the Kansas Swan Creek and Black River Chippewas; (b) the 1900 enrollment schedules of the United Band of Chippewa and Munsee of Kansas, appearing thereon as a Chippewa; (c) allotment schedules of the Saginaw, Swan Creek and Black River Bands of Chippewa dated February 6, 1871, June 3, 1871, April 1, 1872 (two schedules); November 10, 1883, November 13, 1885 (two schedules), and November 7, 1891; (d) the March 22, 1939, revised membership roll of the Saginaw Chippewa Indian Tribe of Michigan; (e) as a person of Chippewa Indian descent who received tracts of land pursuant to Article 3 of the 1819 treaty, supra; or (f) on any other record or document which is acceptable to the Secretary. No person shall be eligible to be enrolled under this section who is not a citizen of the United States. Applications for enrollment must be filed with the Superintendent of the Michigan Indian Agency, Bureau of Indian Affairs, Sault Ste. Marie, Mich.

GENERAL PROVISIONS

No person shall be entitled to more than one per capita share of the funds.

The per capita shares of living competent adults shall be paid directly to them. The per capita share of minors shall be handled pursuant to 25 CFR 60.10 (a) and (b)(1) and 104.4, as amended November 5, 1976, 41 FR 48735. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs

[FR Doc. 77-35335 Filed 12-9-77; 8:45 am]

[1505-01]

Bureau of Land Management

QUALIFIED JOINT BIDDERS

Correction

In FR Doc. 77-34354 appearing at page 61640 in the issue for Tuesday, December 6, 1977, make the following changes to the list of companies:

1. In the third column, page 61640, "CNG Production Company" should read "CNG Producing Company".

2. In the first column, page 64641, the following words should be capitalized: "Fuel", in "National fuel Gas Distribution Corporation"; "Corporation", in "Nepco Exploration corporation"; and "Energy", in "New England energy Incorporated".

3. In the first column, page 61641, the entry for "Newmont Oil Company", which begins on the same line as "New England Energy Incorporated", should appear on a single line.

4. In the middle column, page 61641, in the entry for "Oil Development company of Texas", the word "Company" should be capitalized.

[4310-55]

Fish and Wildlife Service

WETLAND CLASSIFICATION SYSTEM

Notice of Intent

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent.

SUMMARY: The Service gives notice of intent to adopt the "Classification of Wetlands and Deep-Water Habitats of the United States," Cowardin, et al. (1977), as the wetland classification system to be used in Service activities, including the National Wetland Inventory Project. The Service has elected to adopt a new classification because understanding of wetland ecology has grown significantly since the present system was adopted. The new system is necessary to provide uniformity in concepts and terminology throughout the United States.

DATES: Comments on this action are to be received by January 30, 1978.

ADDRESS: Send all comments to: U.S. Fish and Wildlife Service, suite 217, Dade Building, 9620 Executive Center Drive, St. Petersburg, Fla. 33702.

FOR FURTHER INFORMATION CONTACT:

John Montanari, Project Leader, National Wetland Inventory, address above, 813-893-3624.

SUPPLEMENTARY INFORMATION: The author of this notice is Marge Kolar, Office of Biological Services, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202-634-4910.

The wetland classification system now in use by the Fish and Wildlife Service was first published in 1953 (Martin, et al.) and again in 1956 in Wetlands of the United States, USFWS Circular 39, Shaw and Fredine. Since that time, the diverse functions of wetlands have become better understood and appreciated. The new classification system can better account for those diverse functions and can be more uniformly applied throughout the United States. Copies of this classification system may be obtained from the St. Petersburg address given above.

Dated: December 5, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish
and Wildlife Service.

[FR Doc. 77-35334 Filed 12-9-77; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-29]

CERTAIN WELDED STAINLESS STEEL PIPE AND TUBE

Procedure for Commission Determination and Action

Notice is hereby given that—

1. The Commission will hold a hearing beginning at 9:30 a.m., e.s.t., January 31, 1978, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C., for the purposes of (1) hearing oral argument on the recommended determination of the presiding officer, concerning whether there is a violation of section 337 of

the Tariff Act of 1930 in Investigation 337-TA-29; (2) hearing oral argument concerning appropriate relief in the event the Commission determines that there is a violation of section 337 and determines that there should be relief in such investigation; and (3) receiving information and hearing oral argument, as provided for in section 210.14(a) of the Commission's Rules of Practice and Procedure (19 CFR Part 210), concerning bonding and the public interest factors set forth in section 337 (d) and (f) of the Tariff Act, which the Commission is to consider in the event it determines that there is a violation of section 337 and determines that there should be relief in such investigation.

Parties and agencies wishing to make oral argument with respect to the recommended determination shall be limited in each oral argument to no more than 30 minutes, 10 minutes of which may be reserved by the staff and complainant for rebuttal.

For the purpose of the part of the hearing on relief, bonding, and the public interest factors, parties, interested persons, and agencies participating will be limited to no more than 15 minutes for making presentations. Participants will be permitted an additional 5 minutes for closing arguments after all the presentations have been concluded. Participants with similar interests may be required to share time.

The following complainants will jointly share the time limits allocable to one party, since their interests are similar: Acme Tube Inc., Allegheny Ludlum Steel Corp., Armco Steel Corp., Bristol Metals Inc., Carpenter Technology Corp., Colt Industries Inc., Consolidated Metals Corp., and Sharon Steel Corp.

Likewise, the following named respondents will jointly share the time limits allocable to one party for the reason that they were all found by the presiding officer in his recommended determination to have engaged in an unfair method or act: Ataka & Co., Ltd., Brasimet Industries Corp., Hanwa Co., Ltd., Kanematsu-Gosho, Ltd., Marubeni Corp., Nissho-Iwai Co., Ltd., Okura Trading Co., Ltd., Sumitomo Shoji America, Inc., Sumitomo Shoji Kaisha, Ltd., Toa Sieki Co. and Toyo Menka Kaisha, Ltd. Prudential Plumbing Products Corp. (Prudential), which was dismissed as a respondent by the Commission but continued to participate as a non-party with the presiding officer's permission, will share in the argument time of the above-named respondents (Prudential's request for leave to file exceptions and alternative findings and conclusions is hereby granted), as will those respondents found by the presiding officer in his recommended determination not to be engaging in an unfair method or act. These parties are: Itoh Metal Abrasive Co., Ltd., Nichimen Co., Ltd., Watanabe Trade & Engineering Co., Mitsui & Co., Ltd., Daitai Kogyo Co., Ltd., Okaya & Co., Ltd., San Eki Corp., Stainless Pipe Kogyo Co., Ltd., Sumitomo Metal Industries, Ltd. and Yamato Industries Co., Ltd. The Commission investigative staff will be separately allotted the full time available to a party.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than noon, December 13, 1977. Requests should indicate the part of the hearing (i.e., with respect to the recommended determination; relief; bonding; or the public interest factors or any combination of them) in which the requesting person desires to participate.

