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federal register

TUESDAY, JULY 5, 1977

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

federal register

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This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 4301.....Pub. L. 95–58
To authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes.
(June 29, 1977; 91 Stat. 254)
Price: $.35

H.R. 583.....Pub. L. 95–57
To amend chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment and enlistment bonuses, and for other purposes.
(June 29, 1977; 91 Stat. 253)
Price $.35

S.J. Res. 63.....Pub. L. 95–56
To amend the Federal Home Loan Bank Act.
(June 29, 1977; 91 Stat. 252)
Price: $.35

rules and regulations

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees for Federal Rice Inspection Services

Correction

In FR Doc. 77-17302 appearing at page 30599 in the issue for Thursday, June 16, 1977, in the first column of page 30600, in the 4th line of § 68.42c(f)(1)(i) the hourly rate was omitted and should be inserted as follows: "20.80."

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

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This document authorizes expenses of $189,200 for the Lime Administrative Committee for the 1977-78 fiscal year and establishes a rate of assessment of $0.20 per bushel of limes handled in such period to be paid to the committee by each first handler as his pro rata share of the expenses. The committee administers locally a Federal marketing order program regulating the handling of limes grown in Florida. The regulation enables the committee to collect assessments from handlers on all assessable limes handled and to use the resulting funds for its operational expenses incurred to support its activities under the program.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On June 15, 1977, notice of rulemaking was published in the FEDERAL REGISTER (42 FR 30513) inviting written comments not later than June 28, 1977, regarding proposed expenses and the related rate of assessment for the period April 1, 1977, through March 31, 1978, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 911, both as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposals set forth in the notice which were submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

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

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the fiscal year April 1, 1977, through March 31, 1978, will amount to $189,200.

(b) *Rate of Assessment.* The rate of assessment for the fiscal year, payable by each handler in accordance with § 911.41, is established at $0.20 per bushel of limes.

(c) *Reserve.* Unexpended assessment funds in the amount of approximately $37,147, which are in excess of expenses incurred during the fiscal year ended March 31, 1977, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of the amended marketing agreement and order.

It is hereby further found that good cause exists for postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of limes are now being made, (2) the relevant provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable limes handled during the fiscal year, and (3) the year began on April 1, 1977, and the rate of assessment will automatically apply to all limes handled beginning with such date.

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

Dated: June 29, 1977.

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

[FR Doc.77-19062 Filed 7-1-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program—Flue-Cured Tobacco

Correction

In FR Doc. 77-18209, appearing at page 32513 in the issue for Monday, June 27, 1977, the first figure in the last column of the table on page 32514, column two, now reading "102" should read, "108".

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission

ACTION: Final Rule

SUMMARY: This section is amended to show that one position of Confidential Assistant to the Director, Agricultural Economics is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(n)(4) is added as set out below:

§ 213.3313 Department of Agriculture.

* * * * * *

(n) *Agricultural Economics.* * * *

(4) One Confidential Assistant to the Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19103 Filed 7-1-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. E. R. Mackery, USDA, APHIS, Veterinary Services, Room 868, Federal Building, Hyattsville, MD 20782, 301–436–8685.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1977 ed.), as amended April 26, 1977 (42 FR 21269), and May 27, 1977 (42 FR 27218), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective list therein as follows:

§ 97.2 **Administrative instructions prescribing the commuted traveltime.**

* * * * *

WITHIN METROPOLITAN AREA

TWO HOURS

* * * * *

Salt Lake City, Utah (served from Murray and Ogden, Utah.)

* * * * *

(64 Stat. 561 (7 U.S.C. 2260).)

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of June, 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

DALE F. SCHWINDAMAN,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-19061 Filed 7-1-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Environmental Reports by Certain Applicants for Licenses

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulation "Licensing and Regulatory Policy and Procedures for Environmental Protection" to require that 15 copies of the environmental reports applicable to materials licenses be submitted to the NRC and that an additional 85 copies of the environmental report be retained by the applicant for distribution to Federal, State and local officials in accordance with written instructions issued by the Director of Nuclear Material Safety and Safeguards. The amendments reduce the number of copies of environmental reports applicable to materials licenses from 150 to 100 copies. The amendments will materially expedite the distribution of environmental reports by eliminating duplicate handling of them by the applicant and the NRC staff, and will alleviate problems of the NRC staff with regard to the receipt, storage, assembly, and remailing of large volumes of environmental reports.

DATE: This rule becomes effective on August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone (301) 492–7211).

SUPPLEMENTARY INFORMATION: On March 3, 1977, the Commission published in the FEDERAL REGISTER (42 FR 12186) for comment proposed amendments of 10 CFR 51.40 which would reduce the number of copies of environmental reports applicable to Parts 30, 40, and 70 licenses from 150 to 100 copies.

The amendment of § 51.40 also would require that 15 copies of the environmental reports applicable to Parts 30, 40, and 70 licenses be submitted to the NRC and that an additional 85 copies of the environmental report be retained by the applicant for distribution to Federal, State, and local officials in accordance with written instructions issued by the Director of Nuclear Material Safety and Safeguards.

Only one comment was received in response to the notice of proposed rule making. The commenter concurred with the adoption of the proposed amendment, but also suggested that a reasonable time limit be added for applicant's storage of copies of the reports in order to alleviate storage, assembly, and document control problems by applicants. It is the Commission's view that the suggested time limit for storage of copies of the reports is unnecessary. Of the 85 copies of the report to be retained by the applicant, 60 to 65 copies will be distributed initially in accordance with written instructions by the Director of Nuclear Material Safety and Safeguards. Retention or disposition of the 20 to 25 copies of the environmental report which remain following issuance of the Final Environmental Statement and the licensing action requested by the applicant will be a matter of written instructions to the applicant by the Director of Nuclear Material Safety and Safeguards.

Direct distribution by the applicant of the additional copies of the environmental report will materially expedite the distribution of such copies by eliminating duplicate handling of them by the applicant and the NRC staff. This procedure also will alleviate problems of the NRC staff with regard to the receipt, storage, assembly, and remailing of large volumes of environmental reports.

The text of the rule set forth below is identical with the text of the proposed amendments published on March 3, 1977.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 51, are published as a document subject to codification.

1. In § 51.40 of 10 CFR Part 51, paragraph (a) is amended by deleting "Except as provided in paragraph (b) of this section" and substituting therefor "Except as provided in paragraphs (b) and (c) of this section", and by adding a new paragraph (c) to read as follows:

§ 51.40 **Environmental reports.**

* * * * *

(c) Applicants for licenses, amendments to licenses, and renewals thereof, issued pursuant to Parts 30, 40, and/or 70 of this chapter, covered by paragraphs (a)(4), (a)(5), (a)(6), (b)(4), (b)(5), and (b)(8) of § 51.5 shall submit to the

Director of Nuclear Material Safety and Safeguards 15 copies of an environmental report which discusses the matters described in § 51.20. The applicant shall retain an additional 85 copies of the environmental report for distribution to Federal, State, and local officials in accordance with written instructions issued by the Director of Nuclear Material Safety and Safeguards.

(Secs. 53, 62, 81, 1611, Pub. L. 83-703, as amended; 68 Stat. 930, 932, 935, 948 (42 U.S.C. 2073, 2092, 2111, 2201(i)); sec. 201, Pub. L. 93-438, as amended, 88 Stat. 1242, 89 Stat. 413 (42 U.S.C. 5841); sec. 102, Pub. L. 91-190, 83 Stat. 853.)

Dated at Bethesda, Md., this 20th day of June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-19052 Filed 7-1-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14883; Amdt. 39-2953]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new airworthiness directive (AD) which requires repetitive inspections for fuel leakage of the auxiliary power unit (APU) fuel system on certain British Aircraft Corporation BAC 1-11 200 and 400 series airplanes. This action is necessary to prevent a turbine bearing failure and overheating of the airplane tailcone structure due to excessive fuel contamination of the APU oil contents.

DATES: Effective August 5, 1977. Compliance required as indicated in the AD.

ADDRESSES: The applicable service bulletin may be obtained from British Aircraft Corporation, Inc., 399 Jefferson Davis Highway, Arlington, Virginia 22202, telephone 703-979-1400. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.33.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections of the APU fuel system on certain British Aircraft Corporation BAC 1-11 200 and 400 series airplanes was pubished in the FEDERAL REGISTER at 40 FR 33052. The proposal was prompted by reports of fuel diluted oil systems of APUs due to fuel leakage, which could result in turbine bearing failure and overheating of the airplane tailcone.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, one commentator proposed an alternate inspection procedure and requested that it be included in the AD as an equivalent compliance method or that the AD provide for approval of equivalent procedures and compliance times. The FAA does not have sufficient information to determine whether the commentator's proposed method would be an equivalent method of compliance. However, the AD does provide for the use of an FAA-approved equivalent means of compliance. With respect to compliance times, a provision has been added to the AD allowing the adjustment of the inspection intervals specified in the AD by the Chief, Aircraft Certification Staff Europe, Africa, and Middle East Region.

DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. E. S. Newberger, Flight Standards Service, and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

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

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1-11 200 and 400 series airplanes, certificated in all categories, with Garrett AiResearch Models GTOP 85-115, -115C, or -115CK APU's installed, that do not have British Aircraft Corporation Modification PM 5217 incorporated.

Compliance is required as indicated.

To prevent excessive fuel contamination of the Auxiliary Power Unit oil contents, accomplish the following:

(a) Within the next 60 APU hours' time in service after the effective date of this AD, unless accomplished within the last 20 APU hours' time in service, and thereafter at intervals not to exceed 80 APU hours' time in service from the last inspection, inspect for fuel leakage in accordance with paragraph 2.1 of the Accomplishment Instructions of British Aircraft Corporation Model BAC 1-11 Service Bulletin 49-PM 5217, or an FAA-approved equivalent.

(b) If the fuel leakage rate exceeds one drop per minute, prior to further use of the APU, rectify the leakage, drain and refill the oil system with fresh oil, and thereafter continue the inspections required by paragraph (a) of this AD.

(c) Upon the request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667, may adjust the repetitive inspection intervals specified in paragraph (a) of this AD if the request contains substantiating data to justify the change.

This amendment becomes effective August 5, 1977.

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

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

Issued in Washington, D.C., on June 23, 1977.

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

[FR Doc. 77-18790 Filed 7-1-77;8:45 am]

[Docket No. 77-EA-26, Amdt. 39-2948]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman-American Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes AD 75-14-04 applicable to Grumman American G-164, G-164A, and G-164B type airplanes. The changes restrict the applicability of the AD to certain aircraft serial numbers and allow compliance with the AD by incorporation of a new alteration recommended by the manufacturer. Subsequent review by the manufacturer permits the exclusion of later manufactured airplanes and substitution of the new alteration.

DATES: Effective date: July 7, 1977.

ADDRESSES: Copies of drawing A3371 -1 and -3 may be obtained from the manufacturer at P.O. Box 2206, Savannah, Georgia 51402.

FOR FURTHER INFORMATION CONTACT:

L. Lipsius, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J. F. K. International Airport, Jamaica, New York 11430; Telephone 212-995-2875.

SUPPLEMENTARY INFORMATION: AD 75-14-04 applicable to Grumman American G-164 type airplanes was issued in October 1976 and amended in November 1976 so as to prevent rudder control cables from fraying on a corner of the foot rail assembly. The AD required a periodic inspection and replacement where necessary and the amendment added a G-164B model and a one-time replacement of the pulley and bracket which would eliminate the repetitive inspection. The present amendment will restrict the number of airplanes to which the AD is applicable and permit an additional alteration in lieu of the repetitive inspection.

Due to the foregoing, notice or public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are L. Lipsius, Flight Standards

Division, and Thomas C. Halloran, Office of the Regional Counsel.

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective July 7, 1977, by amending AD 75–14–04, as follows:

1. Revise the applicability paragraph to read:

Applies to Grumman G–164 S/N 101 through 400, G–164A S/N 401 through 1719, G–164B S/N 1B through 206B, and 208B through 277B, certificated in all categories.

2. Revise paragraph (5) to read as follows:

5. Aircraft altered to incorporate the pulley and bracket P/N AN220–1 and A1839–11 and –12, respectively, or altered in accordance with Grumman American Drawing A3371 –1, and –3 "Foot Rail Assembly" are considered to have complied with the AD.

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

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

Issued in Jamaica, New York, on June 23, 1977.

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

[FR Doc.77–18792 Filed 7–1–77;8:45 am]

[Docket No. 12060, Amdt. 39–2952]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH–104 and DH–114 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modification of the electrical system, amends the appropriate sections of the applicable Airplane Flight Manual, and requires periodic checks of the electrical system on Hawker Siddeley DH–104 and DH–114 airplanes. The AD is needed to ensure detection of electrical power loss which could result in the loss of the airplane.

DATES: Effective August 5, 1977. Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable technical news sheet may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL109TL, Attn: Technical Manuals Distribution Center. A copy of each of the technical news sheets is contained in the Rules Docket Rm. 916, 800 Independence Avenue SW., Washington. D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires a modification of the electrical generating system and a maintenance check of the system to ensure detection of the loss of electrical power for Hawker Siddeley Model DH–104 and DH–114 airplanes was published at 40 FR 33682 in the FEDERAL REGISTER. The proposal was prompted by a fatal accident of a Model DH–114 airplane due to electrical power loss.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. R. J. Burton, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

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

HAWKER SIDDELEY AVIATION, LTD. Applies to DH–104 "Dove" and DH–114 "Heron" airplanes.

Compliance is required within the next 500 hours time in service after the effective date of this AD unless already accomplished.

To prevent the possibility that a loss of generated electrical power would be undetected by the flight crew, accomplish the following:

(a) Alter the electrical system to incorporate a bus bar low voltage sensing unit, a bus bar low voltage warning light, and an essential service switch, designed and installed in accordance with paragraphs 5 and 6 of Hawker Siddeley Aviation, Ltd., Technical News Sheet, Series: Heron (114), No. N. 6., Issue 3 (for DH–114 "Heron") and CT104, No. 227, Issue 3 (for DH–104 "Dove"), both dated July 23, 1972, as amended to November 20, 1972, or FAA-approved equivalent of either.

(b) Amend the "Normal and Emergency Procedures", Part B, of the "Operating Procedures" section, Section II, of the applicable Airplane Flight Manual by adding the electrical system operation information contained in paragraphs 7 and 8 and Figure 1 of the applicable Technical News Sheet, referred to in paragraph (a) of this AD, or an FAA-approved equivalent.

(c) Check the condition of the electrical distribution and generator system in accordance with paragraph 6 of the applicable Technical News Sheet, referred to in paragraph (a) of this AD, or an FAA-approved equivalent, and repair, as necessary. The checks required by this paragraph may be performed by persons authorized to perform preventive maintenance under FAR 43.

This amendment becomes effective August 5, 1977.

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

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

Issued in Washington, D.C., on June 24, 1977.

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

[FR Doc.77–18789 Filed 7–1–77;8:45 am]

[Docket No. 76–EA–54; Amdt. 39–2946]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a periodic inspection and replacement when necessary of parts of the landing gear on the Piper PA– 24 and 30 type airplanes. This will preclude inadvertent collapse of the gear when manually extended due to excessive wear or bungee cord deterioration. The amendment results from reports of several gear failures.

DATES: Effective date: July 6, 1977, with a compliance schedule as prescribed in the body of the AD.

ADDRESSES: Piper Service Letter No. 782A may be obtained from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

K. Tunjian, Systems and Equipment Section, AEA–213, Engineering and Manufacturing Branch, Federal Building, J. F. K. International Airport, Jamaica, New York 11430; Telephone 212–995–3372.

SUPPLEMENTARY INFORMATION: This amendment was published as a notice in the FEDERAL REGISTER on July 26, 1976, on page 30656. As published, the Notice required the installation of a Piper Kit so as to preclude landing gear collapse after manual extension. However, the response to the Notice from operators and the manufacturer objected to the kit because it would conceal excessive wear in the gear system and it failed to consider deteriorated bungee cords which were considered to be a contributing cause. Further, it now

appeared that the manufacturer had determined what would be acceptable wear limits in the gear and this criterion would permit removal and repair of parts of the system. This appears preferable to installation of the Kit when accompanied by periodic inspections of the system, including the bungee cords. Therefore, the amendment reflects the issuance of the latter corrective action, which is less restrictive in that it permits periodic inspections to determine that wear has actually exceeded limits rather than requiring every airplane to be corrected within 100 hours after the date of the AD. In view of the foregoing, notice and public procedure on the changes to the Notice are unnecessary.

DRAFTING INFORMATION

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

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective July 6, 1977, as follows:

PIPER AIRCRAFT CORPORATION. Applies to airplane models PA-24, PA-24-250, and PA-24-260; model PA-24-400, except S/N 1; and models PA-30 and PA-39, certificated in all categories. For aircraft having 1000 hours or more in service on the effective date of this AD, compliance is required within the next 100 hours in service, and for aircraft having less than 1,000 hours in service, compliance is required prior to 1,100 hours in service, unless already accomplished in either case.

To prevent collapse of the landing gear after manual extension;

(a) Accomplish the inspection described on page 3 of Piper Aircraft Corporation Service Letter No. 782A, dated March 21, 1977, and replace components exceeding the specified wear limits, or an equivalent inspection and replacement procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Inspect the main landing gear bungee cords for frayed protective covering, breaks, soft areas, and replace cords exhibiting these conditions. In addition, replace cords every 500 hours in service, or every three years, whichever occurs first.

(c) Repeat paragraphs (a) and (b) at each annual inspection, or 500 hours in service after the prior inspection, whichever occurs first.

(d) Airplanes may be flown in accordance with FAR 21.197 to a base where repairs can be performed.

The Chief, Engineering and Manufacturing Branch may adjust the inspection interval upon submission of substantiating data submitted through an FAA maintenance inspector.

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

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

Issued in Jamaica, New York, on June 22, 1977.

LOUIS J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77-18791 Filed 7-1-77;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

Labeling on Principal Display Panel of Instructions

AGENCY: Consumer Product Safety Commission.

ACTION: Final regulation.

SUMMARY: The Consumer Product Safety Commission amends the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children (16 CFR Part 1505) to require that instruction booklets or sheets that accompany electrically operated toys or other children's articles contain required signal words and precautionary statements as a preface to any other written materials. The regulation previously required such labeling on the principal display panel of the instructions. The Commission issues the amendment because most instructions do not have principal display panels. The Commission continues in effect the suspension, which was issued on January 23, 1974, on requirements for the type of cord to be used for hand-held educational or hobby type products such as wood-burning tools.

EFFECTIVE DATE: October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6453.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 23, 1974 (39 FR 2611), the Consumer Product Safety Commission proposed amendments to those portions of the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children (16 CFR Part 1505) that pertain to labeling of instruction booklets (16 CFR 1505.3(e)(1)) and to the type of power cord to be used for hand-held educational or hobby type products (16 CFR 1505(e)(5)). These amendments were proposed as a result of a petition from the Toy Manufacturers of America (TMA). The purpose of this notice is to issue the amendment proposed in regard to the labeling of instruction booklets, and to continue in effect the suspension of requirements for the type of power cord to be used with these products.

In response to the proposal of January 23, 1974, comments were received from the Toy Manufacturers of America, Inc.; Black and Decker Manufacturing Company; and General Cable Corporation.

The proposed amendment to 16 CFR 1505.3 (e)(1) would require instruction booklets or sheets that accompany electrically operated toys or other children's articles to contain the requisite signal words and precautionary statement as a preface to any other written materials rather than on the upper right-hand quarter of the principal display panel of the instructions, as originally required.

The only comment received in regard to the labeling of the instruction book was from TMA which supports the amendment as proposed.

In view of the fact that instruction sheets and booklets do not have principal display panels, the Commission finds that the proposed amendment is appropriate and therefore adopts the amendment to 16 CFR 1505.3(e)(1), without change, as set forth below.

The proposed amendment would also modify 16 CFR 1505.5(e)(5) to require the use of an SPT-1 type cord rather than an SP-2 type, as originally required. This change was urged by TMA in their petition and in their comments on the proposed amendment, on the basis that the SPT-1 cord possesses greater flexibility properties or limpness that would allow hand-held educational or hobby-type products to be placed on a flat surface without tipping. Because this appeared to be a beneficial safety feature, the Commission proposed that 16 CFR 1505.5(e)(5) be amended to require the use of an SPT-1 type cord.

Black and Decker's comments concerned the use of an SPT-2 type cord which was not considered in this proceeding. Therefore, the comment has not been addressed.

General Cable Corporation commented that the proposed substituting of SPT-1 type power cords for SP-2 cords was not warranted because power-cord designation SPT-1 is too general and does not spell out insulation equality. The company suggested the requirement should be made more specific by using a designation such as SPT-1-105°C. Additionally, General Cable suggested that a 90°C or 105°C rated HPN cord should be substituted in place of the presently required SP-2 type. The Commission believes that a requirement for an insulation rating of 105°C, suggested by General Cable, would not offer additional protection because certain hand-held educational/hobby-type children's products, such as wood-burning tools, must, by their functional purpose, operate at a temperature well in excess of 105°C.

Since several types of electrical cords are potentially suitable for use on hand-held educational or hobby-type electri-

cal products, the Commission believes that it should not restrict use to one particular type of cord. It has, therefore, requested the staff to identify those types of cords that it believes are suitable for use with educational and hobby type electrical toys and other articles, such as woodburning sets, intended for use by children. Once these cords have been identified, the Commission will determine the appropriate course of action to be taken. Until the Commission takes this action, it continues in effect the suspension of the requirement of 16 CFR 1505.5(e)(5) regarding the type of cord to be used with hand-held educational or hobby-type products.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f)(1)(D), (r), (s), (t), 3(e)(1); 74 Stat. 372, 374, 375, as amended, 83 Stat. 187–89: 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231: 15 U.S.C. 2079(a)), Subchapter C of Title 16, Chapter II, Part 1505 is amended by revising § 1505.3(e)(1) to read as follows:

§ 1505.3 Labeling.

* * * * *

(e) *Precautionary statements*—(1) *General.* Electrically operated toys shall bear the statement: "CAUTION—ELECTRIC TOY." The instruction booklet or sheet accompanying such toys shall bear on the front page thereof (in the type size specified in § 1500.121), as a preface to any written matter contained therein, and the shelf pack or package of such toys shall bear in the upper right hand quarter of the principal display panel, the statement: "CAUTION—ELECTRIC TOY: Not recommended for children under ____ years of age. As with all electric products, precautions should be observed during handling and use to prevent electric shock." The blank in the preceding statement shall be filled in by the manufacturer, but in no instance shall the manufacturer indicate that the article is recommended for children under 8 years of age if it contains a heating element. In the case of other electrically operated products which may not be considered to be "toys" but are intended for use by children the term "ELECTRICALLY OPERATED PRODUCT" may be substituted for the term "ELECTRIC TOY."

* * * * *

Effective date. This amendment is effective on October 3, 1977.

Publication of this rule in the FEDERAL REGISTER shall continue the suspension of application of existing 16 CFR 1505.5(e)(5) regarding the type of cord to be used with hand-held educational or hobby-type products indefinitely.

(Secs. 2(f)(1)(D), (r), (s), (t), 3(e)(1); 74 Stat. 372, 374, 375, as amended, 83 Stat 187–189; (15 U.S.C. 1261, 1262); sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a)))

Dated: June 28, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-18962 Filed 7-1-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Perjury Declaration Required With Ruling Requests

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rules.

SUMMARY: This document provides a rule relating to the perjury declaration required with requests for rulings and determination letters. This rule describes the person who must sign the perjury declaration. This document also contains minor technical amendments to the rules relating to ruling requests. These rules affect all persons who request rulings or determination letters.

DATE: The rules are effective immediately.

FOR FURTHER INFORMATION CONTACT:

James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–6456).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 5, 1976, the FEDERAL REGISTER published amendments to the Statement of Procedural Rules (26 CFR Part 601), 41 FR 48740. Those amendments were published in order to provide new rules for taxpayers to follow when submitting requests for rulings or determination letters to the Internal Revenue Service. In response to questions concerning those amendments, these amendments are being adopted in order to clarify the requirements of the Internal Revenue Service with respect to requests for rulings and determination letters, and to clarify the proper form of the perjury declaration required with those requests.

RULE NOT CHANGED

These amendments do not change the rules set forth in the amendments published on November 5, 1976. These amendments set forth the requirement that the perjury declaration must be signed by the person on whose behalf the request for a ruling or determination letter is made. These amendments also contain minor technical revisions of the rules with respect to the statement of proposed deletions.

DRAFTING INFORMATION

The principal author of this rule was James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing this rule, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 601 is amended as follows:

§ 601.105 [Amended]

PARAGRAPH 1. Paragraph (b)(5)(vi)(*f*) of § 601.105 is revised by inserting the phrase "after the notice is mailed" in the first sentence between the phrases "within 20 days" and "submit a written statement".

PAR. 2. Section 601.201 is revised as follows:

1. Paragraph (e)(1) is revised.

2. Paragraph (e)(2) is amended by revising the last sentence and by adding a new sentence following the last sentence.

3. Paragraph (e)(16) is amended by inserting the phrase "after the notice is mailed" in the first sentence between the phrases "within 20 days" and "submit a written statement".

The revised and added provisions read as follows:

§ 601.201 Rulings and determination letters.

* * * * *

(e) *Instructions to taxpayers.* (1) A request for a ruling or determination letter is to be submitted in duplicate if (i) more than one issue is presented in the request or (ii) a closing agreement is requested with respect to the issue presented. There shall accompany the request a declaration in the following form: "Under penalties of perjury, I declare that I have examined this request, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of the requested ruling or determination letter are true, correct, and complete". The declaration must accompany requests that are postmarked or hand delivered to the Internal Revenue Service after October 31, 1976. The declaration must be signed by the person or persons on whose behalf the request is made.

(2) * * * Such statement is not required if the request is to secure the consent of the Commissioner with respect to the adoption of or change in accounting or funding periods or methods pursuant to section 412, 442, 446 (e), or 706 of the Code. If, however, the person seeking the consent of the Commissioner receives from the Internal Revenue Service a notice that proposed deletions should be submitted because the resulting ruling will be open to public inspection under section 6110, the statement of proposed deletions must be submitted within 20 days after such notice is mailed.

* * * * *

PAR. 3. Paragraph (d) of § 601.204 is amended by revising the second sentence to read as follows:

§ 601.204 Changes in accounting periods and in methods of accounting.

* * * * *

(d) *Instructions to taxpayers.* * * * If, however, the person seeking the consent of the Commissioner receives from the National Office a notice that proposed

deletions should be submitted because the resulting ruling will be open to public inspection under section 6110, the statement of proposed deletions must be submitted within 20 days after such notice is mailed. * * *

JEROME KURTZ,
Commissioner of Internal Revenue.

JUNE 27, 1977.

[FR Doc.77-19058 Filed 6-30-77;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Oregon Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final Rule—Completion of Developmental Steps.

SUMMARY: This rulemaking acknowledges that the State of Oregon has completed two developmental steps under its Occupational Safety and Health Plan by providing for the development of a Field Compliance Manual and submitting a Statement of Goals and Objectives.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving Weisblatt, Director, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Washington, D.C. 20210, 202-523-8041.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Oregon Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this chapter on December 28, 1972 (37 FR 28628). Under the plan the State made commitments to complete certain developmental steps and a notice of Approval of Revised Developmental Schedule was published on April 1, 1974 (39 FR 11881). Part 1953 of this Chapter provides procedures for the review and approval of State developmental change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary).

DESCRIPTION OF SUPPLEMENTS

The State submitted on June 24, 1974 a statement of specific occupational safety and health goals and objectives, in accordance with 29 CFR 1952.108(e). The statement of Goals and Objectives describes the unsafe working environments to which Oregon employees are exposed, such as chemical poisons with which employees may come in contact and unsafe equipment and machinery. Several methods for reducing occupationally related injuries and illnesses are detailed, such as scheduled safety inspections, adoption of safety standards and maintenance of a voluntary compliance program. Further, the State details the means of evaluation of its safety program, such as total number of inspections and follow up inspections.

Additionally, the State has submitted on July 18, 1975 a Field Compliance Manual which is modeled after the Federal Field Operations Manual.

LOCATION OF THE PLAN AND ITS SUPPLEMENT FOR INSPECTION AND COPYING

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C., 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310.

PUBLIC PARTICIPATION

The October 9, 1975, notice published in the FEDERAL REGISTER described the supplements and allowed 30 days for interested persons to submit written data, views, and arguments concerning whether the supplements should be approved. No public comments concerning these supplements have been received.

DECISION

After careful consideration, the Oregon plan supplements described above are hereby approved under Subpart B of Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart D of 29 CFR Part 1952 is hereby amended to reflect these approved plan changes. Accordingly, § 1952.109 of Subpart D is hereby amended as follows:

§ 1952.109 Completed developmental steps.

* * * * *

(f) In accordance with § 1952.108(e) a Statement of Goals and Objectives has been developed by the State and was approved by the Assistant Secretary on June 24, 1977.

(g) The Oregon State Compliance Manual which is modeled after the Federal Field Operations Manual has been developed by the State, and was approved by the Assistant Secretary on June 24, 1977.

Signed at Washington, D.C., this 24th day of June 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18997 Filed 7-1-77;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 13—DEPARTMENT OF VETERANS BENEFITS, FIDUCIARY ACTIVITIES

Competency Determinations; Due Process

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This rule reflects a change in the VA Regulations that grants to non-veteran beneficiaries certain procedural rights, including a hearing, before any determination is made regarding competency. This change will grant to non-veteran beneficiaries the same rights enjoyed by veteran beneficiaries and will create a more equitable program.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

G. Dudley Pearce, Assistant Director (274), Fiduciary and Field Examination Staff, Veterans Assistance Service, Veterans Administration, Washington, D.C. 20420 (202-389-3643).

SUPPLEMENTARY INFORMATION: On March 3, 1977, the Veterans Administration published a proposed rule (42 FR 12202) to revise the language of § 13.56 to reflect changes to § 3.353 of Title 38, Code of Federal Regulations whereby due process, and competency rating authority and procedures are extended to nonveteran adult beneficiary cases. It was also proposed that if less than the full amount of entitlement is paid directly to an incompetent beneficiary under the supervision of the Veterans Services Officer, that it be for a limited period generally not to exceed 4 months, at the end of which period full entitlement would be restored and any funds withheld as a result would be released to the beneficiary, if not otherwise payable to a fiduciary.

The seven comments received in response to the proposed changes, while agreeing in principle with the proposal, raised questions or made suggestions that convinced the Veterans Administration that changes from the proposed rule are warranted.

DISCUSSION OF MAJOR COMMENTS

How long, generally, should a partial payment be made? The Veterans Administration received reports from five responding parties that 4 months is too limited a test period to be able to determine whether an incompetent beneficiary being paid directly under the supervision of the Veterans Services Officer, is able to handle his or her funds. All of those so commenting recommended that the trial period be extended to 6 months. After considering such comments and suggestions, the Veterans Administration has concluded that there is sufficient agreement and reasoning to justify extending the trial period to 6 months. Therefore, the Veterans Administration has amended its original proposal to provide that when less than the

full entitlement is paid directly to an incompetent beneficiary under the supervision of the Veterans Services Officer, that such payment shall be for a limited period of time, generally 6 months.

Maximum length for paying less than full entitlement. One response pointed out that no provision had been made for a maximum time limit beyond which partial payment could not be continued. It was suggested that a 1-year limitation be spelled out in the regulatory change. Therefore, the Veterans Administration has added a requirement that in no event shall a partial payment exceed 1 year.

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

Approved: June 22, 1977.

By the direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 13.56, paragraphs (a) and (b) are revised to read as follows:

§ 13.56 Direct payment.

(a) *Veterans.* Veterans Administration benefits payable to a veteran rated incompetent may be paid directly to the veteran in such amounts as the Veterans Services Officer determines the veteran is able to manage with continuing supervision by the Veterans Services Officer, provided a fiduciary is not otherwise required. If it is determined that an amount less than the full entitlement is to be paid, such payment shall be for a limited period of time, generally 6 months, but in no event to exceed 1 year, after which full payment will be made and any funds withheld as a result of this section will be released to the veteran, if not otherwise payable to a fiduciary.

(b) *Other adults.* Veterans Administration benefits payable to an adult beneficiary who has been rated or judicially declared incompetent may be paid directly to the beneficiary in such amounts as the Veterans Services Officer determines the beneficiary is able to manage with continuing supervision by the Veterans Services Officer, provided a fiduciary is not otherwise required. If it is determined that an amount less than the full entitlement is to be paid, such payment shall be for a limited period of time, generally 6 months, but in no event to exceed 1 year, after which full payment will be made and any funds withheld as a result of this section will be released to the beneficiary, if not otherwise payable to a fiduciary.

* * * * *

[FR Doc.77-19034 Filed 7-1-77;8:45 am]

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

PART 1386—FORMULA GRANT PROGAMS

Membership on State Planning Council; Correction

AGENCY: Office of Human Development, HEW.

ACTION: Correction.

SUMMARY: This document corrects a rule that appeared in the FEDERAL REGISTER of January 27, 1977 at page 5284.

EFFECTIVE DATE:

FOR FURTHER INFORMATION CONTACT:

Marjorie Kirkland, Acting Director, Developmental Disabilities Office, 202-245-0335.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-2229 published at page 5284 on January 27, 1977, the last sentence of § 1386.61(b) is incorrect. The sentence erroneously failed to remove directors of an entity which receives funds under the program from the list of persons not eligible for membership on the council as consumers or consumer representatives. The preamble (p. 5276) stated that the word "director" was being removed, but, through error, it was not deleted.

The sentence is corrected to read: "At least one-third of the membership of such a council shall consist of persons with developmental disabilities, or their parents or guardians, who are not officers of an entity, or employees of any State agency or of any other entity, which receives funds or provides services under this part."

Dated: June 28, 1977.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.77-18999 Filed 7-1-77;8:45 am]

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 911—MULTIPURPOSE SENIOR CENTERS

Revision and Transfer of Regulations

AGENCY: Office of Human Development, Department of Health, Education, and Welfare.

ACTION: Transfer of regulations.

SUMMARY: At 41 FR pages 38611-38616, September 10, 1976, Office of Human Development adopted interim regulations on multipurpose senior centers. The revised final text of these regulations is printed as 45 CFR 1326 in this issue of the FEDERAL REGISTER.

EFFECTIVE DATE: Revised Part 1326 becomes effective July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

M. Gene Handelsman, Director, Office of State and Community Programs, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare, Washington, D.C. 20201; (202-245-0011).

Dated: June 27, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc.77-18843 Filed 6-30-77;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

PART 390—CAPITAL CONSTRUCTION FUND

Liquidated Damages Amendments

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing the Capital Construction Fund (CCF), 46 CFR Part 390, to improve the calculation of liquidated damages which are imposed upon an operator for the operation of a qualified agreement vessel in a prohibited trade. In addition, certain other provisions of these regulations are amended to improve clarity and to correct inadvertent inconsistencies with the provisions regarding the duration of the trading restrictions applicable to certain older vessels.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Lawrence B. Pripeton, Maritime Administration, Office of Subsidy Administration, Washington, D.C. 20230. 202-377-4400.

SUPPLEMENTARY INFORMATION: This final rule effects several amendments to 46 CFR 390.12. The principal amendment involves a change concerning the treatment of the capital account in the CCF for the determination of liquidated damages. This change will result in a more equitable and consistent treatment of all fundholders while reflecting more accurately the amount of

liquidated damages to be assessed in various circumstances.

Section 607 of the Merchant Marine Act of 1936, as amended (the Act), provides tax deferment benefits to a party who enters into an agreement with the Secretary of Commerce for the construction, reconstruction or acquisition of qualified vessels to be operated in the United States foreign, Great Lakes, or noncontiguous domestic trade. If a party operates a vessel acquired with the aid of qualified withdrawals in other than a prescribed trade, § 390.12 of the CCF regulations requires the party to repay the time value of the deferral of Federal income taxes which the party has received. Subparagraphs (2) and (3) of § 329.12(a) contain computation instructions and a formula for determining the daily amount of liquidated damages to be paid.

One of the primary factors in the computation of liquidated damages is the amount of withdrawals made and to be made from the fund with respect to the vessel which has operated in violation of the trading restrictions. However, the amount of tax deferment associated with particular deposits to and withdrawals from the CCF varies considerably depending upon the tax character of the monies deposited and withdrawn. To give recognition to the differing tax treatment afforded to various types of deposits and withdrawals, the instructions contained in § 390.12(a)(2)(i) for the calculation of liquidated damages require modification. Since a party does not receive tax deferment for depositing amounts classified as capital into the CCF, withdrawals from the capital account should be disregarded in computing liquidated damages. Section 390.12 is amended to eliminate consideration of such withdrawals.

In addition, the calculation instructions and the liquidated damages formula have been modified to correct their inadvertent inconsistency with provisions in the regulations concerning the duration of trading restrictions applicable to certain older vessels. If a vessel is placed on Schedule B for the purpose of retiring existing indebtedness and the vessel is more than fifteen years old at the time of the first qualified withdrawal for this purpose, then, in accordance with § 390.12(b)(1)(iv), the duration of trading restrictions on the vessel is five years. The five year duration for trading restrictions on such vessels is a reduction from the ten year period normally applicable to vessels listed on Schedule B for the purpose of payment on existing indebtedness.

Currently, the calculation instructions contained in the regulations take into account the twenty year trading restrictions applicable to newly constructed vessels and the ten year trading restrictions applicable to most other vessels, but neither the calculation instructions nor the formula take into account the five year trading restrictions applicable to this one class of older vessels. This oversight has been corrected. Section 390.12(a)(1) has also been amended to clarify the content of the phrase "trading restrictions" and to provide greater consistency in its usage throughout the body of the section.

These amendments are being adopted without prior notice of proposed rulemaking because the establishment of a CCF is a matter of public contract and, consequently, exempted from the requirements of 5 U.S.C. 553.

Accordingly, 46 CFR Part 390 is amended as follows:

Section 390.12 is amended to read as follows:

§ 390.12 Liquidated damages.

(a)(1) *In general.* Each agreement entered into under section 607 of the Act shall contain a liquidated damages provision for the purpose of placing the party into its prefund position for each day a qualified agreement vessel is operated in violation of the geographic trading restrictions contained in the Act and § 390.5. The liquidated damages provision requires that the party repay the time value of the deferral of Federal Income Tax which the party has received.

(2) * * *

(i) With respect to each vessel operated in violation of the applicable trading restrictions, add (A) the sum of qualified withdrawals for the vessel which have been made from the ordinary income and capital gain accounts to the date of breach, and (B) the amount of any unpaid principal on indebtedness for the vessel which may be paid from the fund less any portion of such amount which by operation of law must be withdrawn from the capital account balance on deposit in the fund on the date of the breach.

* * * * *

(iii) Compound the product derived in paragraph (a)(2)(ii) of this section at 8 percent annually (A) for 20 years, if the duration of the trading restrictions applicable to the vessel is 20 years in accordance with paragraph (b)(1)(i) of this section; (B) for 10 years, if the duration of the trading restrictions applicable to the vessel is 10 years in accordance with paragraphs (b)(1)(ii), (iii) or (iv) of this section; or (C) for 5 years, if the duration of the trading restrictions applicable to the vessel is 5 years in accordance with paragraph (b)(1)(iv) of this section.

* * * * *

(vi) Divide the result derived in paragraph (a)(2)(v) of this section (A) by 7300 (days) if the duration of the trading restrictions applicable to the vessel is 20 years; (B) by 3650 (days) if the duration of the trading restrictions applicable to the vessel is 10 years; or (C) by 1825 (days) if the duration of the trading restrictions applicable to the vessel is 5 years.

(3) Formula. The calculation of the daily rate of liquidated damages may be reduced to the following formula:

$$X=\frac{I(QT)-S}{2D}$$

Where:

X = Daily rate in dollars.

Q = Summation of qualified withdrawals, other than withdrawals from the capital account, permitted from the fund.

T = Assumed effective tax rate of 30 pct

S = Tax savings = $(Q)(T)$.

I = Discount factor to be applied for vessels subject to 20-yr trading restriction = 4.660957; for vessels subject to 10-yr trading restriction = 2.159925, for vessels subject to 5-yr trading restriction = 1.469328 (value of $1 compounded at 8 pct for 20, 10, and 5 yr respectively).

D = 7,300 d for vessels subject to 20-yr trading restriction; 3,650 d for vessels subject to 10-yr trading restriction; 1,825 d for vessel subject to 5-yr trading restriction.

The formula may be further reduced to:

$$X=\frac{0.5491436Q}{7,300}$$

for vessels subject to 20 year trading restriction,

$$X=\frac{0.1738388Q}{3,650}$$

for vessels subject to 10 year trading restriction,

$$X=\frac{0.0703992Q}{1,825}$$

for vessels subject to 5 year trading restriction.

* * * * *

(Sec. 204(b), 49 Stat. 1987, as amended, (46 U.S.C. 1114); sec. 21(a), 84 Stat. 1026, (46 U.S.C. 1177))

Dated: June 15, 1977.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.77-18943 Filed 7-1-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-151, Amdt. Nos. 171-36, 172-37]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Label and Placard Colors; Hazard Numbers

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This rule restates requirements applicable to colors specified for labels and placards used in transportation of hazardous materials, suspends for two years certain of those requirements from application to labels printed directly onto the surfaces of packagings (containers), and restates the allowable size of hazard numbers permitted to appear on labels.

Existing standards prescribing colors required to appear on hazardous materials warning labels and placards are

numeric descriptions (Munsell notations) which are not well suited for use by shippers and carriers or by DOT field enforcement personnel. Restatement of those standards is intended to establish the use of color charts, displaying the colors represented by those numeric descriptions, as the basis for evaluating compliance.

The quality of colors printed on the various materials used to manufacture boxes, bags and other packagings have proved difficult to control, because of the printing processes which must be used and the porosity and pigmentation of such surfaces. A two-year suspension of the color standards for labels printed directly onto packagings is intended to provide a period of time during which adjustments to printing techniques and the standards themselves may be considered.

The existing limitation of the size of hazard numbers permitted on labels is an approximate standard which is difficult to enforce and which provides little guidance to those wishing to display them. The standard is being restated to establish a maximum allowable size.

DATES: The provisions of this rule are effective on July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590 (phone: 202–426–0656).

SUPPLEMENTARY INFORMATION: A color standard for label and placard colors was published as a final rule under Docket No. HM–103/112 on April 15, 1976 (41 FR 15972), compliance with which became mandatory on January 1, 1977.

This standard, proposed in 1974 under Docket No. HM–103 (39 FR 3164, January 24, 1974), involved two series of color charts provided by DOT that display standard colors. The colors on the charts are also numerically described in Appendix A to Part 172 by certain technical specifications (Munsell notations). The visual display on each chart incorporates a degree of latitude, or tolerance, to account for variations in printing materials and processes and was intended to serve as a visual control on label and placard colors, while the Munsell notations were provided to ensure constancy and reproducibility of the Color Tolerance Charts.

However, the manner in which §§ 172.407(d), 172.519(e) and Appendix A to Part 172 are stated makes it appear that the regulatory standard is the Munsell description rather than the visual display on the Color Tolerance Charts. Use of the numeric Munsell description as a standard could necessitate an instrumented examination of label and placard colors, relegating the Color Tolerance Charts to serving as a visual representation of the specified Munsell descriptors. Since an instrumented color analysis is beyond the practical capacity of many label, placard and packaging manufacturers, and many if not most shippers, some correction to the published standard is required. Moreover, field inspections such as those conducted by the Bureau of Motor Carrier Safety, as a practical matter, cannot include color instrumentation. Inspectors will use the Color Tolerance Charts and judge compliance by visual comparison between those charts and label and placard colors.

Accordingly, this rulemaking restates the color standard to establish as the controlling standard the colors displayed on the Color Tolerance Charts. The Munsell notations, a technical description, have been retained in Appendix A to Part 172 to ensure accurate reproduction of the charts. In this restatement, the weathering and fadeometer tests have been withdrawn from Appendix A and placed in §§ 172.407 and 172.519. As applicable to labels, the weathering test has been modified to take into account the practical limitations of packaging materials upon which labels are affixed or printed. Also, advisory references to two standards adopted by the American Society for Testing and Materials are included to illustrate what is meant by the fadeometer test requirement. Any fadeometer test that is a recognized standard procedure may be used, and either a wet or dry method may be selected. Appendix A is restated for clarity in its entirety, but the Munsell notations are themselves unchanged. Changes appear only in heading, footnotes, and the format of the Chroma column in Table 1.

A limited exception to the required use of the Color Tolerance Charts has been included for labels printed before March 1, 1979, directly onto the surface of packagings. The costs and technical problems of printing with close color tolerances on packaging surfaces such as fiberboard, which may be both porous and pigmented, will require further evaluation. The Office of Hazardous Materials Operations will publish a notice outlining in some detail the factors bearing on a possible resolution and soliciting public comment.

As an additional matter, the MTB, acting on a petition concerning § 172.407(g)(3), is amending that provision. Section 172.407(g) allows the United Nations and Intergovernmental Maritime Consultative Organization hazard class number to be displayed in the lower corner of a label, but the number "must be * * * [a]pproximately 0.25-inch (6.3 mm.) high." That requirement, in § 172.407(g)(3), is too vague to be useful. Labels have sufficient space to allow display of a hazard number up to one-half inch (12.7 mm.) in size, and § 172.407(g)(3) is being amended to reflect more accurately that practical limitation.

This change is a relaxation of existing requirements and is not expected to impose any additional costs or burdens on the public, industry or government, or to have any significant environmental or economic impact. In view of that, and because the existing mandatory standards may be causing unnecessary compliance difficulties at the present time, public notice and comment are being dispensed herewith and the change is being made effective in less than 30 days after publication in the FEDERAL REGISTER.

Primary drafters of this document are Joseph T. Horning and Chris Caseman, Office of Hazardous Materials Operations, Regulations Development Branch, and Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law.

In view of the foregoing, Parts 171 and 172 of Title 49, Code of Federal Regulations, are amended as follows:

1. In § 171.7, paragraphs (d)(5)(iv) and (v) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(5) * * *

(iv) ASTM G 23–69[1] is titled, "Standard Recommended Practice for Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Exposure of Nonmetallic Materials," 1969 edition (reapproved 1975).

(v) ASTM G 26–70[1] is titled, "Standard Recommended Practice for Operating Light- and Water-Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials," 1970 edition.

* * * * *

2. In § 172.407, paragraphs (a), (d) and (g)(3) are revised to read as follows:

§ 172.407 Label specifications.

(a) Each label, affixed to or printed on a package must be durable and weather resistant. Black and any color on a label must be able to withstand, without substantial change—

(1) A 72-hour fadeometer test (for a description of equipment designed for this purpose, see ASTM G 23–69 (1975), or ASTM G 26–70); and

(2) A 30-day exposure to conditions incident to transportation that reasonably could be expected to be encountered by the labeled package.

* * * * *

(d) A color on a label, upon visual examination, must fall within the color tolerances displayed on the appropriate Office of Hazardous Materials Label and Placard Color Tolerance Chart.

(1) A set of six charts, dated January 1973, for comparison with labels and placards surfaced with paint, lacquer, enamel, plastic or other opaque coatings, or ink, may be purchased from the Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, for $5.50.

(2) A set of six charts, dated January 1974, for comparison with labels and placards surfaced with ink, may be similarly purchased for $12.50.

(3) Both sets of charts may be inspected in Room 6500, Office of Hazardous Materials Operations, 2100 Second Street, SW., Washington, D.C. 20590, or any of the offices of the Federal Highway

[1] Available from American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103.

Administration listed at 49 CFR 390.40.

(4) The technical specifications for each chart are set forth in Appendix A to this Part.

(5) The requirements of paragraph (d) of this section do not apply to labels printed directly onto the surface of a packaging before March 1, 1979: *Provided*, The colors of such labels comply with the appropriate colors described in §§ 172.411 through 172.450. To the extent possible, the colors of such labels should meet the requirements of paragraph (d) of this section.

• • • • •

(g) • • •

(3) One-half inch (12.7 mm.) or less in height.

• • • • •

3. In § 172.519, paragraph (e) is revised to read as follows:

§ 172.519 General specifications for placards.

• • • • •

(e) Surface pigmentation on a placard must meet the following requirements:

(1) Black and any color must be able to withstand, without substantial change—

(i) A 72-hour fadeometer test (for a description of equipment designed for this purpose, see ASTM G 23-69 (1975), or ASTM G 26-70); and

(ii) A 30-day exposure to open weather conditions.

(2) A color on a placard, upon visual examination, must fall within the color tolerances displayed on the appropriate Office of Hazardous Materials Label and Placard Color Tolerance Chart (see § 172.407(d)).

• • • • •

4. Appendix A to Part 172 is revised to read as follows:

APPENDIX A—OFFICE OF HAZARDOUS MATERIALS OPERATIONS COLOR TOLERANCE CHARTS

The following are Munsell notations which describe the Office of Hazardous Materials Label and Placard Color Tolerance Charts. Central colors and tolerances described in Table 1 while allowing for differences in production methods and materials used to manufacture labels and placards surfaced with printing inks. Color charts based on Table 2 are intended for use only with labels and placards surfaced with inks.

TABLE 1 - Specifications for Color Tolerance Charts for use with labels and placards surfaced with paint, lacquer, enamel, plastic or other opaque coatings, or ink.

Color	Central	Tolerances						
		Hue +	Hue -	Value +	Value -	Chroma 1/ +	Chroma 2/ -	--
Red	7.5R 4.0/14	8.5R	6.5R	4.5/	3.5/	/16	/12	
Orange	5.0YR 6.0/15	6.25YR	3.75YR	6.5/	5.5/	/16	/13	
Yellow	5.0Y 8.0/12	6.5Y	3.5Y	8.5/	7.5/	/14	/10	
Green	7.5G 4.0/9	0.5BG	5.0G	4.5/	3.5/	/11	/7	/6
Blue	2.5PB 3.5/10	4.5PB	10.0B	4.0/	3.0/	/12	/8	
Purple	10.0P 4.5/10	2.5RP	7.5P	5.0/	4.0/	/12	/8	/6.5

1/ Maximum chroma is not limited.

2/ For the colors green and purple, the minimum saturation (chroma) limits for porcelain enamel on metal are lower than for most other surface coatings. Therefore, the minimum chroma limits of these two colors as displayed on the Charts for comparison to porcelain enamel on metal is low, as shown in the chroma double minus column.

TABLE 2 - Specifications for Color Tolerance Charts for use with labels and placards surfaced with ink.

Color	Series	Munsell notation
Red:		
Central series	Central color	6.8R 4.47/12.8
	Grayish	7.2R 4.72/12.2
	Purple	6.4R 4.49/12.7
	Purple and vivid.	6.1R 4.33/13.1
	Vivid	6.7R 4.29/13.2
	Orange	7.3R 4.47/12.8
	Orange and grayish.	7.65R 4.70/12.4
Light series	Light	7.0R 4.72/13.2
	Light and orange.	7.4R 4.96/12.6
	Light and purple	6.6R 4.79/12.9
Dark series	Dark A	6.7R 4.19/12.5
	Dark B	7.0R 4.25/12.35
	Dark and purple.	7.5R 4.23/12.4
Orange:		
Central series	Central color	5.0YR 6.10/12.15
	Yellow and grayish A.	5.8YR 6.22/11.7
	Yellow and grayish B.	6.1YR 6.26/11.85
	Vivid	5.1YR 6.07/12.3
	Red and vivid A.	3.9YR 5.87/12.75
	Red and vivid B.	3.6YR 5.91/12.6
	Grayish	4.9YR 6.10/11.9
Orange - Continued		
Light series	Light and vivid A.	5.8YR 6.78/12.7
	Light and yellow.	6.0YR 6.80/12.8
	Light and vivid B.	4.9YR 6.60/12.9
Dark series	Dark and yellow.	5.8YR 5.98/11.0
	Dark A	5.1YR 5.80/11.1
	Dark B	5.0YR 5.79/11.0
Yellow:		
Central series	Central color	4.3Y 7.87/10.3
	Vivid A	4.5Y 7.82/10.8
	Vivid B	3.3Y 7.72/11.35
	Vivid and orange.	3.2Y 7.72/10.8
	Grayish A	4.1Y 7.95/9.7
	Grayish B	5.1Y 8.06/9.05
	Green-yellow	5.2Y 7.97/9.9
Light series	Light	5.4Y 8.59/10.5
	Light and green-yellow.	5.4Y 8.56/11.2
	Light and vivid	4.4Y 8.45/11.4
Dark series	Dark and green-yellow	4.4Y 7.57/9.7
	Dark and orange A.	3.4Y 7.39/10.4
	Dark and orange B.	3.5Y 7.41/10.0

Color	Series	Munsell notation
Green:		
Central series	Central color	9.7G 4.26/7.75
	Grayish	10G 4.46/7.5
	Blue A	1.4BG 4.20/7.4
	Blue B	1.0BG 4.09/7.75
	Vivid	8.4G 4.09/8.05
	Vivid green-yellow.	7.0G 4.23/8.0
	Green-yellow	7.85G 4.46/7.7
Light series	Light and vivid	9.5G 4.45/8.8
	Light and blue	0.2G 4.31/8.8
	Light and green-yellow.	8.3G 4.29/9.05
Dark series	Dark and green-yellow.	7.1G 4.08/7.1
	Dark and grayish.	9.5G 4.11/6.9
	Dark	8.5G 3.97/7.2
Blue:		
Central series	Central color	3.5PB 3.94/9.7
	Green and grayish A.	2.0PB 4.35/8.7
	Green and grayish B.	1.7PB 4.22/9.0
	Vivid	2.9PB 3.81/9.7
	Purple and vivid A.	4.7PB 3.53/10.0
	Purple and vivid B.	4.0PB 3.71/9.9
	Grayish	3.75PB 4.03/9.1

Color	Series	Munsell notation
Blue - Continued		
Light series	Light and green A.	1.7PB 4.32/9.2
	Light and green B.	1.5PB 4.11/9.6
	Light and vivid	3.2PB 3.95/10.05
Dark series	Dark and grayish.	3.9PB 4.01/8.7
	Dark and purple A.	4.8PB 3.67/9.3
	Dark and purple B.	5.2PB 3.80/9.05
Purple:		
Central series	Central color	9.5P 4.71/11.3
	Red	1.0RP 5.31/10.8
	Red and vivid A.	1.4RP 5.00/11.9
	Red and vivid B.	0.2RP 4.39/12.5
	Vivid	8.0P 4.04/12.0
	Blue	7.0P 4.39/10.8
	Grayish	8.8P 5.00/10.3
Light series	Light and red A.	0.85RP 5.56/11.1
	Light and red B.	1.1RP 5.27/12.3
	Light and vivid	9.2P 4.94/11.95
Dark series	Dark and grayish	9.6P 4.70/10.9
	Dark and vivid	8.4P 4.05/11.6
	Dark and blue	7.5P 4.32/10.5

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

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

Issued in Washington, D.C., on June 23, 1977.