2. Briefs concerning exceptions to the recommended determination may be filed by any party or agency and by Prudential. Complainants' brief and briefs of the Commission investigative staff shall be filed not later than the close of business, Friday, December 23, 1977; respondents' briefs, Prudential's brief, and any other briefs (if any intervenors are later admitted) shall be filed not later than the close of business, Friday, January 13, 1978; and complainants' and the Commission investigative staff's reply briefs, if any, shall be filed not later than Monday, January 23, 1978. Briefs shall be served on all parties of record on the date they are filed. The cover of complainants' briefs shall be blue; respondents' briefs, red; the Commission investigative staff's briefs and intervenors' briefs (if any), green; and any reply briefs, gray. Concerned Government agencies may file briefs on any issue related to the recommended decision in the same style and at the same time as the Commission investigative staff. Parties, persons and agencies are encouraged to consolidate their briefing where their positions are the same and to refer to the record.

3. Written comments and information are encouraged by any party, interested person, Government agency, or Government concerning relief, bonding, and the public interest factors set forth in section 337 (d) and (f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which the Commission is to consider in the event it determines that there should be relief. Such comments and information shall be filed with the Secretary in one original and ten copies on the dates set forth below, and the comments and information shall thereafter be available for inspection and copying by any person, except as respects in camera comments and information, which are to be treated as described below.

Comments and information on remedy, bonding and public interest will be as follows: Complainants and the Commission investigative staff shall each file a detailed proposed Commission action, including a determination of bonding, on or before Friday, December 23, 1977. They will, at the same time, file such comment and information as they have respecting the effect of their proposed Commission action upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States and United States consumers (the "public interest" factors). Thereafter, on or before January 13, 1978, any person, agency, or government may file written comments on and information pertaining to alternatives (if any) to the proposed Commission action and whether any Commission action ought not to be taken after consideration of the effect of the action upon the public interest factors.

A request for in camera treatment of such comments and information must include a full statement of the reasons for granting in camera treatment. The Commission will then either accept such information in camera or it will return the information. Information submitted and accepted in camera will not be revealed outside the Commission except as necessary for the proper disposition of the proceeding.

Notice of the Commission's institution of the investigation was published in the FEDERAL RESGISTER on February 22, 1977 (42 FR 10348).

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-35423 Filed 12-9-77; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-270]

HYGRADE FOOD PRODUCTS CORP.

Notice of Application and Opportunity for Hearing

DECEMBER 8, 1977.

Notice is hereby given that Hygrade Food Products Corp. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "Exchange Act") seeking an exemption from the requirements to file reports pursuant to Section 15(d) of the Exchange Act.

Section 15(d) provides that each issuer which has filed a registration statement that has become effective pursuant to the Securities Act of 1933,

as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents and reports as may be required pursuant to Section 13 of the Exchange Act in respect to a security registered pursuant to Section 12 of the Exchange Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of Section 15(d) if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. The Applicant is a New York corporation subject to the reporting provisions of Section 15(d) of the Exchange Act.

2. On March 9, 1977, the Applicant was merged with a wholly-owned subsidiary of Hanson Industries Inc. pursuant to an Agreement and Plan of Merger dated August 19, 1976.

3. As a result of the merger, all the issued and outstanding shares of common stock of the Applicant are now owned by Hanson.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 15(d) of the Exchange Act, including an annual report on Form 10-K for the fiscal year ended October 1, 1977.

The Applicant argues that no useful purpose would be served in filing the periodic reports because Hanson now owns all of the Applicant's common stock, and its common stock is no longer publicly traded.

For a more detailed statement of the information presented, all persons are referred to the Application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than December 27, 1977, may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements therof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 77-35607 Filed 12-9-77; 10:16 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-7/141]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE OF THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on January 3 and 4, 1978 at 10:30 a.m. in room 511 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs. The Committee will discuss international telecommunications questions relating to telegraph and telex services, public data networks, leased channel services and maritime services, in order to develop U.S. positions to be taken at various international CCITT meetings to be held during 1978 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: December 2, 1977.

ARTHUR L. FREEMAN,
Chairman,
U.S. CCITT National Committee.

[FR Doc. 77-35402 Filed 12-9-77; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-239]

PROPOSED BRIDGE ACROSS THE ARKANSAS RIVER, MILE 112.95, AT LITTLE ROCK, ARK.

Notice of Public Hearing

A public hearing will be held by the Coast Guard on Wednesday, January 18, 1978, at 1 p.m., in the Arkansas Building, The Arkansas State Fair and Livestock Show Ground, Roosevelt Road, Little Rock, Ark.

This hearing is being held pursuant to Order dated December 7, 1977, entered in Civil Action No. LR-C-77-292 filed in U.S. District Court, Eastern District of Arkansas, Western Division. The Order stays both further litigation and Bridge Permit No. P(62-77), issued to the State of Arkansas on June 20, 1977, authorizing construction of the cited bridge with two horizontal navigation spans of 500 feet and 300 feet. Based upon, in part, allegations of new and substantial evidence relevant to construction and effect of the bridge, as presently permitted, upon navigation, the Order directs the Commandant to conduct this hearing and reconsider his decision, and authorizes him to determine anew whether or not the bridge, as presently proposed, meets the reasonable needs of navigation.

This hearing will be informal. A Coast Guard representative who did not participate in the decision to issue the permit will preside at the hearing, will make a brief opening statement describing the bridge as permitted, and will announce the procedures for the hearing. Interested persons may present comments orally or in writing concerning any matter relevant to the bridge project. Any new and substantial matter relevant to the construction and effect of the bridge which may not have been presented prior to issuance of the permit, or which has developed subsequently, is especially solicited.

Each person who wishes to make an oral statement should notify the Commander (obr), Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Mo. 63103. The notification should be received at least three days before the hearing and should include the approximate time required to make the presentation. Interested persons who are unable to attend may participate in this reconsideration by submitting their comments in writing to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, before February 15, 1978. Each comment should state the reasons for any objection,

comments or proposals, and the name and address of the person or organization submitting the comment. All comments received will be considered before final action is taken.

Copies of all written communications will be available for examination by interested persons at the office of the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters. A transcript of the hearing may be purchased by the public.