ALAN A. BUTCHMAN,
Acting Director,
Materials Transportation Bureau.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register July 30, 1977, and a copy of the incorporated material filed in the Federal Register library.

[FR Doc.77-18888 Filed 7-1-77;8:45 am]

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

[Docket No. 69-29; Notice 06]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Windshield Mounting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to nine petitions for reconsideration of a recent amendment (41 FR 36493, August 30, 1976) of Safety Standard No. 212, Windshield Mounting, by extending the effective date of the amendment from September 1, 1977, to September 1, 1978, and by excluding "walk-in van-type" vehicles from the standard's applicability. Other aspects of the petitions for reconsideration are denied.

DATES: The amendment of August 30, 1976, will be effective September 1, 1978. The change in the effective date and the amendment to exclude "walk-in van-type" vehicles from the standard's applicability should be changed in the text of the Code of Federal Regulations, effective August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Nelson, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2802).

SUPPLEMENTARY INFORMATION: Safety Standard No. 212, Windshield Mounting (49 CFR Part 571.212), was amended August 30, 1976, to modify the performance requirements and test procedures of the standard and to extend the standard's applicability to multipurpose passenger vehicles, trucks, and buses having a gross vehicle weight rating of 10,000 pounds or less. Petitions for reconsideration were received from International Harvester (IH), Jeep Corporation, American Motors Corporation (AMC), Volvo of America Corporation, Toyo Kogyo Co., General Motors Corporation (GM), Rolls Royce Motors, Nissan Motor Co. Ltd., and Leyland Cars.

Requests from some of these petitioners that the new provisions of Standard No. 212 (49 CFR 571.212) be withdrawn entirely are hereby denied, but several modifications are undertaken by the National Highway Traffic Safety Administration (NHTSA), based on a review of the information and arguments submitted.

Nearly all of the petitioners requested that the effective date of the new provisions be changed from September 1, 1977, to September 1, 1978. Petitioners argued that a leadtime of one year will be insufficient to accomplish design changes and retooling necessary to adapt passenger-car windshield technology to other vehicle types. Petitioners also pointed out that the specification of a temperature range in the test conditions will require manufacturers to undertake more extensive certification testing than in the past.

The NHTSA has determined that these requests for additional leadtime are justified in light of the information submitted regarding design changes that some manufacturers will undertake. The petitions are, therefore, granted in part and the effective date of the new provisions is postponed to September 1, 1978.

In conformity with the agency's 1972 and 1974 proposals (37 FR 16979, August 23, 1972) (39 FR 2274, January 18, 1974), an optional means of meeting the retention requirement (that exists in the present provisions) was eliminated by the August 30, 1976, amendments. This was done to reduce the amount of necessary compliance testing and to encourage "simultaneous" certification testing of separate standards where practicable. As proposed in 1972, the "75-percent alternative" (retention of 75 percent of the windshield periphery—dummies properly restrained) was made mandatory for all vehicles not equipped with passive restraints. In this way, windshield retention tests could be performed at the same time as tests already required for fuel system integrity (49 CFR 571.301-75) that specify restrained dummies.

While some additional weight is added to the vehicle by the required dummies, it is the minimum necessary to permit "simultaneous" testing, and the dummies are restrained so that there is only incidental, if any, contact with the windshield. Thus, the "75-percent alternative" specified in the amendments is, basically, a continuation of the existing requirement that manufacturers have been meeting for years.

The 1974 proposal to adopt the "50-percent option" (retention of 50 percent of the windshield periphery on each side of the windshield—dummies unrestrained) was vigorously objected to by manufacturers because of the damage that could occur to dummies during impact with the windshield. Also, the fuel system integrity standard was made final in a form that required restraining the dummies by safety belts if provided. It was apparent that the "50-percent option" should only become mandatory as proposed for vehicles equipped with passive restraint systems that could protect the dummy against impact damage. In the case of air cushion restraint systems, of course, some contact with the windshield by the cushion or incidental contact by the dummy is expected during the crash test. For this reason, the somewhat less stringent "50-percent option" was made final for vehicles equipped with passive restraints.

AMC argued that this distinction between vehicles is unjustified. The only reason put forward by AMC was that "dummy impact is not a critical factor in determining windshield retention." This reason does not, however, support the AMC request for a reduction in retention performance from the 75-percent level presently being met. Rather, it argues for an increase in the 50-percent level established for those vehicles in which the NHTSA estimated that dummy and restraint contact could affect results. If AMC believes that the distinction is not justified, the agency will review further evidence to increase the 50-percent requirement (for passive-equipped vehicles) to the 75-percent level presently being met in most of today's passenger cars.

Several commenters objected that the final rule differed in some respects from the 1972 and 1974 proposals to amend Standard No. 212, taken separately. AMC, Volvo, and Jeep petitioned to revoke the separate retention requirements for vehicles with different restraint systems, on the grounds that such a distinction had never been proposed. Jeep Corporation also objected to extension of the standard's applicability to MPV's, trucks, and buses because of variations in language from the proposals.

As earlier noted, the requirement for 75-percent retention conforms to the 1972 proposal. The only variation from the 1972 proposal was to implement the performance levels proposed in 1974 for the vehicles that might be equipped with passive restraints. It is the agency's view that "a description of the subjects and issues involved" in the rulemaking action was published in the FEDERAL REGISTER as required by the Administrative Procedure Act (the Act) (5 U.S.C. 553 (b)(2)), permitting opportunity for comment by interested persons. A reading of the cases on this provision of the Act supports the agency's view.

Volvo's petition objected to the fact that the amendments specify the use of restrained dummies in the test procedures. Volvo stated that unrestrained dummies should be used because in actual crash conditions it is the head of an unrestrained occupant that is most likely to impact and substantially load the windshield, since the head of a restrained occupant would not normally contact the windshield.

While Volvo's statement is true, it must be understood that test procedures specified in the standards cannot simulate every element of actual crash con-

ditions. Rather, the procedures are based on a variety of considerations, including test expense and degree of complexity. There were many comments to the prior notices proposing the amendments in question that urged the use of restrained dummies, due to the possibility of damage to the expensive dummies during the barrier crash tests. These comments were taken into consideration prior to issuance of the final rule. Also, the NHTSA concluded that the vehicle deceleration forces are the primary forces affecting windshield retention and not the impact of occupants with the windshield. The restrained dummies are required, primarily, for purposes of permitting simultaneous testing. The NHTSA concludes that the retention requirements and test procedures specified in the amendments will ensure that vehicles are equipped with windshields that provide the needed protection for occupant safety.

Volvo's petition also argued that Standard No. 212 "must include a measurement procedure that weighs the various segments of the windshield periphery in a technically accurate manner." Volvo points to tests it has conducted which indicate that "when the unrestrained occupant's head impacts and substantially loads the windshield, the loading will most likely occur in the windshield's upper regions and not uniformly throughout the windshield."

While it is recognized that the degree of dislodging of the windshield from its mounting may vary at different locations around the periphery of the windshield, sufficient information is not available on which to base varying retention requirements (for different areas of the windshield). Further, the specification of retention requirements in the terms suggested by Volvo was not proposed by the agency in 1972 or 1974. This aspect of Volvo's petition is therefore denied.

Several petitioners objected to the specification of a temperature range in the test conditions and asked that this provision be withdrawn. Rolls Royce Motors argued that the amendment will require additional tests to determine the most critical temperature for windshield retention and stated that this would greatly increase the burden on low-volume manufacturers. General Motors and Jeep Corporation stated that the expansion of the test requirements over a wide temperature range adds to the stringency of the standard without any evidence of a safety need. American Motors petitioned to remove the 15°F to 110°F temperature range from the barrier test conditions on the basis that "it was not specified as a barrier test condition in the proposal for rulemaking," and on the basis that there are laboratory tests that can serve the same purpose.

The NHTSA denies all petitions to withdraw the temperature range from the standard. As stated in the preamble to the final rule, testing over the specified range is necessary in light of the fact that windshield moldings have significantly different retention capabilities at different temperatures. This fact was graphically confirmed by NHTSA compliance testing in which windshields retained at low temperatures were dislodged at higher temperatures (in identical vehicles). Concerning the objection of American Motors, the temperature range was proposed in paragraph S4 of the 1974 proposal to amend Standard No. 212 (39 FR 2274).

General Motors recommended that the temperature range be revised to specify 66°F to 78°F limits, to coordinate the Standard 212 test with the calibration conditions for the Part 572 dummy. General Motors argued that this would reduce the number of barrier crash tests that would be required.

The NHTSA rejects this recommendation. The Part 572 dummies are conditioned in the 66°F–78°F temperature range for calibration purposes in those standards in which the dynamic dummy response is part of the requirements of the standard. Since the response of the dummy is not directly involved in the performance requirements of Standard No. 212, the temperature of the dummies is not significant. Therefore, it is not necessary to restrict the temperature range of Standard No. 212 to correspond to the calibration temperature range of the Part 572 dummies. For purposes of simultaneous testing, manufacturers could devise a means to control the immediate environment of the test dummy within the 66°F–78°F calibration temperature range, independent of the temperature range specified in Standard No. 212.

General Motors also argued that there could be considerable variation in vehicle condition and test results, depending on when and where the vehicle is tested, since there could be an air temperature of 110°F while windshield components are at a much higher temperature due to "sun load". General Motors, therefore, requested that the temperature requirement be clarified to specify that the temperature of the entire vehicle be stabilized between 15°F and 110°F prior to the test.

The NHTSA does not intend that vehicles be tested with the windshield components at temperatures higher than 110°F. For purposes of clarification, paragraph S6.5 of the new provisions is revised to specify that the windshield mounting material, and all vehicle components in direct contact with the mounting material are to be at any temperature between 15°F and 110°F. Presumably this could be accomplished by localized heating or cooling of the vehicle components or by any other method chosen, in the exercise of due care, by a manufacturer.

The August 1976 amendments to Standard No. 212 modified the application section to include multipurpose passenger vehicles, trucks and buses having a gross vehicle weight rating of 10,000 pounds or less. "Open-body type" vehicles and "forward control" vehicles were excluded because of the impracticability of applying the barrier crash test to these vehicles. General Motors has pointed out that the NHTSA failed to exclude "walk-in van-type" vehicles, which have essentially the same configuration and amount of front-end crush space as forward control vehicles.

The NHTSA recently addressed this same issue in connection with Standard No. 219, Windshield Zone Intrusion, and, in the absence of any objections, amended that standard to exclude walk-in van-type vehicles (41 FR 54945, December 16, 1976). On reconsideration of the extended applicability of Standard No. 212 to these vehicles, the agency concludes that the same rationale applies. Accordingly, applicability of Standard No. 212 to walk-in van-type vehicles is withdrawn.

In consideration of the foregoing, the effective date of the amendment to Standard No. 212 (49 CFR 571.212) published August 30, 1976 (41 FR 36493) is changed from September 1, 1977, to September 1, 1978, and paragraphs S3 and S6.5 of that text are modified as follows:

1. Paragraph S3 is amended to read:

S3. Application. This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses having a gross vehicle weight rating of 10,000 pounds or less. However, it does not apply to forward control vehicles, walk-in van-type vehicles, or to open-body type vehicles with fold-down or removable windshields.

2. Paragraph S6.5 is amended to read:

S6.5 The windshield mounting material and all vehicle components in direct contact with the mounting material are at any temperature between 15°F and 110°F.

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

Issued on June 29, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77–18989 Filed 6–29–77;10:30 am]

[Docket No. 75–14; Notice 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Restraint Systems

AGENCY: Department of Transportation (DOT).

ACTION: Final Rule.

SUMMARY: The existing motor vehicle safety standard for occupant crash protection in new passenger cars is amended to require the provision of "passive" restraint protection in passenger cars with wheelbases greater than 114 inches manufactured on and after September 1, 1981, in passenger cars with wheelbases greater than 100 inches on and after September 1, 1982, and in all passenger cars manufactured on or after September 1, 1983. The low usage rate of active seat belt systems negates much of their potential safety benefit. However, lap belts will continue to be required at most front and all rear seating positions in new cars, and the Department will continue to recommend their use to motorists. It is found that upgraded occupant

crash protection is a reasonable and necessary exercise of the mandate of the National Traffic and Motor Vehicle Safety Act to provide protection through improved automotive design, construction, and performance.

DATES: Effective date September 1, 1981.

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

FOR FURTHER INFORMATION CONTACT:

Tad Herlihy, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–9511).

SUPPLEMENTARY INFORMATION:

CONSIDERATIONS UNDERLYING THE STANDARD

Under the National Traffic and Motor Vehicle Safety Act, as amended, (the Act) (15 U.S.C. 1381 et seq.) the Department of Transportation is responsible for issuing motor vehicle safety standards that, among other things, protect the public against unreasonable risk of death or injury to persons in the event accidents occur. The Act directs the Department to consider whether a standard would contribute to carrying out the purposes of the Act and would be reasonable, practicable, and appropriate for a particular type of motor vehicle (15 U.S.C. 1392(f)(3)). The standard must, as formulated, be practicable, meet the need for motor vehicle safety, and be stated in objective terms (15 U.S.C. 1392(a)). The Senate Committee drafting the statute stated that safety would be the overriding consideration in the issuance of standards. S. Rep. No. 1301, 89th Cong., 2d Sess. (1966) at 6.

The total number of fatalities annually in motor vehicle accidents is approximately 46,000 (estimate for 1976), of which approximately 25,000 are estimated to be automobile front seat occupants. Two major hazards to which front seat occupants are exposed are ejection from the vehicle, which increases the probability of fatality greatly, and impact with the vehicle interior during the crash. Restraint of occupants to protect against these hazards has long been recognized as a means to substantially reduce the fatalities and serious injuries experienced at the front seating positions.

One of the Department's first actions in implementing the Act was promulgation in 1967 of Standard No. 208, Occupant Crash Protection (49 CFR 571.208), to make it possible for vehicle occupants to help protect themselves against the hazards of a crash by engaging seat belts. The standard requires the installation of lap and shoulder seat belt assemblies (Type 2) at front outboard designated seating positions (except in convertibles) and lap belt assemblies (Type 1) at all other designated seating positions. The standard became effective January 1, 1968.

While it is generally agreed that when they are worn, seat belt assemblies are highly effective in preventing occupant impact with the vehicle interior or ejection from the vehicle, only a minority of motorists in the United States use seat belts. For all types of belt systems, National Highway Traffic Safety Administration (NHTSA) studies show that about 20 percent of belt systems are used (DOT HS 6 01340 (in process)). The agency's calculations show that only about 2,600 deaths (and corresponding numbers of injuries) of front seat occupants were averted during 1976 by the restraints required by Standard No. 208 as it is presently written.

Two basic approaches have been developed to increase the savings of life and mitigation of injury afforded by occupant restraint systems. More than 20 nations and two provinces of Canada have enacted mandatory seat belt use laws to increase usage and thereby the effective lifesaving potential of existing seat belt systems. The other approach is to install automatic passive restraints in passenger cars in place of, or in conjunction with, active belt systems. These systems are passive in the sense that no action by the occupant is required to benefit from the restraint. Passive restraint systems automatically provide a high level of occupant crash protection to virtually 100 percent of front seat occupants.

The two forms of passive restraint that have been commercially produced are inflatable occupant restraints (commonly known as air bags) and passive belts. Air bags are fabric cushions that are rapidly filled with gas to cushion the occupant against colliding with the vehicle interior when a crash occurs that is strong enough to register on a sensor device in the vehicle. The deployment is accomplished by the rapid generation or release of a gas to inflate the bag. Passive belt systems are comparable to active belt systems in many respects, but are distinguished by automatic deployment around the occupant as the occupant enters the vehicle and closes the door.

HISTORY OF STANDARD NO. 208

Because of the low usage rates of active belt systems and because alternative technologies were becoming available, the initial seat belt requirements of Standard No. 208 were upgraded in 1970 to require passive restraints by 1974 (35 FR 16927; November 3, 1970). Most passenger car manufacturers petitioned for judicial review of this amendment (*Chrysler* v. *DOT*, 472 F. 2d 659 (6th Cir. 1972)). The Sixth Circuit's review upheld the mandate in most respects but remanded the standard to the agency for further specification of a test dummy that was held to be insufficiently objective for use as a measuring device in compliance tests. The court stated with regard to two of the statutory criteria for issuance of motor vehicle safety standards:

> We conclude that the issue of the relative effectiveness of active as opposed to passive restraints is one which has been duly delegated to the Agency, with its expertise, to make; we find that the Agency's decision to require passive restraints is supported by substantial evidence, and we cannot say on the basis of the record before us that this decision does not meet the need for motor vehicle safety. 472 F.2d at 675.
>
> * * * we conclude that Standard 208 is practicable as that term is used in this legislation. 472 F. 2d at 674.

As for objective specification of the test dummy device, a detailed set of specifications (49 CFR Part 572) was issued in August 1973 (38 FR 20449; August 1, 1973) and updated with minor changes in February 1977 (42 FR 7148; February 7, 1977). A full discussion of the test dummy specifications is set forth in a rulemaking issued today by the NHTSA concerning technical aspects of Standard No. 208 (42 FR 34299; FR Doc. 77–19138).

In March 1974, the Department made the finding that the test dummy is sufficiently objective to satisfy the "Chrysler" court remand (39 FR 10271; March 19, 1974). In the same notice, mandatory passive restraints were again proposed. Based on the comments received in response to that notice, the passive restraint mandate was once again proposed in a modified form in June 1976 (41 FR 24070; June 14, 1976). In the interim, General Motors Corporation manufactured, certified, and sold approximately 10,000 air-bag-equipped full-size Buicks, Oldsmobiles, and Cadillacs. Volkswagen has manufactured and sold approximately 65,000 passive-belt-equipped Rabbit model passenger cars. Volvo Corporation has also introduced a relatively small number of air-bag-equipped vehicles into service. Ford Motor Company had earlier manufactured 831 air-bag-equipped Mercurys. These vehicles were manufactured under one of two options placed in the standard in 1971 to permit optional production of vehicles with passive restraint systems in place of seat belt assemblies otherwise required. In 1972, the standard was also amended to require an "ignition interlock" system on front seat belts to force their use before the vehicle could be started. This requirement, effective in September 1973, was revoked in October 1974 in response to a Congressional prohibition on its specification (Pub. L. 93–492, § 109 (October 27, 1974)).

The Department's final action on its June 1976 proposal ("The Secretary's Decision Concerning Motor Vehicle Occupant Crash Protection," hereinafter "the December 1976 decision") continued the existing requirements of the standard (42 FR 5071; January 27, 1977) and created a demonstration program to familiarize the public with passive restraints. The Department negotiated contracts with four automobile manufacturers for the production of up to 250,000 passive-equipped vehicles per year for introduction into the passenger car fleet in model years 1980–81. Mercedes-Benz agreed to manufacture 2,250 such passenger cars, and Volkswagen agreed to manufacture 125,000 of

its passive-belt-equipped Rabbit models. Ford agreed to participate by "establishing the capability of manufacturing" 140,000 compact model passenger cars, and General Motors agreed to "establish production capacity" to manufacture 300,000 intermediate size passenger cars. The December 1976 decision was based on the finding that, although passive restraints are technologically feasible at reasonable cost and would prevent 9,000 fatalities annually when fully integrated into the fleet, possible adverse reaction by an uninformed public after the standard took effect could inspire their prohibition by Congress with substantial attendant economic waste and incalculable harm to the cause of highway safety. This finding was based in large part on the Department's experience with the ignition interlock on 1974- and 1975-model passenger cars, which was prohibited by Congress in response to industry and public opposition.

Early in 1977, the Department reconsidered the December 1976 decision because public acceptance or rejection of passive restraints is not one of the statutory criteria which the Department is charged by law to apply in establishing standards. In addition, the demonstration program introduced a minimum 3-year delay in implementation of mandatory passive restraints. The Department questioned the premise that passive restraints systems would foster consumer resistance as had the ignition interlock system. While the ignition interlock system forced action by the motorist as a condition for operating an automobile, passive restraints eliminate the end for any action by the occupant to obtain their crash protection benefits.

A third reason for reassessment of the December 1976 decision was the certainty that an increasing proportion of the passenger car fleet will be small cars, in response to the energy situation and the automotive fuel economy program established by the Energy Policy and Conservation Act. The introduction of these new, smaller vehicles on the highway holds the prospect of an increase in the fatality and injury rate unless countermeasures are undertaken.

Based on this reconsideration, the Department proposed (42 FR 15935; March 24, 1977) that the future crash protection requirements of Standard No. 208 take one of three forms: (1) Continuation of the present requirements, (2) mandatory passive restraints at one or more seating positions of passenger cars manufactured on or after September 1, 1980, or (3) continuation of the existing requirements in conjunction with proposed legislation to establish Federal or State mandatory seat belt use laws.

The proposal for an occupant restraint system other than seat belts invoked a provision of the Act (15 U.S.C. 1400(b)) that requires notification to Congress of the action. The Act also requires that a public hearing be held at which any Member of Congress or any other interested person could present oral testimony. The proposal was transmitted to the Congress on March 21, 1977, with an invitation to appear at a public hearing chaired by the Secretary on April 27 and 28, 1977, in Washington, D.C. A transcript of this meeting, along with written comments on the March 1977 proposal, are available in the public docket.

Discussion of Issues

The March 1977 proposal of three possible courses of action for future occupant crash protection is grounded in a large, complex administrative record that has been developed in the 8 years since passive restraints were first contemplated by the Department. Interested persons are invited to review the NHTSA public docket that has been compiled under designations 69–7, 73–8, and 74–14. Consideration of the issues and questions that have arisen during the years of rulemaking can be found in the preambles to the Department's numerous rulemaking notices on passive restraints. Although many of the comments on the March 1977 proposal raised issues that have been discussed in previous notices, the significant issues will be addressed here again, in light of the most recent information available to the Department.

The need for rulemaking action. An important reason to consider anew the occupant crash protection issue is the basic and positive changes that the automobile will undergo in the years ahead. Until recently, the basic characteristics of automobiles sold to the American public have evolved for the most part in response to the forces of the market place. High premium was placed upon styling, roominess, and acceleration performance. In a cheap-energy society, relatively little attention was paid to efficiency of operation. Nor, until relatively recently, was serious consideration given to minimizing the adverse impact of the automobile upon air quality.

Recent circumstances, however, have drastically altered the situation, and have made it abundantly clear that the automobile's characteristics must reflect broadly defined societal goals as well as those advanced by the individual car owner. The President has announced a new national energy policy that recognizes a compelling need for changes in the American lifestyle. Congress has implemented statutory programs to improve the fuel economy of automobiles, as one result of which this Department has just issued demanding fuel economy standards for 1981 through 1984 passenger cars. Right now, the Congress is deliberating over amendments to the Clean Air Act which will impose relatively stringent emissions requirements effective over the same time frame.

The trend toward smaller cars to improve economy and emissions performance contains a potential for increased hazard to the vehicles' occupants. But technology provides the means to protect against this hazard, and this Department's statutory mandate provides authority to assure its application. The Report of the Federal Interagency Task Force on Motor Vehicle Goals for 1980 and Beyond indicated that simultaneous achievement of ambitious societal goals for the automobile in the areas of fuel economy, emissions, and safety is technologically feasible. Integrated test vehicles developed by this Department confirm that finding and, further, demonstrate that the resulting vehicles need not unduly sacrifice the other functional and esthetic attributes traditionally sought by the American car buyer.

Moreover, the socially responsive automobile of the 1980's need not bring a penalty in economy of ownership. The just-issued passenger car fuel economy standards are calculated to reduce the overall costs of operating an automobile by $1,000 over the vehicle's lifetime. In the case of improved safety performance, the occupant restraint improvements specified in this notice can be expected to pay for themselves in reduced first-person liability insurance premiums during the life of the vehicle.

The issue of occupant crash protection has been outstanding too long, and a decision would have been further delayed while the demonstration programs was conducted. A rigorous review of the findings made by the Department in December 1976 demonstrates that they are in all substantial respects correct as to the technological feasibility, practicability, reasonable cost, and life-saving potential of passive restraints. The decision set forth in this notice is the logical result of those findings.

In reassessing the December 1976 decision, the Department has considered each available means to increase crash protection in arriving at the most rational approach. As proposed the possibility of "driver-side only" passive protection was considered, but was rejected because of the unsatisfactory result of having one front-seat passenger offered protection superior to that offered other front-seat passengers in the same vehicle. On balance, there was found to be little cost or lead-time advantage to this approach. The possibility of reinstituting a type of safety belt interlock was rejected because the agency's authority was definitively removed by the Congress less than three years ago and there is no reason to believe that Congress has changed its position on the issue since that time.

Mandatory belt use laws. One of the means proposed in the March notice to achieve a large reduction in highway deaths and injuries is Federal legislation to induce State enactment of mandatory seat belt use laws, either by issuance of a highway safety program standard or by making State passage of such laws a condition for the receipt of Federal highway construction money.

The prospects for passage of mandatory seat belt use laws by more than a few States appear to be poor. None of the commenters suggested that passage of such laws was likely. A public opinion survey sponsored by the Motor Vehicle Manufacturers Association and conducted by Yankelovich, Skelly, and White, Inc., indicated that a 2-to-1 majority nationwide opposes belt use laws. Many such bills have been presented, no State has enacted one up to now. Also, Congress denied funding for a program to

encourage State belt use laws in 1974, suggesting that it does not look favorably upon Federal assistance in the enactment of these laws.

More recently, Congress removed the Department's authority to withdraw Federal safety funding in the case of States that do not mandate the use of motorcycle helmets on their highways (Pub. L. 94-280, Sec. 208(a), May 5, 1976). The close parallel between requiring helmet use and requiring seat belt use argues against the likelihood of enactment of belt use laws.

These strong indications that Congress would not enact a belt use program in the foreseeable future demonstrate, in large measure, why the success of other nations in enacting laws is not parallel to the situation in the United States. In the belt use jurisdictions most often compared to the United States (Australia and the Provinces of Canada), the laws were enacted at the State or Province level in the first instance, and not at the Federal level. In the Department's judgment, the most reasonable course of action to obtain effective belt use laws in the United States will be to actively encourage their enactment in one or more States. An attempt to impose belt use laws on citizens by the Federal government would create difficulties in Federal-State relations, and could damage rather than further the interests of highway safety.

Effectiveness of passive restraints. The December 1976 decision concluded that the best estimates of effectiveness in preventing deaths and injuries of the various types of restraint systems under consideration were as set forth in Table I. Using the effectiveness estimates from Table I, the projection of benefits attributable to various restraint systems is summarized in Table II. Several comments concerning the effectiveness of passive restraint systems were submitted in response to the March 1977 proposal.

Insurance company commenters generally supported the Department's estimates. General Motors, however, disputed the validity of the estimates in the December 1976 decision, arguing that the results experienced by the approximately 10,000 GM vehicles sold to the public indicated a much lower level of effectiveness. It made comparisons between accidents involving those cars and other accidents with conventional cars, selected to be as similar as possible in type and severity. On the basis of this study, GM stated that the data indicate that the "current air cushion-lap belt system, if available in all cars would save less than the nearly 3,000 lives that can be saved by only 20 percent active lap/shoulder belt use."

The Department finds the methods used in the General Motors study to be of doubtful value in arriving at an objective assessment of the experience of the air-bag-equipped vehicles. General Motors is a vastly interested party in these proceedings, and the positions that it adopts are necessarily those of an advocate for a particular result. This is in no sense a disparagement; advocacy of desired outcomes by interested parties is an essential part of the administrative process. But if a study advanced by an interested advocate is to be seriously considered from a "scientific" viewpoint, it must be carefully designed to avoid dilution of its objectivity by the bias of the sponsoring party. The GM study fails that test. Its foundation is a long series of qualitative judgments, which are made by employees of the party itself. An equally serious fault is that the basic body of accident data from which the comparison accidents are selected is not available to the public, so that countering analyses cannot be made by opposing parties, nor can the judgments in the original study be checked. General Motors had previously submitted to an earlier Standard No. 208 docket a study of restraint system effectiveness based on similarly qualitative judgments by its own employees (69-07-GR-256-01). The shoulder belt effectiveness figures arrived at in that study were about one-half of what are now generally recognized to be the actual values. While, this later study utilizes a somewhat different methodology, it suffers from the same flaws in its failure to preclude dilution of its objectivity by the bias of its sponsor.

Economics and Science Planning, Inc., submitted three studies that made estimates of air bag effectiveness. In one, the estimate of air bag effectiveness was at least as high as the theoretical projections made in Table II. In another, a very low estimate of air bag effectiveness was made—from 15 to 25 percent.

The Insurance Institute for Highway Safety submitted another estimate of air bag effectiveness based on the experience with the GM cars in highway use. A selection was made of accidents in which the air bag was designed to operate, based on frontal damage, direction of impact, and age of occupant. In these accidents, air bags were determined to have reduced fatalities by 66 percent, as compared to 55 percent for three-point belts. However, the narrow selection of accidents limits the application of the figures derived in the IIHS study.

The Department considers that the most reliable method of evaluating the experience of the air-bag-equipped cars at this time is to compare the number of injuries, at various levels, sustained by their occupants with the number that is experienced in the general population of vehicles of this type. The vehicles in question are not a sampling of the general vehicle population: They are relatively new, and mostly in the largest, "luxury" size class. Some adjustment must be made for these factors.

The adjustment for the size of the vehicles has been made by multiplying the overall injury figures by a factor of 0.643, which has been found in one study (Joksch, "Analysis of Future Effects of Fuel Storage and Increased Small Car Usage Upon Traffic Deaths and Injuries," General Accounting Office, 1975) as the ratio of fatalities per year for this size of vehicles to the figure for the general population. The newness of the vehicles has a double-edged aspect; newer vehicles are evidently driven more miles per year than older ones, but they also appear to experience fewer accidents per mile traveled (Dutt and Reinfurt, "Accident Involvement and Crash Injury Rates by Make, Model, and Year of Car," Highway Safety Research Center, 1977). These two factors can be accounted for if it is assumed that they cancel each other, by using vehicle years, rather than vehicle miles, as the basis of comparison. With these adjustments, the expected number of all injuries of AIS-2 (an index of injury severity) and above in severity for conventional vehicles equivalent to the air-bag-equipped fleet during the period considered was 91. The actual number experienced was 38, indicating an effectiveness factor for these injury classes of 0.58.

A possibility of bias in these estimates exists in that injuries that have occurred in the air bag fleet may not have been reported, despite the three-level reporting system (owners, policy, and dealers) that has been established. This bias is less likely to be present in frontal accidents, where the air bag is expected to (and generally does) deploy. For frontal accidents only, the number of injuries expected is 60, or 65 percent of the total ("Statistical Analysis of Seat Belt Effectiveness in 1973-1975 Model Cars Involved in Towaway Crashes." Highway Safety Research Center, 1976); only 29 have been experienced, indicating an effectiveness factor of 0.52.

These figures confirm (and in fact exceed) the effectiveness estimates of the December 1976 decision. For injuries of higher severity levels, the numbers experienced are much too small to be statistically significant.

The various assumptions and adjustments that must be made to arrive at a valid "expected" figure, and the possibility that some injuries were unreported, leaves substantial room for uncertainty and argument as to the true observed effectiveness of the restraint systems. Nevertheless, the results of the field experience are encouraging. Even if the observed-effectiveness figures arrived at by these calculations were high by a factor of 2, they would still substantially confirm the estimates of the December 1976 decision. Considering all the arguments on both sides of the issues, the Department concludes that the observed experience of the vehicles on the road equipped with air bags does not cast doubt on the effectiveness estimates in the December 1976 decision.

It has been argued that the Department should not issue a passive restraint standard in the absence of statistically significant real world data which confirm its estimates of effectiveness. Statistical "proof" is certainly desirable in decisionmaking, but it is often not available to resolve public policy decisions. It is also clear from the legislative history of the Act that the Department was not supposed to wait for the widespread introduction of a technology before it could be mandated. The Senate report for example refers to the "failure of

safety to sell" in automobiles, and describes how the Department was intended to push the manufacturers into adopting new safety technology that would not be introduced voluntarily (S. Rep. 1301, 89th Cong. 2nd. Sess. 4 (1966). The "Chrysler" case found that "The explicit purpose of the Act is to enable the Federal Government to impel automobile manufacturers to develop and apply new technology to the task of improving the safety design of automobiles as readily as possible." (472 F. 2d at 671).

Cost of passive restraints. Passive belts have been estimated in the past by the Department to add $25 to the price of an automobile, relative to the price of cars with present active belt systems. The increased operating cost over the life of a vehicle with passive belts is estimated to be $5. These figures are assumed valid for purposes of this review, and were not contested in the comments received.

This Department, General Motors, Ford, DeLorean, and Minicars all have produced estimates of the passenger car price increase due to the inclusion of air bags. These are sufficiently detailed and current to be compared, and are set forth in Table III. The Department estimate has been raised somewhat above its previous ones because of the $14 increase in the price of the components of an air bag system quoted by a supplier.

The General Motors estimates have been revised from previous estimates in several respects. Research and development, engineering, and tooling expenses are no longer amortized entirely in the first year, but are spread over 3 years (other estimates spread these costs over 5 years). The allowance for removal of active belt hardware has been reduced to conform more closely to the Department's estimates. The newer figures reflect a somewhat more complex system, including new sensors. Of the $81 spread between the Department and the GM estimates, all but $11 can be attributed to differences in the following areas: GM's estimate of dealer profit which is based on sticker prices (rather than actual sale price), GM's shorter amortization period, added complexity of the 1977 system over the 1976 system, and the cost of major modifications of the vehicle which the agency questions. The remaining $11 difference must be considered as disagreement concerning the elements of cost shown in the table.

The Ford estimate is the same as previously submitted. Forty-two dollars of the difference from the Department estimate is a higher profit figure arising from Ford's use of sticker prices rather than actual price of sale, which gives the dealer less mark-up. A substantial amount of difference is for a complex electronic diagnostic module, extra sensors that the Department does not view as necessary, and the use of a knee bolster instead of a cheaper knee air bag. Thirty-nine dollars represents unreconciled differences.

Operating costs consist mainly of the cost of replacing a deployed bag, fuel cost, and maintenance. Ford also includes an amount for periodic inspection. The Department estimate for replacement cost differs from the GM and Ford estimates almost entirely as a result of the lower estimate for the first cost of the system. The fuel costs differ primarily as a result of different weight figures for the passive systems, which may be design choices of the manufacturers. The Department's evaluation of manufacturers' cost objections is being placed in the public docket as required by section 113 of the Act.

If, as projected, passive restraints are effective in saving lives and reducing injuries, as compared to existing belt systems at present use rate, the insurance savings that will result will offset a major portion, and possibly all, of the cost to the consumer of the systems. There may be some doubt on this point that arises from skepticism concerning the behavior of insurers.

The vast majority of auto occupant injuries beyond the minor level result in automobile, health, or life insurance claims. In some States, insurers may lack a degree of flexibility in the adjustment of premiums because of pressures from insurance commissions. However, the evidence indicates that premiums are fundamentally based on claims experience.

In its comments to the docket, Nationwide Mutual Insurance Companies estimated that savings in insurance premiums should average $32.50 per insured car per year if all cars were equipped with air bags. Of this amount, 75 percent is the result of an assumed savings of 24.6 percent in the bodily injury portion of automobile insurance premiums, 21 percent from a 1.5 percent reduction in health insurance premiums (30 percent of the 5 percent of the premiums that pay for auto-related injuries), and the remainder from savings in life insurance premiums. The American Mutual Insurance Alliance and Allstate referred to existing 30 percent discounts in first-party coverage and concluded that comparable reductions would be expected to follow a mandate of passive restraints.

It has been argued that these savings would be largely offset by the increased cost of collision and property damage insurance due to the increased cost of repairing a car with a deployed air bag. This claim appears to be largely unfounded. Using figures based on field tests, it is estimated that each year 300,000 automobiles will be in accidents of sufficient severity to deploy the air bag. (Cooke, "Usage of Occupant Crash Protection Systems," NHTSA, July 1976, #74-14-GR-30, App. A.) Accepting vehicle manufacturer estimates, it is further assumed that the cost of replacing an air bag will be 2.5 times the original equipment cost. If a car more than 6 years old is involved in an air-bag-deploying accident, it is assumed scrapped rather than being repaired. Combining these assumptions with the estimated $112 cost of installing a full front air cushion in a new vehicle gives a total annual cost of replacement of $50.4 million, or a per car cost of less than 51 cents per year. Increases in collision premiums should, therefore, not exceed $1 per car per year. It is noted that deployment in non-crash cases would be covered by "comprehensive" insurance policies.

The $32.50 annual insurance savings estimated by Nationwide would be sufficient to pay for the added operating cost (around $4 per year) of an air-bag-equipped car with enough left over to more than pay for the initial cost of the system. Discounting at the average interest rate on new car loans measured in real terms (6 percent), the air bag would almost recover the initial cost in 4 years, with a savings over operating cost of $107.

Economic and Science Planning, Inc. (ESP) has submitted a differing estimate, that insurance savings with full implementation of passive restraints would be only $3.60, rather than $32.50 per year. About one-half of the difference arises from ESP's assumption that seat belt usage would voluntarily rise to the 44 percent level by 1984. This seems highly improbable, based on experience to date.

Moreover, that assumption does not support the deletion of projected insurance savings resulting from passive restraints, but suggests that other courses of action (such as whatever might be done to increase belt usage to 44 percent) might also produce savings. The remaining differences are based on such factors as the portion of injury costs that is paid for by insurance. If the assumptions of ESP are allowed to remain, the savings per year would be about $16, and the present value of auto-lifetime savings would be $120.

Side effects of air bag installation. Some concerns were expressed in the comments about air bags that might be grouped as possible undesirable side effects. One of these was injuries that might be caused by design deployment. There is no question that any restraint system that must decelerate a human body from 30 mph or more to rest within approximately 2 feet can cause injury. Belt systems often cause bruises and abrasions in protecting occupants from more serious injuries. The main question is whether any injuries caused by air bags are generally within acceptable limits, and are significantly less severe than those that would have been suffered had the occupants in question not been restrained by the air bags. The evidence from the vehicles on the road indicates that this is indeed the case. The injuries cited by GM as possibly caused or aggravated by air bag deployment are in the minor to moderate (AIS-1 and -2) category. From this it can be concluded that injuries caused by design deployment, though worthy of careful monitoring with a view to design improvements by manufacturers, do not provide a serious argument against a passive restraint requirement.

A closely related question that has caused concern in the past is whether air bags pose an unreasonable danger to occupants who are not in a normal seat-

ing position, such as children standing in front of a dashboard or persons who have been moved forward by panic braking. Much development work has been devoted to this problem in the past, to design systems that minimuze the danger to persons who are close to the inflation source. The most important change in this area has probably been the general shift away from inflation systems that depend on stored high-pressure gas, in favor of pyrotechnic gas generators. With these systems the flow of gas can be adjusted to make the rate slower at the beginning of inflation, so that an out-of-position occupant is pushed more gently out of the way before the maximum inflation rate occurs.

With one exception, there have been no cases where out-of-position occupants have been found to be seriously injured in crashes in which air bags have been deployed. Five of the crashes involving GM vehicles have involved children in front seating positions (although not necessarily out of position), and others have involved children unbelted in the rear seat.

The only exception has been the death of an infant that was lying laterally on the front seat unrestrained. Apparently during panic braking that preceded the crash, the infant was thrown from the seat. While this constitutes an out-of-position situation technically, it is not the type of circumstances in which the air bag contributes to injury of the out-of-position occupant.

Inadvertent actuation of an air bag may be a particular concern to the public, as noted by both General Motors and Ford. The sudden deployment of an air bag in a non-crash situation would generally be a disconcerting experience. The experience with vehicles on the road, and tests that have been performed on 40 subjects who were not aware that there were air bags in their vehicles, indicate that loss of control in such situations should be rare: none has occurred in the incidents up to now. There is little question, however, that inadvertent actuation could cause loss of control by some segments (aged, inexperienced, distracted) of the driving population, and it must be viewed as a small but real cost of air bag protection.

The frequency of inadvertent actuation is therefore of special concern. The Ford fleet of air-bag-equipped cars (about 800 vehicles that have been on the road since late 1972, with around 500 now taken out of service) has experienced no inadvertent actuations at all. The General Motors fleet, about 10,000 sold mostly to private buyers during 1974 and 1975, has experienced three inadvertent actuations on the road. Six others have occurred in the hands of mechanics and body shop personnel, two in externally-caused fires or explosions, and one from tampering in a driveway. The Volvo fleet of 75 vehicles has experienced none. It is believed that the causes of the GM inadvertent deployments are understood, and that the means of eliminating or considerably reducing the likelihood of all the known causes of inadvertent deployments have been found. These include shielding of the squibs (the device to ignite the propellant material in the bag inflators) against electromagnetic radiation, automatically disarming the system through the ignition system when the car is not in operation, and routing wiring so that it is less accessible to tampering or degradation.

If the figures for the combined fleets are projected onto the U.S. vehicle population, they would amount to around 7,000 on-the-road inadvertent actuations annually, or one for every 15,000 vehicles. The chances of an individual experiencing one as a vehicle occupant during his or her lifetime would be on the order of 1 in 200. This estimate probably overstates the likelihood of occurrence since the inadvertent actuations in the GM cars to date are believed to be due to design deficiencies that are correctable. Thus, although it will probably continue to be a public concern, the infrequency with which inadvertent actuation occurs leads to the conclusion that it does not constitute a weighty argument against a passive restraint requirement.

Some private individuals expressed, in their comments, concern over possible ear damage, or injuries that might be caused to persons with smoking materials in their mouths, or wearing eyeglasses. Although some early tests with oversized cushions of prototype design produced some temporary hearing losses, later designs have reduced the sound pressures to the point where ear damage is no longer a significant possibility. With respect to eyeglasses and smoking materials, the results from the vehicles on the road have been favorable. Of the occupants that had been involved in air cushion deployments as of a recent date, 71 had been smoking pipes or wearing eyeglasses or other facial accessories. None of these received injuries beyond the minor (AIS–1) level. From this it can be concluded that these circumstances do not create particular hazards to occupants of air-bag-equipped vehicles.

Toyo Kogyo and some private individuals questioned whether air bags might experience reliability problems in high-mileage and older vehicles. The fact that air bags have only one moving part, and most of the critical components rest in sealed containers during their non-deployment life, indicates that they should perform well in this regard. The systems in the vehicles in the field, some of which have been in use for almost 5 years, have demonstrated extremely good durability, with no apparent flaws. Manufacturers use sophisticated techniques such as accelerated test cycles to assure a high level of reliability.

Reliability of restraint systems is, of course, absolutely necessary. Unlike the failure of accident prevention systems such as lights and brakes where failure does not necessarily result in harm to occupants, the failure of a restraint system when needed in a serious crash almost certainly means injury will result. Vehicle and component manufacturers are fully aware of this and take the special precautions to ensure reliability which might not be taken for less critical systems. The Department is equally aware of it and has monitored manufacturer efforts to date to ensure fail-safe performance of crash-deployed systems. As an example, copies of reliability information request letters from the Department to manufacturers preparing for the demonstration program or otherwise involved in air bag systems have been made public in the docket.

The projections of reliability to date are, of necessity, based on pilot production volumes, and cannot demonstrate fully that reliability problems associated with mass production will never occur. So that manufacturers can avoid these types of reliability problems, the Department has settled on a phase-in of the requirements which is described later in greater detail.

General Motors and the National Automobile Dealers Association commented that product liability arising from air bag performance would be a major expense. The insurance company commenters, on the other hand, suggested that the presence of air bags in vehicles could reduce auto companies' product liability.

The new risk of liability, attached to a requirement for passive restraints, does not differ from the risk attached to the advent of any device or product whether mandated by the Federal government or installed by a manufacturer by its own choice. Just as liability might arise because of the malfunctioning of a seat belt system or braking system, liability may also arise because of the malfunctioning of a passive restraint system. The mandating of a requirement by the Federal government has, in fact, often served to limit liability, since most jurisdictions accord great weight to evidence showing that a device has met Federal standards.

There is little evidence that the mandating of passive restraints will lead to increases in product liability insurance premiums. Although the advent of new technology has often been accompanied by an increase in products liability insurance, it is unclear how much of the increase is attributable to increased risk and how much to inflation. Officials of the Department of Commerce and at least two major insurance companies doubt that Federal passive restraint requirements will lead to increased risk and insurance premiums. They point out that Federal requirements are imposed to make products safer, and safe products are less likely to cause injury.

It is noteworthy that the Allstate Insurance Company agreed to sell product liability insurance for the GM cars which were to be equipped with passive restraint systems pursuant to the demonstration program, at a rate no greater than the product liability insurance rate for cars not equipped with passive restraint systems.

Small cars. An important consideration in the decision concerning passive restraints is their suitability and availability for small cars, which because of the energy shortage will comprise an increasing segment of the vehicle population in future years. Passive belts have been sold as standard equipment in over

65,000 Volkswagen cars, and must be viewed as a proven means of meeting a passive restraint requirement. Some vehicle body designs may require some modification for their installation, but passive belts could be used as restraints for most bucket-seat arrangements at moderate cost with present technology.

Some manufacturers have expressed doubt that a large proportion of their customers would find passive belts acceptable, because of their relatively obtrusive nature and the resistance shown by the U.S. public to wearing seat belt systems, i.e., belts that occupants must buckle and unbuckle. These manufacturers submitted no supporting market surveys. Further, there is reason to believe that the experience with active belt systems is not an accurate indicator of the experience to be expected with passive belts. The Department anticipates that some manufacturers will install passive belts in the front seats of small cars having only two front seats. Passive belts would not confront the occupants of those seats with the current inconvenience of having to buckle a belt system to gain its protection or of having to unbuckle that system to get out of their cars. Unlike the interlock active belt systems of several years ago, the passive belt systems will have no effect on the ability of drivers to start their cars.

Nevertheless, the question of the acceptability of passive belts may make the suitability of air bags for small cars an important one. Although the shorter crush distance of small cars may impose more stringent limits on air bag deployment time, the evidence from studies conducted by the Department with air bags in small cars is that there are no insuperable difficulties in meeting the 30-mph crash requirements of Standard 208 in cars as small as 2000 pounds gross vehicle weight rating with existing air bag designs (see, for example, "Small Car Driver Inflatable Restraint System Evaluation Program," Contract DOT-HS-6-01412, Status Report April 15, 1977.)

The "packaging" problems of installing air bag systems are greater for small cars than for larger ones. They occupy space in the instrument panel area that might otherwise be utilized by other items such as air conditioning ducts, glove compartment, or controls and displays. Toyo Kogyo (Mazda) and Honda indicated that their instrument panels might have to be displaced 4 inches rearward, that some engine compartment and wheelbase changes might be needed, and that some dash-mounted accessories might have to be deleted or mounted elsewhere. This type of problem is expected to be important to the existing choice between air bag and passive belt systems.

It is not the role of the government to resolve these problems since, in the Department's judgment, they reflect design choices of the manufacturers. No manufacturer has claimed, much less demonstrated that it would be impracticable to install air bags in small cars without increasing vehicle size. Occupation of instrument panel space is certainly one of the unqualified costs of air bags, however, and the cost is more onerous in a small car than in a large one. At the same time, small car makers may choose to use the less costly passive belt system. The evidence presented to date indicates that small-car manufacturers would be able to meet a passive restraint requirement by making reasonable design compromises without increasing vehicle size.

Lead time and production readiness. There was considerable discussion in the comments to the docket about the ability of the automobile industry to develop the production readiness to provide passive restraint systems for all passenger cars. The installation of passive restraint systems requires the addition of new hardware and modification of vehicle structures in such a way that the system provides performance adequate to meet the standard and a high level of safety and reliability on the road. A new industrial capacity will have to be generated to supply components for air bag systems. Major capital expenditures will have to be made by the vehicle industry to incorporate air bag systems into production models. The Department estimates that the total capital required for tooling and equipment for the production of passive restraint systems in new cars is approximately $500 million.

Establishment of an industry to produce components for air bag systems centers on the production of the inflator component. Five major companies have indicated an interest in producing inflators for air bags. The propellant presently being considered for use is sodium azide. The primary source of sodium azide, Canadian Industries Ltd., has a capacity of around 1 million pounds per year, sufficient for only about 800,000 full front seat air bag systems. Thus, additional capacity of 10 million pounds or more of sodium azide will have to be generated, or alternative propellants would have to be used. The Department's analysis of the capital requirements and lead time to develop sufficient capacity indicates that adequate propellant can be available for annual production levels of several million units in less than three years. The production of inflators (from several sources) can reach several million units within two to three years of the receipt of firm orders, including design specifications, from the automobile manufacturers. A new capacity has already been generated to supply the demonstration program which is being pursued at this time.

The vehicle manufacturers face substantial work to incorporate air bags in their production. In the case of domestic manufacturers alone, the instrument panels of approximately half of the new cars that will be manufactured in the early 1980's will have to be completely redesigned to provide space for the passenger bag and structure to accept the loading on the passenger bag. In some cases, relocation of the instrument cluster is needed to facilitate visibility over the bag module in the steering hub.

The burden placed on the vehicle manufacturers to redesign the instrument panel and related components to accept air bags can be reduced considerably by phasing in the passive restraint requirements over several years. With phased introduction, the redesigning of instrument panels and other components can be done at roughly the same pace that these components would ordinarily be redesigned, although perhaps not within the manufacturer's preferred schedule.

The rulemaking docket contained a number of references to additional reasons for phased introduction of new systems like passive restraints: To establish quality systems in production, to obtain experience with these systems in the hands of a more limited segment of the public, and to obtain feedback on the performance and reliability of the systems. If production levels are relatively small at the beginning of a mandated requirement, any unforeseen issues that arise are made more manageable by the limited number of vehicles affected. A major automotive supplier, Eaton Corporation, stressed this aspect of production feasibility over all others.

Based on its evaluation, the Department has determined that a lead time of four full years should precede the requirement for the production of the first passive-equipped passenger cars. This lead time accords with General Motors' requested lead time to accomplish the change for all model lines. Equally important, the 4-year lead time represents a continuation to its logical conclusion of the early voluntary production of passive restraints represented by the December 1976 decision. The continued opportunity for early, gradual, and voluntary introduction of passive restraints to the public in relatively small numbers offers a great deal of benefit in assuring the orderly implementation of a mandatory passive restraint requirement. Experience with the limited quantities of early passive-restraint-equipped vehicles can confirm in the public's mind the value of these systems prior to mandatory production. Because of the value of such a voluntary phase—in approach to both the manufacturer and the public, the Department anticipates that the manufacturers which were parties to the earlier demonstration program agreements will continue their current preparations for voluntary production of passive restraints. The Department also expects that other manufacturers will undertake to produce limited quantities prior to the effectivity of the mandate. The Department intends to vigorously support the efforts of manufacturers to foster sales on a voluntary basis, both through major public information programs and through efforts to encourage their purchase by Federal, other government agencies, and private-fleet users.

The Department also intends to initiate an intensive monitoring program to oversee the implementation plans of both vehicle manufacturers and their suppliers. The purpose of the monitoring program will be not only to confirm that adequate levels of reliability and quality are being achieved in implementing designs to comply with the standard, but also to provide assurance to the pub-

lic that the issues that have been raised on passive restraint reliability are being resolved under the auspices of the Secretary of Transportation.

In addition to a long lead time, the Department considers that the mandate should be accomplished in three stages, with new standard- and luxury-sized cars (a wheelbase of more than 114 inches) meeting the requirement on and after September 1, 1981, new intermediate- and compact-size cars (a wheelbase of more than 100 inches) also meeting the requirements on and after September 1, 1982, and all new passenger cars meeting the requirement on and after September 1, 1983.

Wheelbase was chosen as a measure to delineate the phasing requirements because it is a well-defined quantity that does not vary significantly within a given car line. With the downsizing of most automobiles made in the United States, wheelbases are being reduced by four to six inches on most standard, intermediate, and compact size cars. As a result, in the period of phased implementation (the 1982 through 1984 model years), standard size cars will generally have wheel bases in a range of 115'' to 120'', intermediate size cars will have wheelbases in a range of 107'' to 113'', and compact cars will generally have wheelbases in a range of 102'' to 108''. Subcompact size cars will continue to have wheelbases below 100''.

The determination of which car sizes to include in each year of the phased implementation was made in consideration of the effect on each manufacturer and the difficulty involved in engineering passive restraints into each size class of automobile. Because of the extensive experience with passive restraints in full size cars, and the space available in the instrument panels of these cars to receive air bag systems, this size car was deemed to be most susceptible to early implementation.

The gradual phase-in schedule is intended to permit manufacturers to absorb the impact of introducing passive restraint systems without undue technological or economic risk at the same time they undertake efforts to meet the challenging requirements imposed by emissions and fuel economy standards for automobiles in the early 1980's.

Other Considerations

Section 104(b) of the Act directs that the Secretary consult with the National Motor Vehicle Safety Advisory Council on motor vehicle safety standards. The Council has announced in an April 26, 1977, letter to the Department that "The Council feels that the time has come to move ahead with a fully passive restraint standard." The Council stated that it was recommending passive protection in the lateral and rollover modes as well as the frontal mode proposed by the Department. The Department therefore will take under consideration the Council recommendation, with a view to expanding the passive restraint requirement as new technology is advanced. The Council also recommended that mandatory seat belt use laws should also be promoted until the entire vehicle fleet is equipped with passive restraints. As noted, the Department intends to encourage States to enact such laws in their jurisdictions.

It is noted that the National Transportation Safety Board supported the mandate of passive restraints, with a cautionary note to preserve the present performance specification that permits meeting the requirement by means of passive belts as well as inflatable passive restraints.

The United Auto Workers Union, which represents the vast majority of the workers whose industry is affected by the mandate, has also advocated mandatory passive restraints to the Department.

The Council on Wage and Price Stability (the Council) supported the mandate of passive restraints, based on the assumptions that no serious technical problems exist with either the air bag or the passive belt system concept and that the Department's cost estimates are substantially correct. The Council based its support on the comparative costs of achieving benefits under the three approaches, finding passive restraints to be the most cost effective.

The Council urged that passive belt systems continue to be permitted as meeting the performance requirements of the standard, because they represent the least costly passive restraint system currently commercially available. Standard No. 208 has always been and continues to be a performance standard, and any device that provides the performance specified may be used to comply with the standards. With regard to passive belt systems, it is important that they remain available, particularly in the case of smaller-volume manufacturers who may not care to provide air bag type protection because of its engineering and tooling costs relative to production volume.