(Section 502, 60 Stat. 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(C); 49 CFR 1.46(c)(10).)

Dated: December 7, 1977.

F. P. SCHUBERT,
Acting Chief of Marine Environment and Systems.

[FR Doc. 77-35549 Filed 12-9-77; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[Docket No. IP77-19; Notice 1]

BMW OF NORTH AMERICA, INC.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

BMW of North America, Inc., of Montvale, N.J., 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 a noncompliance with 49 CFR 571.105-75 Motor Vehicle Safety Standard No. 105-75, Hydraulic Brake Systems. The basis of the petition is that it is inconsequential as it relates to motor vehicle safety.

Paragraph S5.3.5 of Standard No. 105-75 requires a passenger car to be equipped with a brake system indicator lamp, whose lens is labelled "BRAKE". The letters and lens must be of contrasting colors, one of which is red. The primary purpose of the lamp is to indicate a gross loss of pressure such as is caused by rupture of a brake line or a drop of level of brake fluid in the master cylinder reservoir compartment. A NHTSA compliance investigation (File CIR 1765) discovered that the word "BRAKE" has been moulded into the red lens so that there was no color contrast per se. BMW argues that this is inconsequential because * * * even though, strictly speaking, there is no contrast in color, as such [but] there are differences both in brightness and visual texture between the raised letters and the lens * * * making the word "BRAKE" clearly discernible in contrast to its background." BMW has submitted photographs of the lens in support of this contention, available for examination in the docket. The condition exists on approximately 9500 model 2002s manufactured from January 1, 1976, the effective date of the requirements, through June 1976.

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 agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of BMW of North America, Inc. 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 SW., 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: January 26, 1978.

(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 December 5, 1977.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc. 77-35276 Filed 12-9-77; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Adams, Henry J., 708 Mary Street, Douglas, Ga., convicted on October 24, 1973, in the Superior Court, Coffee County, Ga.; and on May 25, 1973, in the Superior Court, Irwin County, Ga.

Allen, Paul J., 336 SE. Pleasantview Drive, DesMoines, Iowa, convicted on November 14, 1955, in the Polk County District Court, DesMoines, Iowa.

Arendt, William L., 7240 Brooklyn Boulevard, Brooklyn Center, Minn., convicted on July 10, 1972, and on January 5, 1973, in the District Court, Fourth Judicial District, County of Hennepin, Minn.

Atteberry Gordon E., 10,000 Santa Lucia, Atascadero, Calif., convicted on February 4, 1955, in the District Court for the County of Boulder, Eighth Judicial District of Colorado; on August 24, 1959, in the Superior Court, Los Angeles County, Calif.; and on September 26, 1962, in the United States District Court for the Northern District of California.

Brown, Owen W., Box 32, Ballantine, Mont., convicted on March 8, 1972, in the District Court of the Eighteenth Judicial District of Montana, Gallatin County.

Carter, Russell Luther, 1232 Harvard Boulevard, Dayton, Ohio, convicted on March 5, 1971, in the United States District Court, Southern District of Ohio.

Cox, Douglas W., Route 2, Box 116, Willis, Va., convicted on May 6, 1974, in the U.S. District Court, Western District, Roanoke, Va.

Crews, Fuller W., Route 2, Box 309 J-4, Hilliard, Fla., convicted on March 17, 1960, in the Tift County Superior Court, Tifton, Ga.

Crowl, James K., R.R. No. 1, Soldier, Kans., convicted on February 15, 1974, in the District Court, Neosho County, Kans.

Dobbs, Samuel T., Jr., 1831 Grand Avenue, Connersville, Ind., convicted on October 1, 1971, in the Fayette County Circuit Court, Connersville, Ind.

Eaton, Stephen D., 307 East Beaver, Jenks, Okla., convicted on February 16, 1973, in the Ninth Judicial District Court, Okla.

Gallop, Alex B., 1016 North Edinburg, Los Angeles, Calif., convicted on September 13, 1957, in the Los Angeles County Superior Court, Calif.

Gittens, Raymond R., 2210 Oakland Avenue South, Minneapolis, Minn., convicted on April 26, 1955, in the District Court, Winona County, Minn.

Greathouse, Robert O., Jr., 7009 West Tallmadge Court, Milwaukee, Wis., convicted on or about February 5, 1948, in the Municipal Court, Milwaukee County, Wis.

Grove, David L., 5741 Carlton Way, Los Angeles, Calif., convicted on August 29, 1968, in the Superior Court, Los Angeles County, Calif.

Handley, Fletcher D., Route 1, Country Club Road, El Reno, Okla., convicted on June 22, 1973, in the U.S. District Court, Western District, Oklahoma City, Okla.

Heldenbrand, Nick A., 1012 S. Agnew, Oklahoma City, Okla., convicted on April 30, 1969, in the District Court of the Seventh Judicial District of the State of Oklahoma, Oklahoma County.

Hernandez, Eliseo G., Jr., 711 North Wiley Avenue, Donalsonville, Ga., convicted on May 20, 1974, in the Suwanne County Circuit Court, Live Oak, Fla.

Holden, Edward J., Jr., 1117 East 35th Street, Erie, Pa., convicted on July 16, 1959, in the Court of Quarter Sessions, Erie County, Pa.

Holman, Woodrow C., 120 Livingston Terrace, Orangeburg, S.C., convicted on March 21, 1961, in the U.S. District Court, Eastern District, S.C.

Hudgins, Jimmy I., Route 3, Box 127 Altoona, Ala., convicted on July 17, 1972, in the U.S. District Court for the Northern District of Alabama, Middle Division.

Huyser, David M., 4128 Joan Drive, Dorr, Mich., convicted on August 14, 1970, in the Kent County Circuit Court, Mich.

Inman, David C., 614 Fuller, Albion, Nebr., convicted on January 7, 1976, in the U.S. District Court for the District of Nebraska.

Laibach, John W., 503 Sunnymead Drive, Valdosta, Ga., convicted on January 16, 1956, in the U.S. District Court for the Southern District of Florida, Orlando, Fla.

Lail, Paul A., Jr., 4550 Jiminey Loop, Columbus, Ga., convicted on January 17, 1958, in the U.S. District Court, Western District, Tex.; on June 20, 1963, and on November 4, 1963, in the Circuit Court, Stoddard County, Mo.

Lang, Loren J., 1536 Burns Avenue, St. Paul, Minn., convicted on July 21, 1975, in the Crow Wing County District Court, Ninth Judicial District, Minn.

Larkin, Robert S., 3809 Norwood Avenue, Thorndale, Pa., convicted on January 17, 1972, in the Delaware Superior Court, Wilmington, Del.

Lawrence, Philip E., 4238 W. 15th Street, Detroit, Mich., convicted on November 19, 1964, in the Recorder's Court, city of Detroit, Mich.

Levesque, Josephat N., Route 219, P.O. Box 58D, West Paris, Maine, convicted on September 18, 1961, in the Androscoggin County Superior Court, Auburn, Maine.

Lindy, Emerson R., 404 Mary Street, Evansville, Ind., convicted on September 20, 1940, in the Circuit Court of Vanderburgh County, Ind.

Looney, Pleas P., 711 Federal Drive, Montgomery, Ala., convicted on May 9, 1974, in the U.S. District Court, Middle District of Alabama, Montgomery, Ala.

Lussan, Eugene K., 5017 Yale Street, Metairie, La., convicted on October 11, 1974, in the Superior Court of Cook County, Ga.

Mangini, Dino J., Star Route 1, Box 106, Belfair, Wash., convicted on March 8, 1976, in the Superior Court of the State of Washington for Kitsap County.

Mankins, Harvey G., 1240 SE. 21st, Oklahoma City, Okla., convicted on April 11, 1940, in the Oklahoma County District Court, Oklahoma City, Okla.

Miller, Thomas J., Jr., 912 East Lee Street, Greensboro, N.C., convicted on April 15, 1966, in the Lynchburg Corporation Court, Commonwealth of Virginia.

Moore, Randly W., Route 7, Box 125, North Wilkesboro, N.C., convicted on October 8, 1958, in the U.S. District Court for the Western District of North Carolina, Charlotte, N.C.; and on April 24, 1972, in the U.S. District Court, Wilkesboro, N.C.

Morton, Ronald A., 1711 Yale Avenue, Richmond Heights, Mo., convicted on September 9, 1969, in the Twenty-Second Judicial Circuit Court of Missouri, St. Louis, Mo.

Newsom, Ernest, Pioneer Mobile Home Park, Lot 133, North Fort Myers, Fla., convicted on April 10, 1972, in the Charlotte County Circuit Court, Florida.

Niehouse, Jan A., 4700 Crockett, Midland, Tex., convicted on March 5, 1964, in the Superior Court of Moricopa County, Ariz.

Odegaard, Craig P., 335 N.E. 185th Street, Seattle, Wash., convicted on November 15, 1973, in the Superior Court, Snohomish County, Everett, Wash.

Oppold, Vernon J., Sr., 117 Second Street, Woodland, Calif., convicted on September 24, 1956, in the Municipal Court for Berkley-Albany, County of Alameda, Calif.

Porter, Wesley, 155 Simpson Street, Montgomery, Ala., convicted on or about May 31, 1946, on November 14, 1949, and on November 10, 1952, in the Circuit Court of Montgomery County, Ala.

Rhodes, Robert L., R.R. No. 5, Box 13, Morganfield, Ky., convicted on April 24, 1969, in the Union Circuit Court, Morganfield, Ky.

Schomer, Max C., 5212 Pebble Beach Boulevard, No. A, Las Vegas, Nev., convicted of April 3, 1974, in the Eighth Judicial District Court of the State of Nevada in and for Clark County.

Shrive, Dennis W., 110 DeLa Costa, Santa Cruz, Calif., convicted on January 7, 1972, in the Superior Court, County of San Mateo, Calif.

Shute, Kenneth S., 6707 Davidson Cola, S.C. convicted on October 17, 1969, in the Superior Court, Fayetteville, North Carolina.

Skidmore, Charles P., 3306 Santa Fe, Austin, Tex., convicted on November 13, 1970, in the Criminal District Court of Tarrant County, Tex.

Suntken, Gloria Mae, 125-31 Monte Vista, Chino, Calif., convicted on January 11, 1974, in the United States District Court, District of Colorado.

Thaggard, Thomas L., 1092 Rosedale Drive, Montgomery, Ala. convicted on June 22, 1972, in the United States District Court, Middle District, Montgomery Ala.

Todd, James H., 9760 Cedardale, Houston, Tex., convicted on January 17, 1975, in the District Court, Harris County, Tex.

Tofil, Edward J., Sr., 26 W. Morehouse, Hazel Park, Mich., convicted on December 18, 1936, in the Wayne County Circuit Court, Mich.

Toole, Jack A., 5321 Fontaine Road, Knoxville, Tenn., convicted on or about May 9, 1963, in the Criminal Court of Record, Duval County, Fla.

Turner, Walter F., Route 4, Box 213, Stuart, Va., convicted on February 13, 1967, in the United States District Court for the Western District of Virginia, Danville Division.

Vail, John A., 11023 Corliss Avenue, Seattle, Wash., convicted on November 18, 1975, in the Superior Court, King County, Wash.

Von Zamft, Lary F., 7425 SW., 79 Court, Miami, Fla., convicted on June 5, 1970, in the United States District Court, Miami, Fla.

Waldroff, David J., Route 2, Hudson, Wisc., convicted on November 27, 1974, in the St. Croix County Court, Hudson, Wisc.

Weber, Bradley T., 4311 West Mesa Pass, Sioux Falls, S. Dak., convicted on June 11, 1973, in the Circuit Court, Clay County, Vermillion, S. Dak.

White, Donald R., 12131 Debby Drive, Parma, Ohio, convicted on June 17, 1971, in the United States District Court, Cleveland, Ohio.

Wolff, Karlos W., P.O. Box 478, Annandale, Minn., convicted on February 20, 1961, in the District Court, Hennepin County, Minn.

Signed at Washington, D.C., this 1st day of December 1977.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.77-35333 Filed 12-9-77; 8:45 am]

[4810-22]

Customs Service

[T.D. 77-289]

EXCESS COST OF PRECLEARANCE OPERATIONS

Reimbursable Services

DECEMBER 5, 1977.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for the new preclearance installation is estimated to be as set forth below and will be effective on January 8, 1978.

Installation and Biweekly excess cost

Freeport, Bahama Islands—$14,000.

JOHN A. HURLEY,
Assistant Commissioner, Administration.

[FR Doc. 77-35386 Filed 12-9-77; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Notice of Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by section 1790(b), Title 38, U.S.C., will be held in room A35, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on January 10, 1978, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Nashville, Tenn., that educational allowance to all veterans and eligible persons presently enrolled in the West Tennessee Business College, 525 East Main Street, Jackson, Tenn. 38301, be terminated and new enrollments not be processed, effective October 5, 1977.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seated capacity, it will be necessary for those wishing to attend to contact Mr. Bernard D. Duber, Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2850, prior to January 3, 1978.