In accordance with S 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), as implemented by Executive Order 11514 (3 CFR, 1966–1970 Comp., p. 902) and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 FR 7724), the Department has carefully considered all environmental aspects of its three proposed approaches. A Draft Environmental Impact Statement (DEIS) was published March 25, 1977, and comments have been received and analyzed. The Final Environmental Impact Statement (FEIS) is released today. Petitions for reconsideration based on issues and information raised in the FEIS may be filed for the next 30 days (49 CFR Part 553.35).

There was substantial agreement by commenters with the agency's conclusions about impacts on the consumption of additional natural resources, the generation of pollutants in the manufacturing process and in transporting the system throughout the vehicle's life, and on solid waste disposal problems. In response to the comments of General Motors and others on the DEIS, several estimates were revised. In the Department's view, the two most significant consequences of a passive restraint mandate are the use of large amounts of sodium azide as the generator of gas for air bags, and the increased consumption of petroleum fuel by automobiles because of the added weight of air bags.

Sodium azide is a substance that is toxic and that can burn extremely rapidly. The agency is satisfied that the material can be used safely both in an industrial setting and in motor vehicles during its lifetime, due to inaccessibility and strength of the sealed canisters in which it is packed. The problem is to assure a proper means of disposal. Junked vehicles that are shredded have batteries and gas tanks removed routinely, and the air bag could be easily deployed by an electric charge at the same time. A hazard remains, however, for those vehicles that are simply abandoned. However, the agency judges that the chemical's relative inaccessibility will discourage attempts to tamper with it. The proportion of abandoned cars is less than 15 percent of those manufactured. The Department will work with the Environmental Protection Agency to develop appropriate controls for the disposal of air bag systems employing sodium azide.

The additional weight of inflatable passive restraints was judged to increase the annual consumption of fuel by automobiles by 0.71 percent (about 521 million gallons annually). While this increase is not insignificant, the Department believes that it is fully justified by the prospective societal benefits of passive restraints. The Department took full account of the impact of a passive restraint standard in its recent proceeding to set fuel economy standards for 1981–1984 passenger automobiles.

In accordance with Department policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the Department has evaluated the economic and other consequences of this amendment on the public and private sectors. The basic evaluation is contained in a document ("Supplemental Inflation Impact Evaluation") that was developed in conjunction with the Department's June 1976 proposal of mandatory passive restraints. That evaluation has been reviewed and a supplement to it represents the Department's position on the effect of this rulemaking on the nation's economy.

The standard, as set forth below, allows manufacturers two options for compliance. First, a manufacturer may provide passive occupant crash protection in frontal modes only. If this option is chosen, the manufacturer must also provide lap belts at all seating positions in the automobile. The lap belts are provided to give crash protection in side and rollover crashes, and have a demonstrated effectiveness in these crash modes.

A second option for manufacturers is to provide full passive protection for front seat occupants in three crash

modes: frontal, side and rollover. If a manufacturer can achieve this performance, it would not have to provide seat belts in the front seat. Under this option, lap belts would continue to be required for all rear seating positions.

The Department has found that use of any seat belt installed in accordance with the standard is necessary to enhance the safety of vehicle occupants. Thus, the Department continues to advocate the use of all seat belts installed at all seating positions in motor vehicles, regardless of whether the vehicle is also equipped with passive restraints.

In consideration of the foregoing, Standard No. 208 (49 CFR 571.208) is amended as follows:

1. S4.1.2 is amended to read:

S4.1.2 *Passenger cars manufactured from September 1, 1973, to August 31, 1983.* Each passenger car manufactured from September 1, 1973 to August 31, 1981, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3. Each passenger car manufactured from September 1, 1981, to August 31, 1982, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3, except that a passenger car with a wheelbase of more than 114 inches shall meet the requirements specified in S4.1.3. Each passenger car manufactured from September 1, 1982, to August 31, 1983, inclusive, shall meet the requirements of S4.1 2.1, S4.1.2.2, or S4.1.2.3, except that a passenger car with a wheelbase of more than 100 inches shall meet the requirements specified in S4.1.3. A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3.

2. A new S4.1.3 is added to read:

S4.1.3 *Passenger cars manufactured on or after September 1, 1983.* Each passenger car manufactured on or after September 1, 1983, shall—

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each rear designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and S7.1 and S7.2; and

(c) Either—

(1) Meet the lateral crash protection requirements of S5.2 and the roll-over crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and S.7 through S7.3, and meet the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant.

Effective date finding. Under section 125 of the Act, an amendment of Standard No. 208 that specifies occupant restraint other than belt systems shall not become effective under any circumstances until the expiration of the 60-day review period provided for by Congress under that section "unless the standard specifies a later date". Section 125 also provides that the standard does not become effective at all if a concurrent resolution of disapproval is passed by Congress during the review period. The Department's view of this section is that a "later date" can be established at the time of promulgation of the rule, subject to the possibility of reversal by the concurrent resolution.

The amendment is therefore issued, to become effective beginning September 1, 1981, for those passenger cars first subject to the new requirements. The reasons underlying the effective dates set forth in the standard have been discussed above. The establishment of the effective dates is accomplished at this time to provide the maximum time available for preparations to meet the requirements. The Congressional review period will be completed prior to the commitment of significant new resources by manufacturers to meet the upcoming requirements of the standard.

The program official and lawyer principally responsible for the development of this rulemaking document are Carl Nash and Tad Herlihy, respectively.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

Issued on June 30, 1977.

BROCK ADAMS,
Secretary of Transportation.

Table I

Occupant Crash Protection System Effectiveness Estimates

IS njury evel	Lap Belt	Lap and Shoulder Belt	Air Cushion	Air Cushion and Lap Belt	Passive Belt and Knee Bolster	Knee Bolster
1	.15	.30	0	.15	.20	.06
2	.22	.57	.22	.33	.40	.10
3	.30	.59	.30	.45	.45	.15
-6	.40	.60	.40	.66	.50	.15

TABLE II

Effectiveness of Occupant Crash Protection Systems 2/

	Fatalities Prevented Per Year	Injuries Prevented Per Year (AIS 2-5)
Lap and shoulder (15%) and lap (5%) belts (nominal projection)	3,000	39,000
Lap and shoulder (35%) and lap (5%) belts (optimistic projection)	6,300	86,000
Lap and shoulder belt (70% usage)	11,500	162,000
Lap and shoulder belt (100% usage)	16,300	231,000
Lap belt (100% usage)	10,900	96,000
Driver-only air cushion 3/		
Nominal projection	9,600	86,000
Optimistic projection	11,500	107,000
Full-front air cushion		
Nominal Projection 4/	12,100	104,000
Optimistic Projection 5/	13,500	115,000
Passive Belts		
Nominal Projection 6/	9,800	117,000
Optimistic Projection 7/	10,700	129,000

2/ These estimates assume the car population and occupant fatality rates to be that of 1975 (approximately 100 million cars and 27,200 people, respectively), 10 million cars to be manufactured annually, and the distribution of injuries by severity to be the same as in 1975. The discussion in Appendix A gives the basis for these calculations.

3/ Belt use for this mixed active and passive system is assumed to be the same as for the active belts for the passenger and the same as the air cushion system for the driver. These estimates assume 72.56% of front seat occupants are drivers.

4/ Assumes 20% lap belt usage by all front seat occupants.

5/ Assumes 40% lap belt usage by all front seat occupants.

6/ Assumes 60% passive belt usage, i.e., 40% of people defeat the system.

7/ Assumes 70% passive belt usage, i.e., 30% of people defeat the system.

TABLE III

VARIOUS ESTIMATES OF THE COST OF FULL FRONT AIR BAGS

COST ITEM	GM 6-77	FORD 10-76	DELOREAN 10-76 4 Pass.	DELOREAN 10-76 6 Pass.	MINICARS 6-77 GM	MINICARS 6-77 Advanced	DOT 10-76	DOT 6-77
Purchase Cost								
Equipment	102	121	72	85	78	68	75	89
Manufacturing	66	68	9	12	44	39	28	28
Profit	45	56	35	42	122	107	12	13
- Removed Belts	-20	-10	-26	-27			-18	-18
Total	193	235	90	112	OTHER ELEMENTS		97	112
Operating Cost					NOT PROVIDED			
Deployment	9	9	NOT				2	5
Fuel	26	88	PROVIDED				30	23
Maintenance	18	63					-	-
Inspection	—	27	—	—			—	—
Total	53	187	18	27			32	28
Combined Total	246	422	108	139			129	141

[FR Doc.77-19137 Filed 6-30-77;1:00 pm]

[Docket No. 74-14; Notice 11 Docket No. 73-8; Notice 07]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 572—ANTHROPOMORPHIC TEST DUMMY

Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends occupant crash protection Standard No. 208 and its accompanying test dummy specification to further specify test procedures and injury criteria. The changes are minor in most respects and reflect comments by manufacturers of test dummies and vehicles and the NHTSA's own test experience with the standard and the test dummy.

DATE: Effective date July 5, 1978.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Guy Hunter, Motor Vehicle Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, (202-426-2265).

SUPPLEMENTARY INFORMATION: Standard No. 208, Occupant Crash Protection (49 CFR 571.208), is a Department of Transportation safety standard that requires manufacturers to provide a means of restraint in new motor vehicles to keep occupants from impacting the vehicle interior in the event a crash occurs. The standard has, since January 1968, required the provision of seat belt assemblies at each seating position in passenger cars. In January 1972 the requirements for seat belts were upgraded and options were added to permit the provision of restraint that is "active" (requiring some action be taken by the vehicle occupant, as in the case of seat belts) or "passive" (providing protection without action being taken by the occupant).

In a separate notice issued today (42 FR 34289; FR Reg. 77-19137), the Secretary of Transportation has reached a decision regarding the future occupant crash protection that must be installed in passenger cars. The implementation of that decision will involve the testing of passive restraint systems in accordance with the test procedures of Standard No. 208, and this notice is intended to make final several modifications of that procedure which have been proposed for change by the NHTSA. This notice also responds to two petitions for reconsideration of rulemaking involving the test dummy that is used to evaluate the compliance of passive restraints systems.

Docket 74-14; Notice 05

Notice 5 was issued July 15, 1976 (41 FR 29715; July 19, 1976) and proposed that Standard No. 208's existing specification for passive protection in frontal, lateral, and rollover modes (S4.1.2.1) be modified to specify passive protection in the frontal mode only, with an option to provide passive protection or belt protection in the lateral and rollover crash modes. Volkswagen had raised the question of the feasibility of small cars meeting the standard's lateral impact requirements: A 20-mph impact by a 4,000-pound, 60-inch-high flat surface. The agency noted the particular vulnerability of small cars to side impact and the need to provide protection for them based on the weight of other vehicles on the highway, but agreed that it would be difficult to provide passive lateral protection in the near future. Design problems also underlay the proposal to provide a belt option in place of the existing passive rollover requirement.

Ford Motor Company argued that a lateral option would be inappropriate in Standard No. 208 as long as the present dummy is used for measurement of passive system performance. This question of dummy use as a measuring device is treated later in this notice. General Motors Corporation (GM) supported the option without qualification, noting that the installation of a lap belt with a passive system "would provide comparable protection to lap/shoulder belts in side and rollover impacts." Chrysler did not object to the option, but noted that the lap belt option made the title of S4.1.2.1 ("complete passive protection") misleading. Volkswagen noted that its testing of belt systems without the lap belt portion showed little loss in efficacy in rollover crashes. No other comments on this proposal were received. The existing option S4.1.2.1 is therefore adopted

as proposed so that manufacturers will be able to immediately undertake experimental work on passive restraints on an optional basis in conformity with the Secretary's decision.

There were no objections to the agency's proposal to permit either a Type 1 or Type 2 seat belt assembly to meet the requirements, and thus it is made final as proposed.

The NHTSA proposed two changes in the injury criteria of S6 that are used as measures of a restraint system's qualification to Standard No. 208. One change proposed an increase in permissible femur force limits from 1,700 pounds to 2,250 pounds. As clarification that tension loads are not included in measurement of these forces, the agency also proposed that the word "compressive" be added to the text of S6.4. Most commenters were cautionary about the changes, pointing out that susceptibility to fracture is time dependent, that acetabular injury could be exacerbated by increased forces, and that angular applications of force were as likely in the real world as axial forces and would more likely fracture the femur.

The agency is aware of and took into account these considerations in proposing the somewhat higher femur force limit. The agency started with the actual field experience of occupants of GM and Volkswagen vehicles that have been shown to produce femur force readings of about 1,700 pounds. Occupants of these vehicles involved in crashes have not shown a significant incidence of femur fracture. The implication from this experience that the 1,700-pound figure can safely be raised somewhat is supported in work by Patrick on compressive femur forces of relatively long duration. The Patrick data (taken with aged embalmed cadavers) indicate that the average fracture load of the patella-femur-pelvis complex is 1,910 pounds. This average is considered conservative, in that cadaver bone structure is generally weaker than living human tissue. While these data did not address angular force applications, the experience of the GM and Volkswagen vehicle occupants does suggest that angular force application can go higher than 1,700 pounds.

The agency does not agree that the establishment of the somewhat higher outer limit for permissible femur force loads of 2,250 pounds is arbitrary. What is often ignored by the medical community and others in commenting on the injury criteria found in motor vehicle safety standards is that manufacturers must design their restraint systems to provide greater protection than the criteria specified, to be certain that each of their products will pass compliance tests conducted by the NHTSA. It is a fact of industrial production that the actual performance of some units will fall below nominal design standards (for quality control and other reasons). Volkswagen made precisely this point in its comments. Because the National Traffic and Motor Vehicle Safety Act states that each vehicle must comply (15 U.S.C. 1392(a)(1)(a)), manufacturers routinely design in a "compliance margin" of superior performance. Thus, it is extremely unlikely that a restraint system designed to meet the femur force load criterion of 2,250 pounds will in fact be designed to provide only that level of performance. With these considerations in mind, the agency makes final the changes as proposed.

While not proposed for change, vehicle manufacturers commented on a second injury criterion of the standard: A limitation of the acceleration experienced by the dummy thorax during the barrier crash to 60g, except for intervals whose cumulative duration is not more than 3 milliseconds (ms). Until August 31, 1977, the agency has specified the Society of Automotive Engineers (SAE) "severity index" as a substitute for the 60g-3ms limit, because of greater familiarity of the industry with that criterion.

General Motors recommended that the severity index be continued as the chest injury criterion until a basis for using chest deflection is developed in place of chest acceleration. GM cited data which indicate that chest injury from certain types of blunt frontal impact is a statistically significant function of chest deflection in humans, while not a function of impact force or spinal acceleration. GM suggested that a shift from the temporary severity index measure to the 60g–3ms measurement would be wasteful, because there is no "strong indication" that the 60g–3ms measurement is more meaningful than the severity index, and some restraint systems might have to be redesigned to comply with the new requirement.

Unlike GM, Chrysler argued against the use of acceleration criteria of either type for the chest, and rather advocated that the standard be delayed until a dummy chest with better deflection characteristics is developed.

The Severity Index Criterion allows higher loadings and therefore increases the possibility of adverse effects on the chest. It only indirectly limits the accelerations and hence the forces which can be applied to the thorax. Acceleration in a specific impact environment is considered to be a better predictor of injury than the Severity Index.

NHTSA only allowed belt systems to meet the Severity Index Criterion of 1,000 instead of the 60g–3ms criterion out of consideration for leadtime problems, not because the Severity Index Criterion was considered superior. It is recognized that restraint systems such as lap-shoulder belts apply more concentrated forces to the thorax than air cushion restraint, and that injury can result at lower forces and acceleration levels. It is noted that the Agency is considering rulemaking to restrict forces that may be applied to the thorax by the shoulder belt of any seat belt assembly (41 FR 54961; December 16, 1976).

With regard to the test procedures and conditions that underlie the requirements of the standard, the agency proposed a temperature range for testing that would be compatible with the temperature sensitivity of the test dummy. The test dummy specification (Part 572, "Anthropomorphic Test Dummy," 49 CFR Part 572) contains calibration tests that are conducted at any temperature between 66° and 78° F. This is because properties of lubricants and nonmetallic parts used in the dummy will change with large temperature changes and will affect the dummy's objectivity as a test instrument. It was proposed that the Standard No. 208 crash tests be conducted within this temperature range to eliminate the potential for variability.

The only manufacturers that objected to the temperature specification were Porsche, Bayerische Motoren Werke (BMW), and American Motors Corporation (AMC). In each case, the manufacturers noted that dynamic testing is conducted outside and that it is unreasonable to limit testing to the few days in the year when the ambient temperature would fall within the specified 12-degree range.

The commenters may misunderstand their certification responsibilities under the National Traffic and Motor Vehicle Safety Act. Section 108(b)(2) limits a manufacturer's responsibility to the exercise of "due care" to assure compliance. The NHTSA has long interpreted this statutory "due care" to mean that the manufacturer is free to test its products in any fashion it chooses, as long as the testing demonstrates that due care was taken to assure that, if tested by NHTSA as set forth in the standard, the product would comply with the standard's requirements. Thus, a manufacturer could conduct testing on a day with temperatures other than those specified, as long as it could demonstrate through engineering calculations or otherwise, that the difference in test temperatures did not invalidate the test results. Alternatively, a manufacturer might choose to perform its preparation of the vehicle in a temporarily erected structure (such as a tent) that maintains a temperature within the specified range, so that only a short exposure during acceleration to the barrier would occur in a higher or lower temperature. To assist any such arrangements, the test temperature condition has been limited to require a stabilized temperature of the test dummy only, just prior to the vehicle's travel toward the barrier.

In response to an earlier suggestion from GM, the agency proposed further specificity in the clothing worn by the dummy during the crash test. The only comment was filed by GM, which argued that any shoe specification other than weight would be unrelated to dummy performance and therefore should not be included in the specification. The agency disagrees, and notes that the size and shape of the heel on the shoe can affect the placement of the dummy limb within the vehicle. For this reason, the clothing specifications are made final as proposed, except that the requirement for a conforming "configuration" has been deleted.

Renault and Peugeot asked for confirmation that pyrotechnic pretensioners for belt retractors are not prohibited by

the standard. The standard's requirements do not specify the design by which to provide the specified protection, and the agency is not aware of any aspect of the standard that would prohibit the use of pretensioning devices, as long as the three performance elements are met.

With regard to the test dummy used in the standard, the agency proposed two modifications of Standard No. 208: A more detailed positioning procedure for placement of the dummy in the vehicle prior to the test, and a new requirement that the dummy remain in calibration without adjustment following the barrier crash. Comments were received on both aspects of the proposal.

The dummy positioning was proposed to eliminate variation in the conduct of repeatable tests, particularly among vehicles of different sizes. The most important proposed modification was the use of only two dummies in any test of front seat restraints, whether or not the system is designed for three designated seating positions. The proposal was intended to eliminate the problem associated with placement of three 50th-percentile male dummies side-by-side in a smaller vehicle. In bench seating with three positions, the system would have to comply with a dummy at the driver's position and at either of the other two designated seating positions.

GM supported this change, but noted that twice as many tests of 3-position bench-seat vehicles would be required as before. The company suggested using a simulated vehicle crash as a means to test the passive restraint at the center seat position. The agency considers this approach unrepresentative of the actual crash pulse and vehicle kinematic response (e.g., pitching, yawing) that occur during an impact. To the degree that GM can adopt such an approach in the exercise of "due care" to demonstrate that the center seating position actually complies, the statute does not prohibit such a certification approach.

Ford objected that the dummy at the center seat position would be placed about 4 inches to the right of the center of the designated seating position in order to avoid interference with the dummy at the driver's position. While the NHTSA agrees that a small amount of displacement is inevitable in smaller vehicles, it may well occur in the real world also. Further, the physical dimensions of the dummy preclude any other positioning. With a dummy at the driver's position, a dummy at the center position cannot physically be placed in the middle of the seat in all cases. In view of these realities, the agency makes final this aspect of the dummy positioning as proposed.

GM suggested the modification of other standards to adopt "2-dummy" positioning. The compatibility among dynamic tests is regularly reviewed by the NHTSA and will be again following this rulemaking action. For the moment, however, only those actions which were proposed will be acted on.

As a general matter with regard to dummy positioning, General Motors found the new specifications acceptable with a few changes. GM cautioned that the procedure might not be sufficiently reproducible between laboratories, and Chrysler found greater variation in positioning with the new procedures than with Chrysler's own procedures. The agency's use of the procedure in 15 different vehicle models has shown consistently repeatable results, as long as a reasonable amount of care is taken to avoid the effect of random inputs (see "Repeatability of Set up and Stability of Anthropometric Landmarks and Their Influence on Impact Response of Automotive Crash Test Dummies." Society of Automotive Engineers, Technical Paper No. 770260, 1977). The agency concludes that, with the minor improvements cited below, the positioning procedure should be made final as proposed.

The dummy is placed at a seating position so that its midsagittal plane is vertical and longitudinal. Volkswagen argued against use of the midsagittal plane as a reference for dummy placement, considering it difficult to define as a practical matter during placement. The agency has used plane markers and plane lines to define the midsagittal plane and has experienced no significant difficulty in placement of the dummy with these techniques. For this reason, and because Volkswagen suggested no simpler orientation technique, the agency adopts use of the midsagittal plane as proposed.

Correct spacing of the dummy's legs at the driver position created the largest source of objections by commenters. Ford expressed concern that an inward-pointing left knee could result in unrealistically high femur loads because of femur-to-steering column impacts. GM asked that an additional 0.6 inch of space be specified between the dummy legs to allow for installation of a divice to measure steering column displacement. Volkswagen considered specification of the left knee bolt location to be redundant in light of the positioning specification for the right knee and the overall distance specification between the knees of 14.5 inches.

The commenters may not have understood that the 14.5- and 5.9-inch dimensions are only initial positions, as specified in S8.1.11.1.1. The later specification to raise the femur and tibia centerlines "as close as possible to vertical" without contacting the vehicle shifts the knees from their initial spacing to a point just to the left and right of the steering column.

As for GM's concern about instrumentation, the agency does not intend to modify this positioning procedure to accommodate instrumentation preferences not required for the standard's purposes. GM may, of course, make test modifications so long as it assures, in the exercise of due care, that its vehicles will comply when tested in accordance with the specification by the agency.

In the case of a vehicle which is equipped with a front bench seat, the driver dummy is placed on the bench so that its midsagittal plane intersects the center point of the plane described by the steering wheel rim. BMW pointed out that the center plane of the driver's seating position may not coincide with the steering wheel center and that dummy placement would therefore be unrealistic. Ford believed that the specification of the steering wheel reference point could be more precisely specified.

The agency believes that BMW may be describing offset of the driver's seat from the steering wheel in bucket-seat vehicles. In the case of bench-seat vehicles, there appears to be no reason not to place the dummy directly behind the steering wheel. As for the Ford suggestion, the agency concludes that Ford is describing the same point as the proposal did, assuming, as the agency does, that the axis of the steering column passes through the center point described. The Ford description does have the effect of moving the point a slight distance laterally, because the steering wheel rim upper surface is somewhat higher than the plane of the rim itself. This small distance is not relevant to the positioning being specified and therefore is not adopted.

In the case of center-position dummy placement in a vehicle with a drive line tunnel, Ford requested further specification of left and right foot placement. The agency has added further specification to make explicit what was implicit in the specifications proposed.

Volkswagen suggested that the NHTSA had failed to specify knee spacing for the passenger side dummy placement. In actuality, the specification in S8.1.11.1.2 that the femur and tibia centerlines fall in a vertical longitudinal plane has the effect of dictating the distance between the passenger dummy knees.

The second major source of comments concerned the dummy settling procedure that assures uniformity of placement on the seat cushion and against the seat back. Manufacturers pointed out that lifting the dummy within the vehicle, particularly in small vehicles and those with no rear seat space, cannot be accomplished easily. While the NHTSA recognizes that the procedure is not simple, it is desirable to improve the uniformity of dummy response and it has been accomplished by the NHTSA in several small cars (e.g., Volkswagen Rabbit, Honda Civic, Fiat Spider, DOT HS-801-754). Therefore, the requests of GM and Volkswagen to retain the method that does not involve lifting has been denied. In response to Renault's question, the dummy can be lifted manually by a strap routed beneath the buttocks. Also, Volkswagen's request for more variability in the application of rearward force is denied because, while difficult to achieve, it is desirable to maintain uniformity in dummy placement. In response to the requests of several manufacturers, the location of the 9-square-inch push plate has been raised 1.5 inches, to facilitate its application to all vehicles.

Volkswagen asked with regard to S10.2.2 for a clarification of what constitutes the "lumbar spine" for purposes of

dummy flexing. This refers to the point on the dummy rear surface at the level of the top of the dummy's rubber spine element.

BMW asked the agency to reconsider the placement of the driver dummy's thumbs over the steering wheel rim because of the possibility of damage to them. The company asked for an option in placing the hands. The purpose of the specification in dummy positioning, however, is to remove discretion from the test personnel, so that all tests are run in the same fashion. An option under these circumstances is therefore not appropriate.

Ultrasystems, Inc., pointed out two minor errors in S10.3 that are hereby corrected. The upper arm and lower arm centerlines are oriented as nearly as possible in a vertical plane (rather than straight up in the vertical), and the little finger of the passenger is placed "barely in contact" with the seat rather than "tangent" to it.

Two corrections are made to the dummy positioning procedure to correct obvious and unintended conflicts between placement of the dummy thighs on the seat cushion and placement of the right leg and foot on the acceleration pedal.

In addition to the positioning proposed, General Motors suggested that positioning of the dummy's head in the fore-and-aft axis would be beneficial. The agency agrees and has added such a specification at the end of the dummy settling procedure.

In a matter separate from the positioning procedure, General Motors, Ford, and Renault requested deletion of the proposed requirement that the dummy maintain proper calibration following a crash test without adjustment. Such a procedure is routine in test protocols and the agency considered it to be a beneficial addition to the standard to further demonstrate the credibility of the dummy test results. GM, however, has pointed out that the limb joint adjustments for the crash test and for the calibration of the lumbar bending test are different, and that it would be unfair to expect continued calibration without adjustment of these joints. The NHTSA accepts this objection and, until a means for surmounting this difficulty is perfected, the proposed change to S8.1.8 is withdrawn.

In another matter unrelated to dummy positioning, Volkswagen agrued that active belt systems should be subject to the same requirements as passive belt systems, to reduce the cost differential between the compliance tests of the two systems. As earlier noted the NHTSA has issued an advance Notice of Proposed Rulemaking (41 FR 54961, December 16, 1976) on this subject and will consider Volkswagen's suggestion in the context of that rulemaking.

Finally, the agency proposed the same belt warning requirements for belts provided with passive restraints as are presently required for active belts. No objections to the requirement were received and the requirement is made final as proposed. The agency also takes the opportunity to delete from the standard the out-of-date belt warning requirements contained in S7.3 of the standard.

Reconsideration of Docket 73-8; Notice 04

The NHTSA has received two petitions for reconsideration of recent amendments in its test dummy calibration test procedures and design specifications (Part 572, "Anthropomorphic Test Dummy," 49 CFR Part 572). Part 572 establishes, by means of approximately 250 drawings and five calibration tests, the exact specifications of the test device referred to earlier in this notice that simulates the occupant of a motor vehicle for crash testing purposes.