Dated: December 5, 1977.

MAX CLELAND,
Administrator.

[FR Doc. 77-35392 Filed 12-9-77; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 544]

ASSIGNMENT OF HEARINGS

DECEMBER 7, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135874 (Sub-No. 75), LTL Perishables, Inc., now being assigned for continued hearing December 15, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. 36474, *Benjamin A. Gilman* v. *Consolidated Rail Corporation, et al.* and No. 36434, Commuter Fares-Consolidated Rail Corporation, New Jersey and New York now being assigned March 13, 1978 (1 week), at Newburgh, N.Y., in a hearing room to be later designated.

MC 130410 Corporate Travel Service, Inc., now being assigned December 13, 1977 (4 days), for continued hearing at Dearborn, Mich., will be held at 1500 Parklane Towers East, One Parklane Boulevard.

MC 116101 (Sub-No. 2), M1 Quick Air Freight, Inc., now being assigned January 4, 1978 (3 days), for hearing in Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 117565 (Sub-No. 97), Motor Service Co., Inc., now assigned January 9, 1978, at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

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

[FR Doc. 77-35148 Filed 12-9-77; 8:45 am]

[7035-01]

[No. 266]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312)(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before January 11, 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 wih 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-77418, filed November 16, 1977. Transferee: DAIRY DISPATCH CORP., P.O. Box 145 Bay Station, Brooklyn, N.Y. 11235. Transferor: Dairy Dispatch Corp., 310 Twelfth Street, Jersey City, N.J. 07302. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 128310 and MC 128310 (Sub-No. 2), issued April 25, 1967, and March 17, 1971, respectively, as follows: *Dairy products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in that part of the New York, N.Y. Commercial Zone as defined by the Commission, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Act (the exempt zone), on the one hand, and, on the other, points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y.; and *Dairy products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in that part of the New York, N.Y. Commerical Zone within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the "exempt" zone), on the one hand, and, on the other, points in Middlesex County, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77425, filed November 22, 1977. Transferee: HOWARD M. LEE, d.b.a. LEE TRUCKING, 15309 Domart Street, Norwalk, Calif. 90720. Transferor: Howard O. Lee, d.b.a. Lee Lumber Hauling, 9258 Muller Street, Downey, Calif. 90241. Applicant's representative: Karl K. Roos, 5862 Hillview Park Avenue, Van Nuys, Calif. 91401. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 96407 and MC 96407 (Sub-No. 2), issued September 30, 1949 and September 30, 1963, respectively, as follows: *Lumber,* from Los Angeles Harbor and Long Beach, Calif., to Los Angeles and Bell, Calif.; and *Lumber,* from points in Los Angeles, San Bernardino, Riverside, and Orange Counties, Calif., to points in Clark and Nye Counties, Nev. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77430, filed November 28, 1977. Transferee: J. BALLEW & SONS, INC., Box 47, Stuarts Draft, Va. 24477. Transferor: Heptinstall Trucking Co., Inc., Box 131, Cloverdale, Va. 24077. Applicant's representative: James Ballew, President, Box 47, Stuarts Draft, Va. 24477. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 115694 (Sub-No. 1), issued August 14, 1956, as follows: *Blackstrap molasses,* in bulk, from Portsmouth, Va., to points in North Carolina. Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

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

[FR Doc. 77-35149 Filed 12-9-77; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062), promulgated in "Waste" Products, Ex Parte No. MC 85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence), against applicant's participation may be filed with the Interstate Commerce Commission on or before January 3, 1978. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

Hudgins, Jimmy I., Route 3, Box 127 Altoona, Ala., convicted on July 17, 1972, in the U.S. District Court for the Northern District of Alabama, Middle Division.

Huyser, David M., 4128 Joan Drive, Dorr, Mich., convicted on August 14, 1970, in the Kent County Circuit Court, Mich.

Inman, David C., 614 Fuller, Albion, Nebr., convicted on January 7, 1976, in the U.S. District Court for the District of Nebraska.

Laibach, John W., 503 Sunnymead Drive, Valdosta, Ga., convicted on January 16, 1956, in the U.S. District Court for the Southern District of Florida, Orlando, Fla.

Lail, Paul A., Jr., 4550 Jiminey Loop, Columbus, Ga., convicted on January 17, 1958, in the U.S. District Court, Western District, Tex.; on June 20, 1963, and on November 4, 1963, in the Circuit Court, Stoddard County, Mo.

Lang, Loren J., 1536 Burns Avenue, St. Paul, Minn., convicted on July 21, 1975, in the Crow Wing County District Court, Ninth Judicial District, Minn.

Larkin, Robert S., 3809 Norwood Avenue, Thorndale, Pa., convicted on January 17, 1972, in the Delaware Superior Court, Wilmington, Del.

Lawrence, Philip E., 4238 W. 15th Street, Detroit, Mich., convicted on November 19, 1964, in the Recorder's Court, city of Detroit, Mich.

Levesque, Josephat N., Route 219, P.O. Box 58D, West Paris, Maine, convicted on September 18, 1961, in the Androscoggin County Superior Court, Auburn, Maine.

Lindy, Emerson R., 404 Mary Street, Evansville, Ind., convicted on September 20, 1940, in the Circuit Court of Vanderburgh County, Ind.

Looney, Pleas P., 711 Federal Drive, Montgomery, Ala., convicted on May 9, 1974, in the U.S. District Court, Middle District of Alabama, Montgomery, Ala.

Lussan, Eugene K., 5017 Yale Street, Metairie, La., convicted on October 11, 1974, in the Superior Court of Cook County, Ga.

Mangini, Dino J., Star Route 1, Box 106, Belfair, Wash., convicted on March 8, 1976, in the Superior Court of the State of Washington for Kitsap County.

Mankins, Harvey G., 1240 SE. 21st, Oklahoma City, Okla., convicted on April 11, 1940, in the Oklahoma County District Court, Oklahoma City, Okla.

Miller, Thomas J., Jr., 912 East Lee Street, Greensboro, N.C., convicted on April 15, 1966, in the Lynchburg Corporation Court, Commonwealth of Virginia.

Moore, Randly W., Route 7, Box 125, North Wilkesboro, N.C., convicted on October 8, 1958, in the U.S. District Court for the Western District of North Carolina, Charlotte, N.C.; and on April 24, 1972, in the U.S. District Court, Wilkesboro, N.C.

Morton, Ronald A., 1711 Yale Avenue, Richmond Heights, Mo., convicted on September 9, 1969, in the Twenty-Second Judicial Circuit Court of Missouri, St. Louis, Mo.