Apart from requests for a technical change of the lumbar flexion force specifications, the petitions from General Motors and Ford contained a repetition of objections made earlier in the rulemaking about the adequacy of the dummy as an objective measuring device. Three issues were raised: Lateral response characteristics of the dummy, failure of the dummy to meet the five subassembly calibration limits, and the need for a "whole systems" calibration of the assembled dummy. Following receipt of these comments, the agency published notification in the Federal Register that it would entertain any other comments on the issue of objectivity (42 FR 28200; June 2, 1977). General comments were received from Chrysler Corporation and American Motors, repeating their positions from earlier comments that the dummy does not qualify as objective.

The objectivity of the dummy is at issue because it is the measuring device that registers the acceleration and force readings specified by Standard No. 208 during a 30-mph impact of the tested vehicle into a fixed barrier. The resulting readings for each vehicle tested must remain below a certain level to constitute compliance. Certification of compliance by the vehicle manufacturer is accomplished by crash testing representative vehicles with the dummy installed. Verification of compliance by the NHTSA is accomplished by crash testing one or more of the same model vehicle, also with a test dummy installed. It is important that readings taken by different dummies, or by the same dummy repeatedly, accurately reflect the forces and accelerations that are being experienced by the vehicle during the barrier crash. This does not imply that the readings produced in tests of two vehicles of the same design must be identical. In the real world, in fact, literally identical vehicles, crash circumstances, and test dummies are not physically attainable.

It is apparent from this discussion that an accurate reflection of the forces and accelerations experienced in nominally identical vehicles does not depend on the specification of the test dummy alone. For example, identically specified and responsive dummies would not provide identical readings unless reasonable care is exercised in the preparation and placement of the dummy. Such care is analogous to that exercised in positioning a ruler to assure that it is at the exact point where a measurement is to commence. No one would blame a ruler for a bad measurement if it were carelessly placed in the wrong position.

It is equally apparent that the forces and accelerations experienced in nominally identical vehicles will only be identical by the greatest of coincidence. The small differences in body structure, even of mass-produced vehicles, will affect the crash pulse. The particular deployment speed and shape of the cushion portion of an inflatable restraint system will also affect results.

All of these factors would affect the accelerations and forces experienced by a human occupant of a vehicle certified to comply with the occupant restraint standard. Thus, achievement of identical conditions is not only impossible (due to the inherent differences between tested vehicles and underlying conditions) but would be unwise. Literally identical tests would encourage the design of safety devices that would not adequately serve the variety of circumstances encountered in actual crash exposure.

At the same time, the safety standards must be "stated in objective terms" so that the manufacturer knows how its product will be tested and under what circumstances it will have to comply. A complete lack of dummy positioning procedures would allow placement of the dummy in any posture and would make certification of compliance virtually impossible. A balancing is provided in the test procedures between the need for realism and the need for objectivity.

The test dummy also represents a balancing between realism (biofidelity) and objectivity (repeatability). One-piece cast metal dummies could be placed in the seating positions and instrumented to register crash forces. One could argue that these dummies did not act at all like a human and did not measure what would happen to a human, but a lack of repeatability could not be ascribed to them. At the other end of the spectrum, an extremely complex and realistic surrogate could be substituted for the existing Part 572 dummy, which would act realistically but differently each time, as one might expect different humans to do.

The existing Part 572 dummy represents 5 years of effort to provide a measuring instrument that is sufficiently realistic and repeatable to serve the purposes of the crash standard. Like any measuring instrument, it has to be used with care. As in the case of any complex instrumentation, particular care must be exercised in its proper use, and there is little expectation of literally identical readings.

The dummy is articulated, and built of materials that permit it to react dynamically, similarly to a human. It is the dynamic reactions of the dummy that introduce the complexity that makes a check on repeatability desirable and necessary. The agency therefore devised five calibration procedures as standards for the evaluation of the im-

portant dynamic dummy response characteristics.

Since the specifications and calibration procedures were established in August 1973, a substantial amount of manufacturing and test experience has been gained in the Part 572 dummy. The quality of the dummy as manufactured by the three available domestic commercial sources has improved to the point where it is the agency's judgment that the device is as repeatable and reproducible as instrumentation of such complexity can be. As noted, GM and Ford disagree and raised three issues with regard to dummy objectivity in their petitions for reconsideration.

Lateral response characteristics. Recent sled tests of the Part 572 dummy in lateral impacts show a high level of repeatability from test to test and reproducibility from one dummy to another ("Evaluation of Part 572 Dummies in Side Impacts"—DOT-HS-020858). Further modification of the lateral and rollover passive restraint requirements into an option that can be met by installation of a lap belt makes the lateral response characteristics of the dummy largely academic. As noted in Notice 4 of Docket 73-8 (42 FR 7148; February 7, 1977), "Any manufacturer that is concerned with the objectivity of the dummy in such (lateral) impacts would provide lap belts at the front seating positions in lieu of conducting the lateral or rollover tests."

While the frontal crash test can be conducted at any angle up to 30 degrees from perpendicular to the barrier face, it is the agency's finding that the lateral forces acting on the test instrument are secondary to forces in the midsagittal plane and do not operate as a constraint on vehicle and restraint design. Compliance tests conducted by NHTSA to date in the 30-degree oblique impact condition have consistently generated similar dummy readings. In addition, they are considerably lower than in perpendicular barrier impact tests, which renders them less critical for compliance certification purposes.

Repeatability of dummy calibration. Ford questioned the dummy's repeatability, based on its analysis of "round-robin" testing conducted in 1973 for Ford at three different test laboratories (Ford Report No. ESRO S-76-3 (1976)) and on analysis of NHTSA calibration testing of seven test dummies in 1974 (DOT-HS-801861).

In its petition for reconsideration, Ford equated dummy objectivity with repeatability of the calibration test results and concluded "it is impracticable to attempt to meet the Part 572 component calibration requirements with test dummies constructed according to the Part 572 drawing specification."

The Ford analysis of NHTSA's seven dummies showed only 56 of 100 instances in which all of the dummy calibrations satisfied the criteria. The NHTSA's attempts to reproduce the Ford calculations to reach this conclusion were unsuccessful, even after including the HO3 dummy with its obviously defective neck. This neck failed badly 11 times in a row, and yet Ford apparently used these tests in its estimate of 56 percent compliance. This is the equivalent of concluding that the specification for a stop watch is inadequate because of repeated failure in a stop watch with an obviously defective part. In this case, the calibration procedure was doing precisely its job in identifying the defective part by demonstrating that it did not in fact meet the specification.

The significance of the "learning curve" for quality control in dummy manufacture is best understood by comparison of three sets of dummy calibration results in chronological order. Ford in earlier comments relied on its own "round-robin" crash testing, involving nine test dummies. Ford stated that none of the nine dummies could pass all of the component calibration requirements. What the NHTSA learned through follow-up questions to Ford was that three of the nine dummies were not built originally as Part 572 dummies, and that the other six were not fully certified by their manufacturers as qualifying as Part 572 dummies. In addition, Ford instructed its contractors to use the dummies as provided whether or not they met the Part 572 specifications.

In contrast, recent NHTSA testing conducted by Calspan (DOT-HS-6-01514, May and June 1977 progress reports) and the results of tests conducted by GM (USG 1502, Docket 73-8, GR 64) demonstrate good repeatability and reproducibility of dummies. In the Calspan testing a total of 152 calibration tests were completed on four dummies from two manufacturers. The results for all five calibration tests were observed to be within the specified performance criteria of Part 572. The agency concludes that the learning curve in the manufacturing process has reached the point where repeatability and reproducibility of the dummy has been fully demonstrated.

Interestingly, Ford's own analysis of its round-robin testing concludes that variations among the nine dummies were not significant to the test results. At the same time, the overall acceleration and force readings did vary substantially. Ford argued that this showed unacceptable variability of the test as a whole, because they had used "identical" vehicles for crash testing. Ford attributed the variations in results to "chance factors," listing as factors placement of the dummy, postural changes during the ride to the barrier, speed variations, uncertainty as to just what part of the instrument panel or other structure would be impact loaded, instrumentation, and any variations in the dynamics of air bag deployment from one vehicle to another.

The agency does not consider these to be uncontrolled factors since they can be greatly reduced by carefully controlling test procedures. In addition, they are not considered to be unacceptable "chance factors" that should be eliminated from the test. The most important advantage of the barrier impact test is that it simulates with some realism what can be experienced by a human occupant, while at the same time limiting variation to achieve repeatability. As discussed, nominally identical vehicles are not in fact identical, the dynamics of deployment will vary from vehicle to vehicle, and humans will adopt a large number of different seated positions in the real world. The 30-mph barrier impact requires the manufacturer to take these vairables into account by providing adequate protection for more than an overly structured test situation. At the same time, dummy positioning is specified in adequate detail so that the manufacturer knows how the NHTSA will set up a vehicle prior to conducting compliance test checks.

"Whole systems" calibration. Ford and GM both suggested a "whole systems" calibration of the dummy as a necessary additional check on dummy repeatability. The agency has denied these requests previously, because the demonstrated repeatability and reproducibility of Part 572 dummies based on current specification is adequate. The use of whole systems calibration tests as suggested would be extremely expensive and would unnecessarily complicate compliance testing.

It is instructive that neither General Motors nor Ford has been specific about the calibration tests they have in mind. Because of the variables inherent in a high energy barrier crash test at 30 mph, the agency judges that any calibration readings taken on the dummy would be overwhelmed by the other inputs acting on the dummy in this test environment. The Ford conclusion from its round-robin testing agrees that dummy variability is a relatively insignificant factor in the total variability experienced in this type of test.

GM was most specific about its concern for repeatability testing of the whole dummy in its comments in response to Docket 74-14; Notice 01:

> Dummy whole body response requirements are considered necessary to assure that a dummy, assemb'ed from certified components, has acceptable response as a completed structure. Interactions between coupled components and subsystems must not be assumed acceptable simply because the components themselves have been certified. Variations in coupling my lead to significant variation in dummy response.

There is a far simpler, more controlled means to assure oneself of correct coupling of components than by means of a "whole systems" calibration. If, for example, a laboratory wishes to assure itself that the coupling of the dummy neck structure is properly accomplished, a simple statically applied input may be made to the neck prior to coupling to obtain a sample reading, and then the same simple statically applied input may be repeated after the coupling has been completed. This is a commonly accepted means to assure that "bolting together" the pieces is properly accomplished.

Lumbar spine flexion. The flexibility of the dummy spine is specified by means of a calibration procedure that involves

bending the spine through a forward arc, with specified resistance to the bending being registered at specified angles of the bending arc. The dummy's ability to flex is partially controlled by the characteristics of the abdominal insert. In Notice 04, the agency increased the level of resistance that must be registered, in conjunction with a decision not to specify a sealed abdominal sac as had been proposed. Either of these dummy characteristics could affect the lumbar spine flexion performance.

Because of the agency's incomplete explanation for its actions, Ford and General Motors petitioned for reconsideration of the decision to take one action without the other. Both companies suggested that the specification of resistance levels be returned to that which had existed previously. The agency was not clear that it intended to go forward with the stiffer spine flexion performance, quite apart from the decision to not specify an abdomen sealing specification. The purpose for the "stiffer" spine is to attain more consistent torso return angle and to assure better dummy stability during vehicle acceleration to impact speed.

To assure itself of the wisdom of this course of action, the agency has performed dummy calibration tests demonstrating that the amended spine flexion and abdominal force deflection characteristics can be consistently achieved with both vented and unvented abdominal inserts (DOT HS-020875 (1977)).

Based on the considered analysis and review set forth above, the NHTSA denies the petitions of General Motors and Ford Motor Company for further modification of the test dummy specification and calibration procedures for reasons of test dummy objectivity.

In consideration of the foregoing, Standard No. 208 (49 CFR 571.208) is amended as proposed with changes set forth below, and Part 572 (49 CFR Part 572) is amended by the addition of a new sentence at the end of § 572.5, *General Description*, that states: "A specimen of the dummy is available for surface measurements, and access can be arranged through: Office of Crashworthiness, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590."

In accordance with Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200; April 16, 1976), the Department has evaluated the economic and other consequences of this amendment on the public and private sectors. The modifications of an existing option, the simplification and clarification of test procedures, and the increase in femur force loads are all judged to be actions that simplify testing and make it less expensive. It is anticipated that the "two dummy" positioning procedure may occasion additional testing expense in some larger vehicles, but not the level of expense that would have general economic effects.

The effective date for the changes has been established as one year from the date of publication to permit Volkswagen, the only manufacturer presently certifying compliance of vehicles using these test procedures, sufficient time to evaluate the effect of the changes on the compliance of its products.

The program official and lawyer principally responsible for the development of this amendment are Guy Hunter and Tad Herlihy, respectively.

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

Issued on June 30, 1977.

JOAN CLAYBROOK,
Administrator.

1. Section S4.1.2.1 is amended to read:

S4.1.2.1 *First Option—complete passive protection system.* The vehicle shall:

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each rear designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2; and

(c) Either: (1) Meet the lateral crash protection requirements of S5.2 and the rollover crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 through S7.3, and that meets the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant.

2. S5.1 is amended to read:

S5.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S8, with anthropomorphic test devices at each designated seating position described in (a) or (b) for which a barrier crash test is required under S4., it shall meet the injury criteria of S6. An anthropomorphic test device shall be placed—

(a) In the case of a vehicle equipped with front bucket seats, at each front designated seating position; and

(b) In the case of a vehicle equipped with a front bench seat, at the driver's designated seating position and at any other one front designated seating position.

3. S5.2 is amended to read:

S5.2 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph, with a test device at the front outbroad designated seating position adjacent to the impacted side, under the applicable conditions of S8., it shall meet the injury criteria of S6.2 and S6.3.

4. S5.3 is amended to read:

S5.3 *Rollover.* When the vehicle is subjected to a rollover test in either lateral direction at 30 mph with a test device in the front outboard designated seating position on its lower side as mounted on the test platform, under the applicable conditions of S8, it shall meet the injury criteria of S6.1.

5. S6.4 is amended to read:

S6.4 The compressive force transmitted axially through each upper leg shall not exceed 2,250 pounds.

6. Section S7.3 is deleted and section S7.3a is redesignated "S7.3 *Seat belt warning system.*"

7. S8.1.2 is amended by the addition of a new sentence that reads:

If an adjustment position does not exist midway between the forwardmost and rearmost positions, the closest adjustment position to the rear of the midpoint is used.

8. S8.1.3 is amended by the addition to two sentences that read:

If a nominal position is not specified, the seat back is positioned so that the accelerometer surface in the dummy head, as positioned in the vehicle, is horizontal. If the vehicle is equipped with adjustable head restraints, each is adjusted to its highest adjustment position.

9. S8.1.9 is amended to read:

S8.1.9 Each test dummy is clothed in formfitting cotton stretch garments with short sleeves and midcalf length pants. Each foot of the dummy is equipped with a size 11EE shoe which meets the configuration, size, sole, and heel thickness specifications of MIL-S-13192 and weighs 1.25±0.2 pounds.

10. S8.1.11 through S8.1.15 are replaced by a new S8.1.11 through S8.1.13 to read:

S8.1.11 *Dummy placement in vehicle.* Anthropomorphic test dummies are placed in the vehicle in accordance with S8.1.11.1 and S8.1.11.2, and except as otherwise specified, the dummies are not restrained during an impact by any means that require occupant action.

S8.1.11.1 *Vehicle equipped with front bucket seats.* In the case of a vehicle equipped with front bucket seats, dummies are placed at the front outboard designated seating positions with the test device torso against the seat back, and the thighs against the seat cushion to the extent permitted by placement of the dummy's feet in accordance with the appropriate paragraph of S8.1.11. The dummy is centered on the seat cushion of the bucket seat and its midsagittal plane is vertical and longitudinal.

S. 8.1.11.1.1 *Driver position placement.* At the driver's position, the knees of the dummy are initially set 14.5 inches apart, measured between the outer surfaces of the knee pivot bolt heads, with the left outer surface 5.9 inches from the midsagittal plane of the dummy. The right foot of the dummy rests on the undepressed accelerator pedal with the rearmost point of the heel on the floor-

pan in the plane of the pedal. If the foot cannot be placed on the accelerator pedal, it is set perpendicular to the tibia and placed as far forward as possible in the direction of the geometric center of the pedal with the rearmost point of the heel resting on the floorpan. The plane defined by the femur and tibia centerlines of the right leg is as close as possible to vertical without inducing torso movement and except as prevented by contact with a vehicle surface. The left foot is placed on the toeboard with the rearmost point of the heel resting on the floorpan as close as possible to the point of intersection of the planes described by the toeboard and the floorpan. If the foot cannot be positioned on the toeboard, it is set perpendicular to the tibia and placed as far forward as possible with the heel resting on the floorpan. The femur and tibia centerlines of the left leg fall in a vertical plane except as prevented by contact with a vehicle surface.

S8.1.11.1.2 *Passenger position placement.* At the right front designated seating position, the femur, tibia, and foot centerlines of each of the dummy's legs fall in a vertical longitudinal plane. The feet of the dummy are placed on the toeboard with the rearmost point of the heel resting on the floorpan as close as possible to the point of intersection of the planes described by the toeboard and the floorpan. If the feet cannot be positioned flat on the toeboard they are set perpendicular to the tibia and are placed as far forward as possible with the heels resting on the floorpan.

S8.1.11.2 *Vehicle equipped with bench seating.* In the case of a vehicle which is equipped with a front bench seat, a dummy is placed at the left front outboard designated seating position and at one of the two other resignated seating positions (or at the only other seating position if only one is provided), with the dummy torso against the seat back and the thighs against the seat cushion to the extent permitted by placement of the dummy's feet in accordance with the appropriate paragraph of S8.1.11.1.

S8.1.11.2.1 *Driver position placement.* The dummy is placed at the left front outboard designated seating position so that its midsagittal plane is vertical and longitudinal, and passes through the center point of the plane described by the steering wheel rim. The legs, knees, and feet of the dummy are placed as specified in S8.1.11.1.1.

S8.1.11.2.2 *Center position placement.* If a dummy is placed in the center front designated seating position, it is placed so that its midsagittal plane is vertical and longitudinal, and 19.5 inches to right of the midsagittal plane of the dummy at the driver's position. In the case of a vehicle with a drive line tunnel, the left foot of the dummy is placed flat on the floor so that the centerline of the foot is coincident with the centerline of the vehicle, as far forward as possible without touching any other vehicle component. The left knee is located such that a plane defined by the femur centerline and tibia centerline is as close as possible to the vertical without inducing torso movement. The right foot of the dummy is placed on the toeboard with the rearmost point of the heel resting at the intersection of the toeboard and the floor pan and the left side of the dummy's right shoe sole in contact with the drive line tunnel where it intersects the plane of the floor pan. If the foot cannot be placed on the toeboard it is set perpendicular to the tibia and placed as far forward as possible with the heel resting on the floor pan and the left side of the dummy's right shoe sole in contact with the drive line tunnel where it intersects the plane of the floor pan. The right knee is located such that the plane defined by the femur centerline and the tibia centerline is as close as possible to the vertical without inducing torso displacement or rotation. If the vehicle has no drive line tunnel, leg and foot placement conform to the conditions of S8.1.11.1.2.

S8.1.11.2.3 *Passenger position placement.* The dummy is placed at the right front outboard designated seating position as specified in S8.1.11.1.2, except that the midsagittal plane of the dummy is vertical, longitudinal, and the same distance from the longitudinal centerline as the midsagittal plane of the dummy at the driver's position.

S8.1.12 Instrumentation does not affect the motion of dummies during impact or rollover.

S8.1.1.13 The stabilized temperature of the test instrument specified by S8.1.8 is at any level between 66° F. and 78° F.

11. A new section specifying dummy positioning procedures is added as S10 to read:

S10 *Dummy positioning procedures.* The dummy is positioned on a seat as specified in S10.1 through S10.3 to achieve the conditions of S8.1.11.

S10.1 *Initial dummy placement.* With the dummy at its designated seating position as described in S8.1.11, place the upper arms against the seat back and tangent to the side of the upper torso and the lower arms and palms against the outside of the thighs.

S10.2 *Dummy settling.* With the dummy positioned as specified in S10.1, slowly lift the dummy in the direction parallel to the plane of the seat back until its buttocks no longer contact the seat cushion or until its head contacts the vehicle roof. Using a flat, square, rigid surface with an area of 9 square inches and oriented so that its edges fall in longitudinal or horizontal planes, apply a force of 50 pounds through the center of the rigid surface against the dummy's torso in the horizontal rearward direction along a line that is coincident with the midsagittal plane of the dummy and 5.5 inches above the bottom surface of its buttocks. Slowly remove the lifting force.

S10 2.1 While maintaining the contact of the force application plate with the torso, remove as much force as is necessary from the dummy's torso to allow the dummy to return to the seat cushion by its own weight.

S10.2.2 Without removing the force applied to the lower torso, apply additional force in the horizontal, forward direction, longitudinally against the upper shoulders of the dummy sufficient to flex the torso forward until the dummy's back above the lumbar spine no longer contacts the seatback. Rock the dummy from side to side three times, so that the dummy spine is at any angle from the vertical of not less than 14 degrees and not more than 16 degrees at the extreme of each movement. With the midsagittal plane vertical, push the upper half of the torso back against the seat back with a force of 50 pounds applied in the horizontal rearward direction along a line that is coincident with the midsagittal plane of the dummy and 18 inches above the bottom surface of its buttocks. Slowly remove the horizontal force.

S10.3 *Placement of dummy arms and hands.* With the dummy positioned as specified in S10.2 and without inducing torso movement, place the arms, elbows, and hands of the dummy, as appropriate for each designated seating position in accordance with S10.3.1 or S10.3.2. Following placement of the limbs, remove the force applied against the lower half of the torso.

S10.3.1 *Driver's position.* Move the upper and the lower arms of the dummy at the driver's position to fully outstretched position in the lowest possible orientation. Push each arm rearward, permitting bending at the elbow, until the palm of each hand contacts the outer part of the rim of the steering wheel at its horizontal centerline. Place the dummy's thumbs over the steering wheel rim, positioning the upper and lower arm centerlines as close as possible in a vertical plane without inducing torso movement.

S10.3.2 *Passenger position.* Move the upper and the lower arms of the dummy at the passenger position to fully outstretched position in the lowest possible orientation. Push each arm rearward, permitting bending at the elbow, until the upper arm contacts the seat back and is tangent to the upper part of the side of the torso, the palm contacts the outside of the thigh, and the little finger is barely in contact with the seat cushion.

S10.4 *Head adjustment.* Without inducing torso movement, position the head so that the surface of the transverse instrumentation mounting platform in the head is horizontal and the head midsagittal plane falls in a longitudinal plane.

[FR Doc.77-19138 Filed 6-30-77;1:00 pm]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Game Birds in Puerto Rico and Doves and Pigeons in the Virgin Islands for 1977–78 Season

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks from which wildlife conservation agency officials in Puerto Rico and the Virgin Islands may select season dates for hunting certain migratory birds in Puerto Rico and the Virgin Islands during the 1977–78 season.

DATES: Effective on July 1, 1977. Season selections due from Puerto Rico and the Virgin Islands by July 27, 1977.

ADDRESS: Season selections from Puerto Rico and the Virgin Islands to Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, Department of the Interior, Washington, D.C. 20240, 202–343–8827.

SUPPLEMENTARY INFORMATION: On March 10, 1977, The U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the FEDERAL REGISTER (42 FR 13311) a proposal to amend 50 CFR 20, with a comment period ending May 18, 1977. That document dealt with minor modifications in § 20.11 of Subpart B, the addition of § 20.40 in Subpart D of 50 CFR 20, and with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR 20. On May 25, 1977, the Service published for comment in the FEDERAL REGISTER (42 FR 26669) a second document in the series consisting of a supplemental proposed rulemaking dealing specifically with a number of supplemental or modified proposals and clarification or correction of minor portions of the earlier document but none affecting Puerto Rico and the Virgin Islands. This final rulemaking is the third in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with final frameworks for the 1977–78 season from which wildlife conservation agency officials in Puerto Rico and the Virgin Islands may select season dates for hunting certain doves, scaly-naped pigeons, ducks, coots, gallinules, and snipe in Puerto Rico, and Zenaida doves and scaly-naped pigeons in the Virgin Islands.

A public hearing was held in Washington, D.C., on June 21, 1977, as announced in the FEDERAL REGISTER on May 25, 1977 (42 FR 26709), and proposed hunting regulations for Puerto Rico and the Virgin Islands were discussed. The public was invited to participate in the hearing and/or submit written statements.

COMMENTS ON PROPOSED RULEMAKING

Although interested persons were given until May 18, 1977, to comment on the March 10 proposed rulemaking and to participate in the June 21 public hearing, no specific comments were received on the Service's proposals for migratory game birds in Puerto Rico and the Virgin Islands for the 1977–78 season.

It should be noted that some organizations and individuals have expressed opposition to the one-half hour before sunrise to sunset shooting hours traditionally allowed for migratory game bird hunting and presumably such concern would also apply to shooting hours in Puerto Rico and the Virgin Islands. Suit was brought against Secretary of the Interior Thomas S. Kleppe on August 3, 1976, by Defenders of Wildlife et al. in U.S. District Court, District of Columbia, challenging the shooting hours for the 1976–77 migratory bird hunting seasons. In his decision on March 11, 1977, Judge Gerhard A. Gesell instructed the Service to identify and consider the impact of such hours on protected species during the future rulemaking process. In response to the proposed rulemaking published in the FEDERAL REGISTER on March 10, 1977, in which the continuation of one-half hour before sunrise to sunset shooting hours were proposed for the 1977–78 seasons, a number of adverse comments were received.

Altogether, 36 comments were received, of which 19 favored retention of the proposed hours while 17 opposed the proposed hours. Of the adverse comments, 6 proposed that shooting hours for migratory game birds be extended to one-half hour after sunset. Among other opposing letters was one from Mr. Robert Perkins, Wildlife Preserves, Inc., who urged that shooting hours commence no earlier than sunrise and that they terminate no later than one-half hour before sunset. Dr. John Grandy, writing on behalf of Defenders of Wildlife, Inc., recommended shooting hours no earlier than one-half hour after sunrise to no later than one-half hour before sunset. He believes that such hours are necessary to insure that adequate light would be available during most hunting situations. Opposing comments generally expressed concern about adequacy of light to allow ducks to be identified.

The Service wishes to note that it published additional information on shooting hours in the March 10, 1977, FEDERAL REGISTER. Furthermore, the Service is evaluating additional data regarding shooting hours and their impact on endangered and threatened species. This information will appear in an environmental assessment which will be made available to the public in the near future. The availability of the assessment will be announced in a later FEDERAL REGISTER document. The Director hereby announces his intention to review the shooting hours defined here in the light of information contained in the environmental assessment as soon as it is available, and to make such modifications in the shooting hours as may be considered necessary or desirable for proper management of the resource.

Mourning dove hunting seasons which commence in September have also become a controversial issue. Concern chiefly centers upon hunting seasons which coincide with a period when some dove nesting is still underway. None of the written or oral comments expressed to date have specifically mentioned September mourning dove hunting in Puerto Rico or the Virgin Islands. Inasmuch as mourning dove hunting in September is to be permitted in Puerto Rico under frameworks included in this document, the same concern presumably might exist.

To date, 9 written comments relating specifically to September dove hunting have been received. All opposed the proposal. Among these were letters from The Humane Society of the United States and the Desert Protective Council, Inc. Detailed statements opposing mourning dove hunting in September and early October were submitted at the June 21 Public Hearing by representatives of several national organizations, including Defenders of Wildlife, Committee for Dove Protection, The Humane Society of the United States, Let-Live, Inc., Monitor, and affiliated organizations. These comments will be reported upon in greater detail in the final framework document scheduled for FEDERAL REGISTER publication on July 22.

The Service wishes to note that it published information on September dove hunting in the March 10, 1977, FEDERAL REGISTER. Furthermore, the Service is evaluating additional data on September dove breeding activities and hunting which will appear in an environmental assessment. The availability of this assessment will be announced in the FEDERAL REGISTER. As in the case with shooting hours, the Director will review the season frameworks defined here in the light of information contained in the environmental assessment as soon as it is available and will make such modifications in the season frameworks as may be considered necessary or desirable for proper management of the resource.

ENVIRONMENTAL REVIEW

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

COMPLIANCE WITH SECTION 7 OF THE ENDANGERED SPECIES ACT OF 1973

Section 7 of this act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." and "by taking such action necessary to insure that actions authorized, funded, or carried out * * * do not jeopardize the continued existence of such endangered and threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical." Consequently, the Service reviewed all migratory bird regulations being contemplated this year for Puerto Rico and the

Virgin Islands and concluded that none of the proposals, if implemented, would result in jeopardizing the continued existence of any species designated as endangered or threatened under the act or adversely modify their critical habitats or habitats that may be determined as critical in the future. Likewise, the proposed regulations are not contrary to the Service's obligation to conserve endangered and threatened species. As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Examples of such consideration include closures of designated areas in Puerto Rico for the Puerto Rican plain pigeon (*Columbia inornata wetmorei*) and the Puerto Rican parrot (*Amazona vittata*). The proposed regulations were also evaluated as to possible impacts upon the Puerto Rican whip-poor-will (*Caprimulgus noctitherus*) and the yellow-shouldered blackbird (*Agelaius xanthomus*), both species endemic to Puerto Rico, and several species of North American migrants which occasionally appear in the Caribbean area.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published on March 10, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the governments of Puerto Rico and the Virgin Islands would have insufficient time to select their season dates, shooting hours, and bag limits; to communicate those selections to the Service, and finally to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, the Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–711), prescribes final frameworks, the same as those proposed setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which officials of the Puerto Rico Department of Natural Resources and the Virgin Islands Department of Conservation and Cultural Affairs may select open season dates. Upon receipt of season selections from Puerto Rico and the Virgin Islands officials, the Service will publish in the Federal Register final rulemaking amending 50 CFR 20.101 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1977–78 season.

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1977–78 (All Dates Inclusive)

Doves and Pigeons. An open season of 60 days between September 1, 1977, and January 15, 1978, may be selected for hunting Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limit for doves of the species named herein is 10 singly or in the aggregate.

The daily bag and possession limit for scaly-naped pigeons is 5 singly or in the aggregate.

No open season is prescribed for pigeons on Puerto Rico and Mona Islands in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island.

Special Closure for Protection of the Puerto Rican Parrot

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

Special Closure for Protection of the Plain Pigeon

The hunting of doves and pigeons of any species is prohibited in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the Cidra area in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe. An open season of fifty-five (55) consecutive days between December 1, 1977, and January 31, 1978, may be selected for hunting ducks, coots, common gallinules and common (Wilson's) snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on ruddy ducks (*Oxyura jamaicensis*), and the Bahama pintail (*Anas bahamensis*), which is protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purpole gallinules (*Porphyrula martinica*).

The limits for common (Wilson's) snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

Final Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1977–78 All Dates Inclusive).

Doves and Pigeons. An open season of 60 days between September 1, 1977, and January 15, 1978, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

Local Names for Certain Birds

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

Drafting Information

This final rulemaking was authored by Dr. John P. Rogers, Chief, Office of Migratory Bird Management.

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

Issued in Washington, D.C., June 28, 1977.

Harvey K. Nelson,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77–19067 Filed 7–1–77;8:45 am]

Title 5—Adiministrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Small Business Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C the following positions because they are confidential in nature: One position of Special Assistant to the Administrator, the positions of Confidential Assistant and Special Assistant to the Associate Administrator for Procurement Assistance, and one position of Confidential Assistant to the Assistant Administrator for Congressional and Legislative Affairs.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3332 (y), (z), and (aa) are added as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(y) One Special Assistant to the Administrator.

(z) One Confidential Assistant and one Special Assistant to the Associate Administrator for Procurement Assistance.

(aa) One Confidential Assistant to the Assistant Administrator for Congressional and Legislative Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19229 Filed 7-1-77;11:21 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Political Management and Political Campaigning: Exception of Certain Elections

AGENCY: Civil Service Commission.

ACTION: Final regulation.

SUMMARY: The Civil Service Commission has amended its regulations to include "District of Columbia" in the list of "Other Municipalities" so that Federal and District of Columbia Government employees may take an active part in District of Columbia partisan elections as, or in support of, independent candidates.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Lynn R. Collins, Deputy Assistant General Counsel, Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415 (202-632-7600).

SUPPLEMENTARY INFORMATION: On page 23160 of the FEDERAL REGISTER of May 6, 1977, there was published a notice of proposed amendment to the Civil Service Regulations as set forth above. This proposal was set forth to comply with the ruling of the United States Court of Appeals for the District of Columbia Circuit in *Joel D. Joseph, et al.* v. *United States Civil Service Commission*, No. 75-1647, January 17, 1977. Interested persons were invited to submit comments to the Office of the General Counsel on or before June 6, 1977. Two comments, which were supportive of the proposed amendment, were received. One of these comments, however, expressed the belief that the Commission's limitation of the exemption to political activity by or on behalf of independent candidates only was too limited.

The Commission is of the opinion that this regulation grants or recognizes an exemption or relieves a restriction within the meaning of 5 U.S.C. 533(d)(1) and that, accordingly, the 30 day publication requirement of subsection (d) is not applicable to the regulation. The Commission further finds that there is good cause for making these regulations effective on July 5, 1977, in that: (1) The special election to fill the D.C. Council seat formerly held by Julius Hobson, Sr., is to be held on July 19, 1977, and employees who wish to involve themselves in this election on behalf of independent candidates would be precluded from doing so if the 30 day requirement is followed; (2) The comments received were generally supportive of the Commission's proposed regulation; and (3) the regulation in its final form does not vary from the proposed regulation published in the FEDERAL REGISTER on May 6, 1977.

Accordingly, 5 CFR 733.124 is amended by making the following addition under the heading "Other Municipalities":

§ 733.124 Political management and political campaigning; exception of certain elections.

* * * * *

OTHER MUNICIPALITIES

* * * * *

Crane, Ind. (Aug. 3, 1967), District of Columbia (July 5, 1977) Elmer City, Wash. (Oct. 28, 1947) * * *

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19230 Filed 7-1-77;11:22 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

ONION IMPORTS

Proposed Rule Making

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require imports of onions to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such onions by keeping less desirable qualities and sizes from being imported.

DATE: Comments due July 16, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone 202-447-3545.

SUPPLEMENTARY INFORMATION: Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Section 8e of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless they comply with the grade, size, quality and maturity provisions of such order. The provisions hereinafter set forth comply with those which are proposed to become effective August 1, 1977, under Marketing Order No. 958 for onions grown in certain designated counties in Idaho and Malheur County, Oregon. It is not contemplated that any other marketing order will have concurrent grade, size, quality and maturity provisions in effect regulating onions until the spring of 1978.

The proposed regulation is as follows:

§ 980.116 Onion import regulation.

Except as otherwise provided herein, during the period beginning August 1, 1977, and continuing through April 30, 1978, no person may import any lot of onions, except braided red varieties, unless such onions are inspected, are at least "moderately cured" and meet the other requirements of this section.

(a) *Grade and size requirements.*

(1) *White varieties:* U.S. No. 2, or better grade, 1 inch minimum diameter.

(2) *Red varieties:* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(3) *All other varieties:* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Food Safety and Quality Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.*

(1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e of the act (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice[1]
All Texas points	Leo M. Denbo, P.O. Box 107, San Juan, Tex. 78589, phone 512-787-4091 or 6881.	1 d.
All Arizona points	Charles R. Everette, P.O. Box 1614, Nogales, Ariz. 85621, phone 602-287-2902.	1d.
All California points	T. A. Trombatore, 784 South Central Ave., room 266, Los Angeles, Calif. 90021, phone 213-688-2489.	3 d.
All Hawaii points	Stevenson Ching, P.O. Box 22159, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96822, phone 808-941-3071.	1 d.
All Puerto Rico points	Ronald Nightengale, P.O. Box 9112, Santurce, Puerto Rico 00908, phone 809-783-2230 or 4116.	2 d.
New York City, N.Y.	Carmine J. Cavallo, room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212-991-7669 or 7668.	1 d.
New Orleans, La	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113, phone 504-589-6741-6741 or 6742.	1 d.
Miami, Fla	Bennie C. Tiner, 1350 Northwest 12th Ave., room 530, Miami, Fla. 33136, phone 305-324-6116 or 6117.	1 d.
All other Florida points	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880, phone 813-294-3511, extension 33.	1 d.
All other points	M. A. Castille, Food Safety and Quality Service, Washington, D.C. 20250, phone 202-447-5870.	3 d.

[1] In days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number the truck, and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated, canned or frozen onions, pickling onions in brine, onion sets, green onions or braided red onions. The term "U.S. No. 2," shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety, and variations thereof specified in this section. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. Furthermore, braided red onions are exempt from such requirements. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 28, 1977.

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

[FR Doc.77-18914 Filed 7-1-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 70, 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Performance Oriented Safeguards Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: Based, among other things, on the findings of a joint ERDA–NRC task force, the Nuclear Regulatory Commission is considering extensive amendments to its regulations. These amendments would include performance oriented safeguards requirements for strengthened physical protection for strategic special nuclear material and for certain fuel cycle facilities, associated transportation and other activities involving significant quantities of strategic special nuclear materials.

DATES: Comments must be received on or before August 19, 1977.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. L. J. Evans, Jr., Chief, Requirements Analysis Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4043 or Mr. R. J. Jones, Chief, Material Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–6973.

SUPPLEMENTARY INFORMATION: A joint ERDA–NRC task force was formed on March 17, 1976, to propose a plan of action for improving the control and protection of nuclear materials at NRC licensed fuel cycle facilities. The task force addressed the current status and future direction of physical security protection at NRC licensed fuel cycle facilities now in possession of formula quantities of strategic special nuclear materials.[1] The task force report was issued in July 1976.[2] The Nuclear Regulatory Commission has determined, as a result of the joint task force findings and other subsequent deliberations regarding fuel cycle facilities and special nuclear material transportation, that safeguards at certain existing fuel cycle facilities and for transportation activities should be upgraded through public rulemaking. The Commission, therefore, proposes to amend its regulations in 10 CFR Part 73 that specify physical security requirements for fuel cycle facilities and transportation activities involving formula quantities of strategic special nuclear material. The proposed amendments also would apply to licensed nonpower reactors possessing formula quantities of strategic special nuclear material that did not qualify for exemption under § 73.6(b).

The proposed amendments would include general performance requirements stated in terms of the capabilities necessary to protect against adversaries. The general performance requirements would be the same for both fixed sites and for transportation activities. The performance capabilities describe the functions to be performed by a licensee's safeguards program. Performance capabilities would be different for fixed sites and transportation, reflecting the basic differences inherent in fixed site protection as opposed to the protection of moving vehicles and transfer point installations. Although specifically designed to prevent theft, the new safeguards requirements would also provide increased protection against sabotage.

To prevent, with high assurance, theft of strategic special nuclear material and to protect against radiological sabotage,[3] fixed site safeguards must assure the licensees' capabilities to:

Prevent unauthorized access of persons, material, and vehicles into Material Access Areas and Vital Areas

Permit only authorized activities and conditions within Protected Areas, Vital Areas, and Material Access Areas

Permit only authorized placement and movement of strategic special nuclear material within Material Access Areas

Permit removal of only authorized and confirmed forms and quantities of strategic special nuclear material from Material Access Areas

Provide for authorized access, and assure detection and response to unauthorized penetrations of Protected Areas to prevent theft of strategic special nuclear material and to protect against radiological sabotage

These basic performance capabilities provide for interruptions of the following generic adversary actions which might comprise an attempt to steal strategic special nuclear material from a fixed site or to commit an act of radiological sabotage:

Entry into Protected Areas, Material Access Areas, and Vital Areas

Actions within these areas which might facilitate theft of strategic special nuclear material or commission of an act of radiological sabotage

Removal of strategic special nuclear from Material Access Areas

To prevent, with high assurance, theft of strategic special nuclear material and to protect against radiological sabotage, transportation safeguards must provide the capabilities to:

Restrict access and activity in the vicinity of transports

Prevent the unauthorized access into, or removal of strategic special nuclear material from, transports

These basic performance capabilities provide for interruption of the following generic adversary actions which might comprise an attempt to steal strategic special nuclear material from transports or to commit an act of radiological sabotage:

Approach to the vicinity of transport

Entry to either the transport controls or cargo area

Removal of strategic special nuclear material from the transport

Descriptions of basic safeguards performance capabilities and functions re-

[1] Strategic special nuclear material is uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium. A formula quantity of strategic special nuclear material is 5,000 grams or more computed by the formula, grams=(grams contained U-235)+2.5 (grams U-233+grams Pu).

[2] Joint ERDA–NRC Task Force on Safeguards (u), Final Report, July 1976, NUREG–0095, ERDA 77–34.

[3] Radiological Sabotage is a new term to be used instead of Industrial Sabotage to more clearly indicate that the sabotage of concern is that with radiological consequences.

quired to implement them are set forth in the following proposed amendments to the regulations.

The proposed amendments also would define systems and subsystems for fixed site and transportation physical protection programs. These systems and subsystems are all presently required, but these amendments place them in context of the required capabilities and functions. For both fixed sites and transportation the systems and subsystems are (a) authorization controls, (b) access and removal controls, (c) barriers, (d) detection systems, (e) security organization, (f) response plans, (g) communications, and (h) provisions to insure the continuing effectiveness of the safeguards program.

Individual physical protection programs will require specific measures, which will depend on site-specific or transportation system situations, to meet the performance requirements. Thus, within each of the systems and subsystems the proposed amendments identify elements and components normally included in a physical protection program to achieve the required performance. For example, components normally included in such systems are hardened access control points for protected area perimeters; dual, independent, hardened onsite alarm stations; alarm station interiors not visible from protected area perimeter; duress alarms; armored escort vehicles; specific in-transit storage and transfer requirements; and secure cargo vehicles. In addition, specific requirements are being proposed for testing and maintenance and for system redundancy and diversity.

The particular mix of system specifications included in the proposed regulations were developed on the basis of generic system analyses coupled with licensing and inspection experience with physical protection systems. The state-of-the-art of physical protection technology and the current societal and legal constraints under which such systems must operate also were considered. Nevertheless, site-specific or transport-specific factors may dictate other approaches or modifications of those specified. The intent of the proposed regulation is to provide a generic reference safeguards system that normally would provide the capabilities needed to meet the general performance requirements. At any particular site there may be some subsystems and components not needed or additional ones required to meet the general performance requirements. In the final analysis it is the general performance requirements and performance capabilities that are the basis for providing high assurance of preventing theft of strategic nuclear material and protecting against radiological sabotage.

The external adversary characteristics defined in the proposed regulation are stated so as to differentiate them from those stated in § 73.55. The adversary postulated in the proposed regulation is different from that in § 73.55 with respect to the size of the adversary force. The size of postulated adversary force against which the safeguards performance is to be evaluated has been expressed to indicate that the group is large enough to employ effective team maneuvering tactics, unlike the "several persons" single team postulated as the adversary in § 73.55. The difference in the design basis for required levels of protection at power reactors and fuel cycle facilities reflects the relative differences in the potential consequences of successful sabotage at a reactor and theft of strategic special nuclear material and subsequent detonation of a nuclear explosive device. The consequences of reactor sabotage are generally less severe than detonation of a nuclear explosive device. While these considerations are not amenable to precise quantification they have been reflected in the general performance requirements associated with § 73.55 and the proposed amendments.

Even though the general performance requirements associated with the proposed amendments postulate a larger adversary group, this does not necessarily mean that a larger facility protection force is required to achieve adequate safeguards. In addition to a well-designed defensive system and a well-trained response force, determination of the assurance of successful preveniton of theft or sabotage would depend on analyses of site specific conditions that affect the tactics, maneuverability, and effectiveness of response to the postulated adversary. Numbers of response personnel are an important factor in such response, but of equal and perhaps even more significant would be the use to which such response forces were put. The proposed amendments herein specify only a minimum number of guards and do not specify a nominal number of armed response personnel as is done in § 73.55. The number of armed response personnel can vary markedly at fuel cycle facilities due to the wide variety of site-specific conditions such as plant and process, layout and configurations and site location and configuration. For this reason it was not practical to specify nominal numbers of response personnel. This number may be the minimum of five for some plants and several times higher for others, depending on considerations such as the following, not necessarily in order of importance:

(a) Selection, training, and motivation of response force.

(b) Availability and construction of defensive positions.

(c) Availability and knowledge of weapons and other equipment.

(d) Individual site considerations, including size, topography, weather, and number of plant units or buildings.

(e) Location and reliability of initial detection devices.

(f) Local Law Enforcement Agency response.

(g) Vital and material access area hardening, including plant design, location of and access control to vital areas.

(h) Design and construction of protected area barriers.

(i) Redundancy of security systems.

(j) Initial screening and continuing reliability assessment of personnel.

(k) Security and contingency procedures.

A separate rulemaking proceeding (42 FR 25744) is addressing requirements for planned predetermined decision and action sequences to take effect in case of safeguards contingencies. Response to alarms or contingencies is now required but specific detailed planned response is not. The proposed amendments that follow refer to safeguards contingency plans and show the interrelationship of the proposed amendments to the contingency plan criteria published for public comment. Also as a matter of separate rulemaking (42 FR 14880) the Commission is considering a program to require personnel security clearances for individuals who would have access to or control over special nuclear material.

The proposed amendments would be implemented by a revision to the scope of Part 73 to include the performance capability approach; revision of § 73.2 to change or add definitions appropriate to the proposed new requirements; complete revision and redesignation of §§ 73.30 through 73.36 and §§ 73.50 and 73.60 to include the performance capabilities approach for both fixed sites and transportation. The revision and redesignation would be accomplished by adding new sections encompassing the revisions and additions but retaining the old sections and designations until the new sections become effective. The system specifications included in § 73.26 for transportation physical protection systems are based on comments received on the transportation protection requirements proposed for comment on November 13, 1974 (39 FR 40036) and subsequent considerations.

The implementation of the improved safeguards can occur in two phases. The first phase or "interim upgrade" will require that licensees submit modified physical security plans for increasing their physical protection against theft and radiological sabotage. Interim measures will increase protection against theft and radiological sabotage by an external attack involving stealth, force, or deceptive action by a small group possibly with inside assistance and by acts of an insider. In the second phase or "longer-term upgrade" licensees will submit modified plans describing added physical security and material control measures they will implement to protect against theft or radiological sabotage through internal conspiracies. The licensee may choose to submit a single plan encompassing both interim and longer-term upgrade at the time the interim plan above is required.

The staff has estimated some of the costs of upgrading physical security at fuel cycle facilities to the interim upgrade requirements. These are presented in Table 1. Similar estimates have been made for the upgrading of transportation safeguards. These are presented in Table 2. The cost estimates shown in these tables do not take into account factors such as inflation, depreciation,

capital recovery, and return on investment which would ordinarily be considered by licensees. The Commission is hopeful of receiving from the licensees, as part of their comments on the proposed rule, their preliminary ideas and cost estimates for implementing measures to meet both the proposed interim and long-term objectives.

physical protection against theft and

To meet the longer-term safeguards requirements, licensees must also provide increased protection against theft and radiological sabotage by internal conspiracy. Personnel clearances, proposed under provisions of 10 CFR Part 11, will provide substantial protection against internal conspiracy. Nevertheless, prudent safeguards design warrants the use of technology and procedures to prevent theft or sabotage by conspiracy wherever practicable, even where personnel have been cleared.

TABLE 1.—*Fixed site safeguard improvement cost summary* [1]

	Initial	Annual
Additional guards [2]	$45,000	$6,700,000
Semiauto rifles	24,900	2,490
Training	130,000	26,000
Additional communications	12,000	2,400
Construct guard ready rooms	20,000	
Harden access control points	120,000	
Increase protection of primary central alarm station	98,400	9,840
Independent secondary alarm station	2,420,000	120,000
Total	2,870,300	6,860,730

[1] Estimate of costs to upgrade physical security at 12 licensed fuel cycle facilities to protect against an external attack by stealth, force, or deceptive action by a small group possibly with inside assistance.

[2] These costs are based on the assumption that an average of 3 additional guard posts and an average of 10 response guards would be required at each of the 12 facilities currently possessing formula quantities of strategic special material. In order to man each new guard post around the clock in a 3-shift operation and allow for sickness, and leave, the licensee must hire an average of 4.5 new guards for each new guard post at an estimated annual cost of $100,000 per guard post. Additional personnel may have to be hired for the off-shifts and weekends to keep the response force total at 10. This is estimated to be 11.5 man years per year per licensee. Initial costs associated with guard employment would involve such things as personnel processing, uniforms, personal equipment, etc.

TABLE 2.—*Transportation safeguards improvement cost summary* [1]

Item	Initial Cost	Annual Cost
Additional escorts [2]		$70,500
Weapons	$2,610	
Training [3]	24,390	6,100
Communications	46,000	15,300
3 armored escort vehicles	69,000	12,500
Total	141,910	104,400

[1] Estimate of costs to upgrade physical security during transportation of special nuclear material for a transportation arranger who handles 90 pct of HEU shipments to foreign consignees and who uses a carrier with an approved transportation security plan and contract guard company for domestic shipments.

[2] Includes an additional 4 escorts, 4 terminal guards, and 2 aircraft escorts per shipment including the per diem they will accumulate.

[3] Training costs were computed on the basis of training required under license condition of May 12, 1976.

Such supplementary systems and procedures may require additional people, interfere somewhat with process operations and necessitate physical rearrangements or added security equipment in some plants. As a general approach, most licensees would be expected to provide increased surveillance of persons having access to material access and vital areas. This might be provided by means of closed circuit television; guard towers affording surveillance and control of large areas of a facility; and other types of internal surveillance.

Other possible measures against conspiratorial acts include: Establishment of independent secondary alarm stations; dual manning of material access area points; and regular indoctrination of employees concerning governments cash awards (up to half a million dollars) proffered under the Atomic Weapons and Special Nuclear Materials Rewards Act for information about nuclear conspiracy. Many of the measures taken to protect against one insider will also provide a measure of protection against malevolent conspiracies or can be extended to provide such additional protection.

If the Commission adopts the proposed amendments to 10 CFR Part 73, each affected licensee would be given a period of 90 days following the effective date of the amendments to submit a revised fixed site safeguards physical protection plan and, if appropriate, a revised safeguards transportation protection plan for the interim upgrade. A licensee would be given until 180 days after the effective date of the amendments or 90 days after the submitted plan is approved, whichever is later, to implement the approved interim plan. A licensee may submit longer-term upgraded safeguard plans concurrently with the interim submission. If prepared separately, final plans must be submitted within 270 days following the effective date of the amendments. A licensee would be given 540 days after the effective date of the amendments or 90 days after the longer-term plan is approved, whichever is later, to implement his longer-term upgrade plan.

The Commission has determined under Council of Environmental Quality guidelines and the criteria in 10 CFR Part 51 that an environmental impact statement for the proposed amendments to 10 CFR Part 73 is not required. Concurrently with publication of this notice of proposed rulemaking the Commission is making available in its Public Document Room at 1717 H Street NW., Washington, D.C. an "Environmental Impact Appraisal of Amendments To 10 CFR Part 73," to support a Negative Declaration.[4]

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated.

[4] A copy of this appraisal is filed with the office of the Federal Register.

1. Section 73.1(a) of 10 CFR Part 73 is revised to read as follows:

§ 73.1 Purpose and scope.

(a) *Purpose.* This part prescribes requirements for the establishment and maintenance of a physical protection system which will have capabilities for physical protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used, for the purpose of protection against acts of radiological sabotage and prevention of theft of special nuclear material.

* * * * *

2. Section 73.2 is amended by revising paragraphs (c), (f), (h), (k), and (p) and by adding new paragraphs (t) thru (x) to read as follow:

§ 73.2 Definitions.

As used in this part:

* * * * *

(c) "Guard" means a uniformed individual armed with a firearm whose primary duty is the protection of special nuclear material against theft and/or the protection of a plant against radiological sabatage.

* * * * *

(f) "Physical barrier" means

(1) Fences constructed of No. 11 American wire gauge, or heavier wire fabric, topped by three strands or more of barbed wire or similar material on brackets angled outward between 30° and 45° from the vertical, with an overall height of not less than eight feet, including the barbed topping;

(2) Building walls, ceilings and floors constructed of stone, brick, cinder block, concrete, steel or comparable materials (openings in which are secured by grates, doors, or covers of construction and fastening of sufficient strength such that the integrity of the wall is not lessened by any opening), or walls of similar construction, not part of a building, provided with a barbed topping described in paragraph (f)(1) of this section of a height of not less than 8 feet; or

(3) Any other physical obstruction constructed in a manner and of materials suitable for the purpose for which the obstruction is intended.

* * * * *

(h) "Vital area" means any area which contains vital equipment.

* * * * *

(k) "Isolation zone" means any area, clear of all objects which could conceal or shield an individual, adjacent to a physical barrier.

* * * * *

(p) "Radiological sabotage" means any deliberate act directed against a plant or transport in which an activity licensed pursuant to the regulations in this chapter is conducted, or against a component of such a plant or transport which could directly or indirectly en-

danger the public health and safety by exposure to radiation other than such acts by an enemy of the United States whether foreign government or other person.

* * * * *

(t) "Strategic special nuclear material" means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium.

(u) "Formula quantity" means strategic special nuclear material in any combination in a quantity of 5,000 grams or more computed by the formula, grams=(grams contained U-235) +2.5 (grams U-233 + grams plutonium).

(v) "Transport" means any land, sea, or air conveyance.

(w) "Incendiary device" means any self-contained device intended to create an intense fire that can damage normally flame resistant or retardant materials.

(x) "Temporry exclusion area" means any area, access to which is controlled and which affords temporary isolation of special nuclear material in-transit and/or of the transports for such material.

(y) "Movement control center" means an operations center which is remote from transport activity and which provides continuous tracking of convoy progress, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies and can request and coordinate appropriate aid.

3. The undesignated first paragraph of § 73.6 is revised to read as follows:

§ 73.6 Exemptions of certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.70 and 73.72 of this part, with respect to the following special nuclear material:

* * * * *

4. Section 73.6 is amended to add paragraph (d) to read as follows:

§ 73.6 Exemptions of certain quantities and kinds of special nuclear material.

* * * * *

(d) Special nuclear material that is being transported by the ERDA transport system.

5. New§§ 73.20, 73.25, 73.26, 73.27, 73.45 and 73.46 are added to read as follows:

§ 73.20 General performance requirements.