Newsom, Ernest, Pioneer Mobile Home Park, Lot 133, North Fort Myers, Fla., convicted on April 10, 1972, in the Charlotte County Circuit Court, Florida.

Niehouse, Jan A., 4700 Crockett, Midland, Tex., convicted on March 5, 1964, in the Superior Court of Moricopa County, Ariz.

Odegaard, Craig P., 335 N.E. 185th Street, Seattle, Wash., convicted on November 15, 1973, in the Superior Court, Snohomish County, Everett, Wash.

Oppold, Vernon J., Sr., 117 Second Street, Woodland, Calif., convicted on September 24, 1956, in the Municipal Court for Berkley-Albany, County of Alameda, Calif.

Porter, Wesley, 155 Simpson Street, Montgomery, Ala., convicted on or about May 31, 1946, on November 14, 1949, and on November 10, 1952, in the Circuit Court of Montgomery County, Ala.

Rhodes, Robert L., R.R. No. 5, Box 13, Morganfield, Ky., convicted on April 24, 1969, in the Union Circuit Court, Morganfield, Ky.

Schomer, Max C., 5212 Pebble Beach Boulevard, No. A, Las Vegas, Nev., convicted of April 3, 1974, in the Eighth Judicial District Court of the State of Nevada in and for Clark County.

Shrive, Dennis W., 110 DeLa Costa, Santa Cruz, Calif., convicted on January 7, 1972, in the Superior Court, County of San Mateo, Calif.

Shute, Kenneth S., 6707 Davidson Cola, S.C. convicted on October 17, 1969, in the Superior Court, Fayetteville, North Carolina.

Skidmore, Charles P., 3306 Santa Fe, Austin, Tex., convicted on November 13, 1970, in the Criminal District Court of Tarrant County, Tex.

Suntken, Gloria Mae, 125-31 Monte Vista, Chino, Calif., convicted on January 11, 1974, in the United States District Court, District of Colorado.

Thaggard, Thomas L., 1092 Rosedale Drive, Montgomery, Ala. convicted on June 22, 1972, in the United States District Court, Middle District, Montgomery Ala.

Todd, James H., 9760 Cedardale, Houston, Tex., convicted on January 17, 1975, in the District Court, Harris County, Tex.

Tofil, Edward J., Sr., 26 W. Morehouse, Hazel Park, Mich., convicted on December 18, 1936, in the Wayne County Circuit Court, Mich.

Toole, Jack A., 5321 Fontaine Road, Knoxville, Tenn., convicted on or about May 9, 1963, in the Criminal Court of Record, Duval County, Fla.

Turner, Walter F., Route 4, Box 213, Stuart, Va., convicted on February 13, 1967, in the United States District Court for the Western District of Virginia, Danville Division.

Vail, John A., 11023 Corliss Avenue, Seattle, Wash., convicted on November 18, 1975, in the Superior Court, King County, Wash.

Von Zamft, Lary F., 7425 SW., 79 Court, Miami, Fla., convicted on June 5, 1970, in the United States District Court, Miami, Fla.

Waldroff, David J., Route 2, Hudson, Wisc., convicted on November 27, 1974, in the St. Croix County Court, Hudson, Wisc.

Weber, Bradley T., 4311 West Mesa Pass, Sioux Falls, S. Dak., convicted on June 11, 1973, in the Circuit Court, Clay County, Vermillion, S. Dak.

White, Donald R., 12131 Debby Drive, Parma, Ohio, convicted on June 17, 1971, in the United States District Court, Cleveland, Ohio.

Wolff, Karlos W., P.O. Box 478, Annandale, Minn., convicted on February 20, 1961, in the District Court, Hennepin County, Minn.

Signed at Washington, D.C., this 1st day of December 1977.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.77-35333 Filed 12-9-77; 8:45 am]

[4810-22]

Customs Service

[T.D. 77-289]

EXCESS COST OF PRECLEARANCE OPERATIONS

Reimbursable Services

DECEMBER 5, 1977.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for the new preclearance installation is estimated to be as set forth below and will be effective on January 8, 1978.

Installation and Biweekly excess cost

Freeport, Bahama Islands—$14,000.

JOHN A. HURLEY,
Assistant Commissioner, Administration.

[FR Doc. 77-35386 Filed 12-9-77; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Notice of Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by section 1790(b), Title 38, U.S.C., will be held in room A35, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on January 10, 1978, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Nashville, Tenn., that educational allowance to all veterans and eligible persons presently enrolled in the West Tennessee Business College, 525 East Main Street, Jackson, Tenn. 38301, be terminated and new enrollments not be processed, effective October 5, 1977.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seated capacity, it will be necessary for those wishing to attend to contact Mr. Bernard D. Duber, Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2850, prior to January 3, 1978.

Dated: December 5, 1977.

MAX CLELAND,
Administrator.

[FR Doc. 77-35392 Filed 12-9-77; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 544]

ASSIGNMENT OF HEARINGS

DECEMBER 7, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135874 (Sub-No. 75), LTL Perishables, Inc., now being assigned for continued hearing December 15, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. 36474, *Benjamin A. Gilman* v. *Consolidated Rail Corporation, et al.* and No. 36434, Commuter Fares-Consolidated Rail Corporation, New Jersey and New York now being assigned March 13, 1978 (1 week), at Newburgh, N.Y., in a hearing room to be later designated.

MC 130410 Corporate Travel Service, Inc., now being assigned December 13, 1977 (4 days), for continued hearing at Dearborn, Mich., will be held at 1500 Parklane Towers East, One Parklane Boulevard.

MC 116101 (Sub-No. 2), M1 Quick Air Freight, Inc., now being assigned January 4, 1978 (3 days), for hearing in Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 117565 (Sub-No. 97), Motor Service Co., Inc., now assigned January 9, 1978, at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

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

[FR Doc. 77-35148 Filed 12-9-77; 8:45 am]

[7035-01]

[No. 266]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312)(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before January 11, 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 wih 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-77418, filed November 16, 1977. Transferee: DAIRY DISPATCH CORP., P.O. Box 145 Bay Station, Brooklyn, N.Y. 11235. Transferor: Dairy Dispatch Corp., 310 Twelfth Street, Jersey City, N.J. 07302. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 128310 and MC 128310 (Sub-No. 2), issued April 25, 1967, and March 17, 1971, respectively, as follows: *Dairy products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in that part of the New York, N.Y. Commercial Zone as defined by the Commission, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Act (the exempt zone), on the one hand, and, on the other, points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y.; and *Dairy products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in that part of the New York, N.Y. Commerical Zone within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the "exempt" zone), on the one hand, and, on the other, points in Middlesex County, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77425, filed November 22, 1977. Transferee: HOWARD M. LEE, d.b.a. LEE TRUCKING, 15309 Domart Street, Norwalk, Calif. 90720. Transferor: Howard O. Lee, d.b.a. Lee Lumber Hauling, 9258 Muller Street, Downey, Calif. 90241. Applicant's representative: Karl K. Roos, 5862 Hillview Park Avenue, Van Nuys, Calif. 91401. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 96407 and MC 96407 (Sub-No. 2), issued September 30, 1949 and September 30, 1963, respectively, as follows: *Lumber,* from Los Angeles Harbor and Long Beach, Calif., to Los Angeles and Bell, Calif.; and *Lumber,* from points in Los Angeles, San Bernardino, Riverside, and Orange Counties, Calif., to points in Clark and Nye Counties, Nev. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77430, filed November 28, 1977. Transferee: J. BALLEW & SONS, INC., Box 47, Stuarts Draft, Va. 24477. Transferor: Heptinstall Trucking Co., Inc., Box 131, Cloverdale, Va. 24077. Applicant's representative: James Ballew, President, Box 47, Stuarts Draft, Va. 24477. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 115694 (Sub-No. 1), issued August 14, 1956, as follows: *Blackstrap molasses,* in bulk, from Portsmouth, Va., to points in North Carolina. Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

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

[FR Doc. 77-35149 Filed 12-9-77; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062), promulgated in "Waste" Products, Ex Parte No. MC 85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence), against applicant's participation may be filed with the Interstate Commerce Commission on or before January 3, 1978. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

No. P-24-77 (Special Certificate—Waste Products), filed September 9, 1977. Applicant: OHIO FAST FREIGHT, INC., North Star Center, 3893 Market Street NE., Warren, Ohio 44484. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Waste products for recycling and reuse*, between points in the United States (except Alaska and Hawaii), in furtherance of a recognized pollution control program sponsored by: (1) Metro Containers, of Lyndhurst, N.J.; (2) Copperweld Steel of Warren, Ohio; (3) Container Corp. of America of Carol Stream, Ill.; (4) Scott Paper Co. of Philadelphia, Pa.; (5) Greif Board, Inc. of Massillon, Ohio; (6) Tecumseh Corrugated Box of Brecksville, Ohio; (7) Alton Box Board Co. of Alton, Ill.; (8) Packaging Corp. of America of Berea, Ohio; (9) Grossman & Sons, Inc. of Columbus, Ohio; (10) Marks Paper Stock of Canton, Ohio; (11) Federal Paper Stock Co. of St. Louis, Mo., and (12) Arco Trading Corp. of Pittsburgh, Pa., for the purpose of recycling various types of litter.

No. P-25-77 (Special Certificate—Waste Products), filed October 3, 1977. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce is a *common carrier*, by motor vehicle, over irregular routes, transporting: *recyclable waste* or *scrap paper and cartons*, from points in New Jersey, New York, Massachusetts, Maryland, and Georgia to Plymouth, N.C., in furtherance of a recognized pollution control program sponsored by the Weyerhaeuser Co. of Plymouth, N.C., for the purpose of recycling and reusing waste and scrap paper and cartons.

No. P-26-77 (Special Certificate—Waste Products), filed August 4, 1977. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 East Compton Boulevard, P.O. Box 817, Paramount, Calif. 90723. Applicant's representative: William J. Monheim, 15942 Whittier boulevard, .P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap plastics*, from points in Arizona, Colorado, Illinois, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington to points in Los Angeles and Orange Counties, Calif., (2) *used clothing* or *textiles for recycling* or *reuse*, from points in Arizona, Colorado, Nevada, New Mexico, and Oregon, to Los Angeles, Calif., and (3) *electrical capacitors, each containing dielectrics*, from Phoenix, Ariz., to Los Angeles, Calif., in furtherance of a recognized pollution control program sponsored by (1) Coast Polymers, Inc. of Downey, Calif., for the purpose of converting waste scrap plastic into a useful plastic material, (2) Universal Mills Supply of Los Angeles, Calif., for the purpose of collecting used clothing or textiles for recycling or reuse, and (3) Salt River Agricultural Improvement and Power District of Phoenix, Ariz., for the purpose of collecting and disposing capacitors containing dielectrics.

No. P-27-77 (Special Certificate—Waste Products), filed November 7, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Bob Wiseman, (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste products for recycling or reuse*, between points in the United States (except Alaska and Hawaii) in furtherance of a recognized pollution control program sponsored by Omer Carrothers Industries, Inc. of Joplin, Mo., for the purpose of reducing waste of valuable raw resources.

No. P-28-77 (Special Certificate—Waste Products), filed November 4, 1977. Applicant: REINHART MAYER, doing business, as MAYER TRUCK LINE, 1203 South Riverside Driver, Jamestown, N. Dak. 58401. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper for recycling* or *reuse* from points in Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, South Dakota, Washington, and Wisconsin, to points in North Dakota, in furtherance of a recognized pollution control program sponsored by (1) Diversified Insulation Inc. of Dickinson, N. Dak., and (2) Northland Cellulose Insulation Inc. of Valley City, N. Dak., for the purpose of recycling scrap paper into cellulose insulation.

No. P-29-77 (Special Certificate—Waste Products), filed November 11, 1977. Applicant: DAN TRUCKING, INC., Home Avenue and Highway 94, San Diego, Calif. 92112. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, scrap metals, scrap plastic, glass, scrap rubber, clothing and waste materials, for recycling and reuse*, between points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, in futherance of a recognized pollution control program sonsored by Resources Reclamation Corporation of America of Tempe, Ariz. for the purpose of collecting and recycling waste materials.

By the Commission.

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

[FR Doc. 77-35420 Filed 12-9-77; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

COMMENTS

[6320-01]

1

CIVIL AERONAUTICS BOARD.

Notice of deletion of items from the December 8, 1977 meeting agenda.

TIME AND DATE: 10 a.m., December 8, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 7. Student fares in the U.S. Guam/Pago Pago markets, proposed by Pan American (BFR).

21. Docket 24694, *Miami-Los Angeles Competitive Nonstop Case;* staff recommendation—reopen the proceeding for the limited purpose of considering whether Western or Pan American should receive Miami-Los Angeles competitive authority (Memo No. 7354-C, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: After placing item 7 on the agenda for December 8, 1977, the staff has had time to review the proposal and has determined that it is consistent with the Board's recent decision in the *Pacific Overseas Fares Investigation* in which the concept of special fares was considered. Since this is the case, there is no need for the Board to review the proposal.

The staff has indicated that additional material is being prepared that relates to item 21 and that this additional information will not be available before the December 8, 1977 meeting. In order that the Board will have the benefit of all information in this case, it is necessary to delete item 21 from the agenda of the December 8, 1977 and to reschedule this item when all material is available.

Accordingly, the following Members have voted that agency business requires the deletion of items 7 and 21 from the December 8, 1977 agenda and that no earlier announcement of these deletions was possible.

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member Lee R. West
Member Elizabeth E. Bailey

[S-2020-77 Filed 12-8-77. 8:46 am]

[6320-01]

2

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., December 13, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Presentation to be made by The Flying Tiger Line Inc. regarding the carrier's plans for the future.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-2021-77 Filed 12-8-77; 8:46 am]

[6320-01]

3

CIVIL AERONAUTICS BOARD.

Notice of addition of dockets to subject on the December 8, 1977 meeting agenda.

TIME AND DATE: 10 a.m., December 8, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 6. Dockets 31740, 31745, 31755, 31578, and 31365, Group-50 fares between northeastern cities and Hawaii proposed by United Air Lines, Inc.; staff recommendation—that the Board adopt draft order which permits United's proposal (Memo No. 7634, BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Dockets 31755, 31578, and 31365 involve matters related to the United Group-50 fares and the same parties. Docket 31755 is a late-filed complaint and Dockets 31578 and 31365 were inadvertently omitted from the subject description of Item 6. So that the Board can consider these matters together, the following Members have voted that agency business requires the addition of these dockets to the subject matter description of Item 6 and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-2025-77 Filed 12-8-77; 3:55 pm]

[6320-01]

4

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 2 p.m., December 12, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 23080-2 Priority and Nonpriority Domestic Mail Rates Investigation (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This case involves important issues which should be resolved by the end of the year. Chairman Kahn and Member Bailey have decided to qualify themselves for participation in this case and wish to discuss the Board's instructions to the staff. So that the staff work can be completed promptly, the following Members have voted that agency business requires the Board meet on less than 7 days' notice to consider this matter and that no earlier announcement of the meeting was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-2026-77 Filed 12-8-77; 3:55 pm]

[6715-01]

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, December 15, 1977 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: a. AO 1977-43, b. AO 1977-50, c. AO 1977-56, d. AO 1977-27, e. AO 1977-32.
IV. Appropriations and budget.
V. Contract for entry of disclosure data.
VI. Procedures on non-filers.
VII. Pending legislation.
VIII. Pending litigation.
IX. Liaison with other Federal agencies.
X. Classification actions.
XI. Routine administrative matters.

PORTIONS CLOSED TO THE PUBLIC

Executive session.—Audit matters; compliance; personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-2027-77 Filed 12-8-77; 3:55 pm]

[6715-01]

6

FEDERAL ELECTION COMMISSION.

TIME AND DATE: Monday, December 12, 1977 at 10 a.m.—Special meeting.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Procedures on non-filers, late filers, and inadequate filers (voting to continue discussion from meeting of Thursday, December 8, 1977 were: Commissioners Harris, Aikens, Tiernan, Staebler, Thomson, and Springer (6-0)).

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer; 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-2028-77 Filed 12-8-77; 3:55 pm]

[4110-24]

7

NATIONAL MUSEUM SERVICES BOARD (Institute of Museum Services, HEW).

ACTION: Notice of meeting.

SUMMARY: This notice announces the time, place and subject matter of the forthcoming meeting of the National Museum Services Board. It also provides other information regarding the meeting in accordance with the Government in the Sunshine Act, 5 U.S.C. 552b(e). The meeting will be open to the public.

DATES: Board meeting: December 16, 1977, 9:30 a.m. to noon, and December 17, 1977, 9 a.m. to 1 p.m.

ADDRESSES: December 16, The Brooklyn Children's Museum, 145 Brooklyn Avenue, Brooklyn, N.Y.; December 17, The Whitney Museum, 945 Madison Avenue, New York, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mrs. Lee Kimche, Director-designate, Institute of Museum Services, Suite 309 G, 200 Independence Avenue SW., Washington, D.C. 20202, 202-245-9855.

SUPPLEMENTARY INFORMATION: Title II of the Arts, Humanities and Cultural Affairs Act of 1976, Pub. L. 94-462 (20 U.S.C. 961 et seq.) establishes within the Department of Health, Education, and Welfare an Institute of Museum Services consisting of a National Museum Services Board and a Director of the Institute.

The Institute is authorized to make grants to museums to increase and improve museum services, through such activities as—

(1) Programs to enable museums to construct or install displays, interpretations and exhibitions in order to improve their services to the public;

(2) Assisting them in developing and maintaining professionally-trained or otherwise experienced staff to meet their needs;

(3) Assisting them to meet their administrative costs in preserving and maintaining their collections, exhibiting them to the public and providing educational programs to the public through the use of their collections;

(4) Assisting museums in cooperation with each other in the development of traveling exhibitions meeting transportation costs and identifying and locating collections available for loan;

(5) Assisting them in conservation of artifacts and art objects; and

(6) Developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions.

Under the statute, the National Museum Services Board has responsibility for the general policies with regard to the powers, duties, and authorities vested in the Institute, and for assuring that these policies are coordinated with other activities of the Federal Government.

The meeting on December 16 and 17, 1977, will be the first meeting of the Board and will be open to the public.

SUBJECT MATTER: An organizational meeting to discuss means of achieving the mandate of the law through discussions of possible activities and priorities for the Institute.

Signed at Washington, D.C. on December 8, 1977.

LEE KIMCHE,
Director-designate,
Institute of Museum Services.

[S-2024 Filed 12-8-77; 3:28 pm]

[7035-01]

8

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, December 15, 1977.

PLACE: Office of Chairman O'Neal, Room 3130, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Open Informal Conference.

MATTERS TO BE CONSIDERED: To facilitate general communication of information and ideas among members of the Commission as to general matters of common concern with respect to the Commission and its work. There will be no discussion or determination of any specific pending proceeding or agency action and there will be no formal agenda.

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, Telephone: 202-275-7252.

[S-2022-77 Filed 12-8-77; 3:58 pm]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, December 14, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
1:30 p.m.—Discussion of Draft Seabrook Opinion (EXEMPTION 10)(continued from December 6, 1977).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated at Washington, D.C., this 7th day of December 1977.

WALTER MAGEE,
Office of the Secretary.

[S-2023-77 Filed 12-8-77; 1:49 pm]