(a) In addition to any other requirements of this part, each licensee who is authorized to operate a fuel reprocessing plant pursuant to Part 50 of this chapter; possesses or uses formula quantities of strategic special nuclear material at any site or contiguous sites subject to control by the licensee; is authorized to transport or deliver to a carrier for transportation pursuant to Part 70 of this chapter formula quantities of strategic special nuclear material; takes delivery of formula quantities of strategic special nuclear material free on board (f.o.b.) the point at which it is delivered to a carrier for transportation; or imports or exports formula quantities of strategic special nuclear material shall establish and maintain or make arrangements for a physicl protection system which will prevent with high assurance theft of strategic special nuclear material and protect against radiological sabotage by the following:

(1) A determined violent external assault, attack by stealth, or deceptive actions, by a small group with the following attributes, assistance and equipment: (i) well-trained (including military training and skills) and dedicated individuals, (ii) inside assistance which may include a knowledgeable individual who attempts to particpate in both a passive role (e.g., provide information) and an active role (e.g., facilitate entrance and exit, disable alarms and communications, participate in violent attack), (iii) suitable weapons, up to and including hand-held automatic weapons, equipped with silencers and having effective long range accuracy, (iv) hand-carried equipment, including incapacitating agents and explosives for use as tools of entry or otherwise destroying the plant or transport integrity, and (v) the ability to operate as two or more teams,

(2) An insider, including an employee (in any position), and

(3) A conspiracy of insiders or employees in any position.

(b) To meet the general performance requirements of paragraph (a) of this section a licensee shall establish and maintain, or arrange for, a physical protection system that:

(1) provides, but is not necessarily limited to, the performance capabilities described in § 73.25 for in-transit protection or in § 73.45 for fixed site protection unless otherwise authorized by the Commission;

(2) is designed with sufficient redundancy and diversity to assure maintenance of the capabilities described in § 73.25 or § 73.45; and

(3) includes a testing and maintenance program to assure control over all activities and devices affecting the effectiveness, reliability, and availability of the physical protection system, including a demonstration that any defects of such activities and devices will be promptly detected and corrected for the total period of time they are required as a part of the physical protection system.

(c) Each licensee subject to the requirements of paragraphs (a) and (b) of this section shall:

(1) Within 90 days after the effective date of these amendments, submit a revised fixed site safeguards physical protection plan and, if appropriate, a revised safeguards transportation protection plan describing how the licensee will comply with the requirements of paragraphs (a)(1) and (a)(2) of this section;

(2) Within 180 days after the effective date of these amendments or 90 days after the plan(s) submitted pursuant to paragraph (c)(1) of this section is approved, whichever is later, implement the approved plan;

(3) Within 270 days after the effective date of these amendments submit a revised fixed site safeguards physical protection plan and, if appropriate, a revised safeguards transportation protection plan describing how the licensee will comply with the requirements of paragraph (a)(3) of this section; and

(4) Within 540 days after the effective date of these amendments or 90 days after the plan(s) submitted pursuant to paragraph (c)(3) of this section is approved, whichever is later, implement the approved plan.

§ 73.25 Performance capabilities for physical protection of strategic special nuclear material in transit.

(a) To meet the general performance requirement of § 73.20 an in-transit physical protection system shall include, but not necessarily be limited to, the performance capabilities described in paragraphs (b) through (d) of this section unless otherwise authorized by the Commission.

(b) Restrict access to and activity in the vicinity of transports. To achieve this capability the physical protection system shall:

(1) Detect and delay any unauthorized attempt to gain access or introduce unauthorized materials into the vicinity of transports by stealth or force using the following subsystems and subfunctions:

(i) Protected areas or temporary exclusion areas to isolate shipments or transports at all scheduled and emergency stops to assure that unauthorized persons or materials shall not have direct access to the transports or shipment;

(ii) Access detection subsystems and procedures to detect, assess and communicate any unauthorized access or penetration of a temporary exclusion area, or such attempts by persons, vehicles or materials at the time of the penetration or the attempt so that response can be such as to prevent the unauthorized penetration or prevent such penetration from resulting in theft of strategic special nuclear material or radiological sabotage; and

(iii) Planning and information systems, to provide for preplanned shipments and updated route conditions to avoid areas which would increase the vulnerability of the shipment and to provide for communication with the transport in order to maintain the status and position of the shipment and to inform the escort commander of changes in the itinerary.

(2) Detect attempts to gain unauthorized access or introduce unauthorized materials into the vicinity of transports by deceit using the following subsystems and subfunctions:

(i) Access authorization controls and procedures to provide current authorization schedules and access criteria for persons, materials and vehicles; and

(ii) Access controls and procedures to verify the identity of persons, materials and vehicles and assess such identity against current authorization schedules and access criteria before permitting access and to initiate response measures to deny unauthorized entries.

(c) Prevent the unauthorized attempts to gain entry or introduce materials into, and the unauthorized removal of strategic special nuclear material from transports. To achieve this capability the physical protection system shall:

(1) Detect attempts to gain unauthorized entry or introduce unauthorized materials into transports by deceit using the following subsystems and subfunctions:

(i) Entry authorization controls and procedures to provide current transport authorization schedules and entry criteria into transports for both persons and materials; and

(ii) Entry controls and procedures to verify the identity of persons and materials and to permit transport entry only to those persons and materials specified by the current authorization schedules and entry criteria.

(2) Detect attempts to gain unauthorized entry or introduce unauthorized material into transports by stealth or force using the following subsystems and subfunctions:

(i) Cargo containers and vehicles to delay access to strategic special nuclear material sufficient to permit the detection and response systems to function so as to prevent the theft of strategic special nuclear material;

(ii) Tamper indicating devices to detect unauthorized tampering with transport doors or cargo containers; and

(iii) Surveillance subsystems and procedures to detect, assess and communicate any unauthorized presence of persons or materials and any unauthorized attempt to penetrate the transport so that the response can prevent the unauthorized penetration.

(3) Prevent unauthorized removal of strategic special nuclear material from transports by deceit using the following subsystems and subfunctions:

(i) Authorization controls and procedures to provide current schedules for authorized removal of strategic special nuclear material which specify the persons authorized to remove and receive the material and the authorized times for such removal and receipt;

(ii) Removal controls and procedures to establish removal procedures for transferring cargo in emergency situations; and

(iii) Removal controls and procedures to permit removal of strategic special nuclear material only after verification of the identity of persons removing or receiving the strategic special nuclear material, and the identity and integrity of the strategic special nuclear material being removed from transports.

(4) Detect attempts to remove strategic special nuclear material from transports by stealth or force using the following subsystems and subfunctions:

(i) Cargo containers and transport structure to delay unauthorized strategic special nuclear material removal attempts sufficient to assist detection and permit a response to prevent the removal; and

(ii) Detection subsystems and procedures to detect, assess and communicate any attempts at unauthorized removal of strategic special nuclear material so that response to the attempt can be such as to prevent the removal.

(d) Response: Each safeguards program shall provide a response capability to assure that the two performance capabilities described in paragraphs (b) and (c) of this section are achieved. To perform this capability, the licensee shall:

(1) Establish a security organization to:

(i) Provide trained and qualified personnel to carry out assigned duties and responsibilities, and

(ii) Provide armed escorts to respond to and coordinate transport and escort activities for routine security operations and safeguards contingencies.

(2) Establish a predetermined plan to respond to safeguards contingency events.

(3) Provide communication networks to:

(i) Enable the escort commander to communicate on routine and nonroutine situations to a movement control center for assessment of the status and position of a shipment;

(ii) Enable the movement control center to communicate to the escort commander to assist in carrying out actions as identified in the safeguards contingency plan;

(iii) Enable the escort commander to communicate with escort vehicles for implementation of the safeguards contingency plan; and

(iv) Enable both the escort commander and movement control center to notify law enforcement authorities of need for assistance as specified in the safeguards contingency plan.

(4) Provide equipment for the escort forces to provide for a response which is sufficiently rapid and effective so as to achieve the predetermined objective of the response.

§ 73.26 Transportation Physical Protection Systems, Subsystems, Elements, Components, and Procedures.

(a) A transportation physical protection system established pursuant to the general performance requirements of § 73.20(a)(1) and (a)(2) and performance capability requirements of § 73.25 shall include, but not necessarily be limited to, the measures specified in paragraphs (b) through (k) of this section. The Commission may require, depending on the individual transportation conditions or circumstances, additional measures deemed necessary to meet the general performance requirements of § 73.20. The Commission also may authorize protection measures other than those required by this section if in its opinion the overall level of performance meets the general performance requirements of § 73.20 and the performance capability requirements of § 73.25.

(b) Planning and scheduling:

(1) Shipments shall be scheduled to avoid regular patterns and preplanned to avoid areas of natural disaster or civil disorders, such as strikes or riots. Such shipments shall be planned in order to avoid storage times in excess of 24 hours and to assure that deliveries occur at a time when the receiver at the final delivery point is present to accept the shipment.

(2) Arrangements shall be made with law enforcement authorities along the route of shipments for their response to an emergency or a call for assistance.

(3) For any series of shipments of strategic special nuclear material by a licensee to the same consignee in which individual shipments are less than the quantities requiring physical protection in transit under 10 CFR 73.1(b)(2), but more than 200 grams computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), the licensee shall confirm and log the arrival at the final destination of each shipment in the series before releasing the subsequent shipment from his facility.

(4) Security arrangements for export and import shipments shall be approved in advance of the shipment by the Nuclear Regulatory Commission: Information to be supplied to the Commission in advance of the shipment is as follows:

(i) Shipper, consignee, carriers, transfer points, modes of shipment,

(ii) Points where escorts will no longer be responsible for export shipment,

(iii) Arrangements made for transfer of shipment security,

(iv) Point where escorts will accept responsibility for import shipment, and

(c) Security Organization.

(1) The licensee or his agent shall establish a transportation security organization, including armed escorts and a movement control center manned and equipped to monitor and control shipments, to communicate with local law enforcement authorities, and to respond to safeguards contingencies. Criteria and requirements for security personnel suitability, training, equipment, qualifications, and requalifications are set forth in Appendix B to this part, "General Criteria for Security Personnel" as proposed elsewhere in this issue.

(2) At least one full time member of the security organization who has the authority to direct the physical security activities of the security organization shall be on duty at the movement control center during the course of any shipment.

(3) The licensee or his agent shall establish, maintain, and follow a management system to provide for the development, revision, implementation, and enforcement of transportation security procedures. The system shall include:

(i) Written security procedures which document the structure of the trans-

portation security organization and which detail the duties of drivers and escorts and other individuals responsible for security;

(ii) Provision for written approval of such procedures and any revisions thereto by the individual with overall responsibility for the security function and the management of the organization responsible for the security functions; and

(iii) Provision for a review at least every 12 months of the transportation security program by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. Such a review shall include a review and audit of security procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards system along with commitments established for response by local law enforcement authorities. The results of the review and audit along with recommendations for improvements shall be documented, reported to the responsible organization management, and kept available for inspection for a period of five years.

(4) The licensee or his agent shall not permit an individual to act as an escort or other security organization member unless such individual in accordance with his assigned duties meets the requirements of Appendix B to this part as proposed elsewhere in this issue.

(5) Armed escort personnel shall pass a physical examination, receive training and requalify with assigned weapons at least every twelve months.

(6) Escort armament shall include handguns, shotguns, and semi-automatic rifles consistent with local conditions.

(d) Contingency and Response Plans and Procedures.

(1) The licensee or his agent shall establish, maintain, and follow a safeguards contingency plan for dealing with threats, thefts, and radiological sabotage related to strategic special nuclear material in transit subject to the provisions of this section. Such safeguards contingency plan shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plan" as proposed in 42 FR 25744. Such contingency plans shall include provisions for coping with threat assessments, and response to threats, as well as response to transport disablements, unusual weather, natural disaster, and civil disturbance conditions.

(e) Transfer and Storage of Strategic Special Nuclear Material for Domestic Shipments.

(1) Strategic special nuclear material shall be placed in a protected area at transfer points if transfer is not immediate from one transport to another. Where a protected area is not available a temporary exclusion area shall be established for the shipment. The transport may serve as a temporary exclusion area.

(2) All transfers shall be monitored by at least nine armed escorts—one of whom shall serve as escort commander. At least seven of the armed escorts (including the escort commander) monitoring the shipment shall be available to protect the shipment and at least three of the seven shall keep the strategic special nuclear material under continuous surveillance while it is at the transfer point. The two remaining escorts shall take up positions at a remote monitoring location. The remote location may be a radio-equipped vehicle or a nearby place, apart from the shipment monitoring area, so that a single act cannot remove the capability of the escorts for calling for assistance. Each of the nine armed escorts shall be capable of maintaining communication with each other. The escort commander shall have the capability to communicate with the escorts at the remote location and with local law enforcement agencies for emergency assistance. In addition the armed escorts at the remote location shall have the capability to communicate with the law enforcement agencies and with the shipment movement control center. The escort commander shall call the remote location at least every 30 minutes to report the status of the shipment. If the calls are not received within the prescribed time, the escorts in the remote location shall request assistance from the law enforcement authorities, notify the shipment movement control center and initiate the appropriate contingency plans. Armed escorts shall observe the opening of the cargo compartment of the incoming transport and ensure that the shipment is complete by checking locks and seals. A shipment loaded onto or transferred to another transport shall be checked to assure complete loading or transfer. Continuous visual surveillance of the cargo compartment shall be maintained up to the time the transport departs from the terminal. The escorts shall observe the transport until it has departed and shall notify the licensee or his agent of the latest status immediately thereafter.

(f) Access Control Subsystems and Procedures.

(1) A numbered picture badge identification procedure shall be used to identify all individuals who will have access to a shipment. The identification procedure shall require that the individual who has possession of the strategic special nuclear material shall have, in advance, identification picture badges of all individuals who are to assume custody for the shipment. The shipment shall be released only when the individual who has possession of strategic special nuclear material has assured positive identification of all of the persons assuming custody for the shipment by comparing the copies of the identification badges that he has received in advance to identification badges that the individuals who will assume custody of the shipment carry.

(2) Access to protected areas, temporary exclusion areas, transports, escort vehicles, aircraft, rail cars, and containers where strategic special nuclear material is contained shall be limited to individuals authorized access to these areas after they have been properly identified under paragraph (f)(1) of this section.

(3) Strategic special nuclear material shall be shipped in containers that are protected by tamper-indicating seals. The containers also shall be locked if they are not in another locked container or transport. The outermost container or transport also shall be protected by tamper-indicating seals.

(g) Shipment by road.

(1) A detailed route plan shall be prepared which shows the routes to be taken, the refueling and rest stops, and the call-in times to the movement control center. All shipments shall be made on primary highways with minimum use of secondary roads. All shipments shall be made without intermediate stops except for refueling, rest or emergency stops.

(2) Cargo compartments of the trucks or trailers shall be locked and protected by tamper-indicating seals.

(3) The shipment shall be protected by one of the following methods:

(i) The cargo vehicle shall be a specially designed truck or trailer that reduces the vulnerability to theft. Design features of the truck or trailer shall permit immobilization of the truck or of the cargo-carrying portion of the vehicle and shall provide a deterrent to physical penetration of the cargo compartment. Two separate escort vehicles shall accompany the cargo vehicle. There shall be a total of nine armed escorts with at least two in the cargo vehicle. Escorts may also operate the cargo and escort vehicles.

(ii) The cargo vehicle shall be an armored car. Three separate escort vehicles shall accompany such a cargo vehicle. There shall be a total of nine armed escorts, with at least two in the cargo vehicle. Escorts may also operate the cargo and escort vehicles.

(4) All escort vehicles shall be bullet-resistant.

(5) Procedures shall be established to assure that no unauthorized persons or materials are on the cargo vehicle before strategic special nuclear material is loaded, or on the escort vehicles, immediately before the trip begins.

(6) Cargo and escort vehicles shall maintain continuous intraconvoy two-way communication. In addition at least two of the vehicles shall be equipped with a coded two-way continuous voice or digital communication capability to the movement control center. A redundant means of communication shall also be available. Calls to the movement control center shall be made at least every half hour to convey the status and position of the shipment. In the event no call is received in accordance with these requirements, the licensee or his agent shall immediately notify the law enforcement authorities and the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part and initiate the appropriate contingency plan.

(7) At refueling, rest, or emergency stops at least nine armed escorts shall be available to protect the shipment and at least three armed escorts shall maintain continuous visual surveillance of the cargo compartment.

(8) Transfers to and from other modes of transportation shall be in accordance with paragraph (e) of this section.

(h) Shipment by Air.

(1) Except as specifically approved by the Nuclear Regulatory Commission, no shipment of special nuclear material shall be made in passenger aircraft in excess of (i) 20 grams or 20 curies, whichever is less, of plutonium or uranium-233, or (ii) 350 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope).

(2) All shipments on cargo aircraft shall be accompanied by three armed escorts who shall be able to converse in a common language with the captain of the aircraft.

(3) Transfers of these shipments shall be minimized and shall be conducted in accordance with paragraph (e) of this section. Such shipments shall be scheduled so that the strategic special nuclear material is loaded last and unloaded first.

(4) At scheduled refueling stops, at least nine armed escorts shall be available to protect the shipment and at least three armed escorts shall maintain continuous visual surveillance of the cargo compartment.

(5) Export shipments shall be accompanied by three armed escorts from the last terminal in the United States until the shipment is unloaded at a foreign terminal and prime responsibility for physical protection is assumed by agents of the consignee. While on foreign soil, the escorts may surrender their weapons to legally constituted local authorities. The shipment shall be scheduled with no intermediate stops. Import shipments shall be accompanied by three armed escorts from the last foreign port. These escorts shall provide physical protection for the shipment until relieved by verified agents of the U.S. consignee.

(6) Procedures shall be established to assure that no unauthorized persons or material are on the aircraft before strategic special nuclear material is loaded on board.

(7) Arrangements shall be made at all airports to identify an individual with whom communication shall be established prior to landing to assure that the nine required armed escorts are available and that the required security measures will be taken upon landing.

(i) Shipment by Rail.

(1) A shipment by rail shall be escorted by nine armed escorts in the shipment car or an escort car next to the shipment car of the train. At least three escorts shall keep the shipment car under continuous visual surveillance. Escorts shall detrain at stops when practicable and time permits to maintain the shipment cars under continuous visual surveillance and to check car or container locks and seals.

(2) Procedures shall be established to assure that no unauthorized persons or materials are on the shipment or escort car before strategic special nuclear material is loaded on board.

(3) Only containers weighing 5000 lbs. or more shall be shipped on open rail cars.

(4) A coded two-way continuous voice or digital communication capability between the escorts and the movement control center shall be maintained. A redundant means of continuous communication also shall be available. Calls to the movement control center shall be made at least every half hour to convery the status and position of the shipment. In the event no call is received in accordance with these requirements, the licensee or his agent shall immediately notify the law enforcement authorities and the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix A of this part and initiate the appropriate contingency plan.

(5) Transfer to and from other modes of transportation shall be in accordance with paragraph (e) of this section.

(j) Shipment by Sea:

(1) Shipments shall be made only on container-ships. The strategic special nuclear material container(s) shall be loaded into exclusive use cargo containers conforming to American National Standards Institute (ANSI) MH5.1 or International Standards Organization (ISO) 1496. Each of these containers shall have at least one similar type container covering each of its five sides. The sixth side shall either be on deck or on top of another container. Locks and seals shall be inspected by the escorts whenever access is possible.

(2) All shipments shall be accompanied by three armed escorts who shall be able to converse in a common language with the captain of the ship.

(3) Minimum ports of call shall be scheduled and there shall be no scheduled transfer to other vessels. Transfer to and from other modes of transportation shall be in accordance with paragraph (e) of this section.

(4) At all ports of call where other cargo is transferred, the escorts shall ensure that the shipment is not removed. At least two escorts shall maintain continuous visual surveillance of the cargo area where the container is stored up to the time the ship departs.

(5) Export shipment shall be accompanied by three armed escorts from the last port in the United States until the shipment is unloaded at a foreign terminal and prime responsibility for physical protection is assumed by agents of the consignee. While on foreign soil, the escorts may surrender their weapons to legally constituted local authorities. Import shipments shall be accompanied by three armed escorts from the last foreign port. These escorts shall provide physical protection for the shipment until relieved by verified agents of the U.S. consignee.

(6) Ship-to-shore communication shall be available, and a ship-to-shore contact shall be made every six hours to relay position information, and the status of the shipment.

(7) Arrangements shall be made at all ports of call to identify an individual with who communication shall be established prior to arrival to assure that the nine required armed escorts are available and that the required security measures will be taken upon arrival.

(k) Test and Maintenance Programs. The licensee or his agent shall establish, maintain and follow a test and maintenance program for communications equipment and other security related devices and equipment used pursuant to this section which shall include the following:

(1) Tests and inspections shall be conducted during the design, installation, and construction of security related subsystems and components to assure that they comply with their respective design criteria and performance specifications.

(2) Preoperational tests and inspections shall be conducted for security related subsystems and components to demonstrate their effectiveness, availability, and reliability with respect to their respective design criteria and performance specifications.

(3) Operational tests and inspections shall be conducted for security related subsystems and components to assure their maintenance in an operable and effective condition.

(4) Preventive maintenance programs shall be established for security related subsystems and components to assure their continued maintenance in an operable and effective condition.

(5) All security related subsystems and components shall be maintained in operable condition. Corrective action procedures and compensatory measures shall be developed and employed to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security related equipment or structures.

§ 73.27 Notification requirements.

(a) (1) A licensee who delivers formula quantities of strategic special nuclear material to a carrier for transport shall immediately notify the consignee by telephone, telegraph, or teletype, of the time of departure of the shipment, and shall notify or confirm with the consignee the method of transportation, including the names of carriers, and the estimated time of arrival of the shipment at its destination. (2) In the case of a shipment (f.o.b.) the point where it is delivered to a carrier for transport, a licensee shall, before the shipment is delivered to the carrier, obtain written certification from the licensee who is to take delivery of the shipment at the f.o.b. point that the physical protection arrangements required by §§ 73.25 and 73.26 for licensed shipments have been made. When a contractor exempt from the requirements for a Commission license is the consignee of a shipment, the licensee shall, before the shipment is de-

livered to the carrier, obtain written certification from the contractor who is to taken delivery of the shipment at the f.o.b. point that the physical protection arrangements required by ERDA Manual Chapters 2401 or 2405, as appropriate, have been made. (3) A licensee who delivers formula quantities of strategic special nuclear material to a carrier for transport or releases such special nuclear material f.o.b. at the point where it is delivered to a carrier for transport shall also make arrangements with the consignee to be notified immediately by telephone and telegraph, teletype, or cable, of the arrival of the shipment at its destination or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination.

(b) Each licensee who receives a shipment of formula quantities of strategic special nuclear material shall immediately notify by telephone and telegraph or teletype, the person who delivered the material to a carrier for transport and the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part of the arrival of the shipment at its destination. When an Energy Research and Development Administration (ERDA) license-exempt contractor is the consignee, the licensee who is the consignor shall notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part of the arrival of the shipment at its destination immediately upon being notified of the receipt of the shipment by the license-exempt contractor as arranged pursuant to paragraph (a)(3) of this section. In the event such a shipment fails to arrive at its destination at the estimated time, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone and telegraph or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part, and the licensee or other person who delivered the material to a carrier for transport. The licensee who made the physical protection arrangements shall also immediately notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part of the action being taken to trace the shipment.

(c) Each licensee who makes arrangements for physical protection of a shipment of formula quantities of strategic special nuclear material as required by §§ 73.25 and 73.26 shall immediately conduct a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and file a report with the Commission as specified in § 73.71. If the licensee who conducts the trace investigation is not the consignee, he shall also immediately report the results of his investigation by telephone and telegraph, or teletype to the consignee.

§ 73.45 Performance capabilities for Fixed Site Physical Protection Systems.

(a) To meet the general performance requirements of § 73.20 a fixed site physical protection system shall include, but not necessarily be limited to, the performance capabilities described in paragraphs (b) through (g) of this section unless otherwise authorized by the Commission.

(b) Prevent unauthorized access of persons and materials into material access areas and vital areas. To achieve this capability the physical protection system shall:

(1) Detect attempts to gain unauthorized access or introduce unauthorized material across material access or vital area boundaries by stealth or force using the following subsystems and subfunctions:

(i) Barriers to channel persons and material to material access and vital area entry control points and to delay any unauthorized penetration attempts by persons or materials sufficient to assist detection and permit a response that will prevent the penetration; and

(ii) Access detection subsystems and procedures to detect, assess and communicate any unauthorized penetration attempts by persons or materials at the time of the attempt so that a response can prevent the unauthorized access or penetration.

(2) Detect attempts to gain unauthorized access or introduce unauthorized materials into material access areas or vital areas by deceit using the following subsystems and subfunctions:

(i) Access authorization controls and procedures to provide current authorization schedules and entry criteria for both persons and materials; and

(ii) Entry controls and procedures to verify the identity of persons and materials and assess such identity against current authorization schedules and entry criteria before permitting entry and to initiate response measures to deny unauthorized entries.

(c) Permit only authorized activities and conditions within protected areas, material access areas, and vital areas. To achieve this capability the physical protection system shall:

(1) Detect unauthorized activities or conditions within protected areas, material access areas and vital areas using the following subsystems and subfunctions:

(i) Controls and procedures that establish current schedules of authorized activities and conditions in defined areas;

(ii) Boundaries to define areas within which the authorized activities and conditions are permitted; and

(iii) Detection and surveillance subsystems and procedures to discover and assess unauthorized activities and conditions and communicate them so that response can be such as to stop the activity or correct the conditions before strategic special nuclear material is stolen or radiological sabotage committed.

(d) Permit only authorized placement and movement of strategic special nuclear material within material access areas. To achieve this capability the physical protection system shall:

(1) Detect unauthorized placement and movement of strategic special nuclear material within the material access area using the following subsystems and subfunctions:

(i) Controls and procedures to delineate authorized placement and control for strategic special nuclear material;

(ii) Controls and procedures to establish current authorized placement and movement of all strategic special nuclear material within material access areas;

(iii) Controls and procedures to maintain current knowledge of the identity, quantity, placement, and movement of all strategic special nuclear material within material access areas; and

(iv) Detection and monitoring subsystems and procedures to discover and assess unauthorized placement and movement of strategic special nuclear material and communicate them so that response can be such as to return the strategic special nuclear material to authorized placement or control.

(e) Permit removal of only authorized and confirmed forms and amounts of strategic special nuclear material from material access areas. To achieve this capability the physical protection system shall:

(1) Detect attempts at unauthorized removal of strategic special nuclear material from material access areas by stealth or force using the following subsystems and subfunctions:

(i) Barriers to channel persons and materials exiting a material access area to exit control points and to delay any unauthorized strategic special nuclear material removal attempts sufficient to assist detection and permit a response that will prevent the removal; and

(ii) Detection subsystems and procedures to detect, assess and communicate any attempts at unauthorized removal of strategic special nuclear material so that response to the attempt can be such as to prevent the removal.

(2) Confirm the identity and quantity of strategic special nuclear material presented for removal from a material access area and detect attempts at unauthorized removal of strategic special nuclear material from material access areas by deceit using the following subsystems and subfunctions:

(i) Authorization controls and procedures to provide current schedules for authorized removal of strategic special nuclear material which specify the authorized properties and quantities of material to be removed, the persons authorized to remove the material, and the authorized time schedule;

(ii) Removal controls and procedures to identify and confirm the properties and quantities of material being removed

and verify the identity of the persons making the removal and time of removal and assess these against the current authorized removal schedule before permitting removal; and

(iii) Communications subsystems and procedures to provide for notification of an attempted unauthorized or unconfirmed removal so that response can be such as to prevent the removal.

(f) Provide for authorized access and assure detection of and response to unauthorized penetrations of the protected area to prevent theft of strategic special nuclear material and to protect against radiological sabotage. To achieve this capability the physical protection system shall:

(1) Detect attempts to gain unauthorized access or introduce unauthorized persons, vehicles, or materials into the protected area by stealth or force using the following subsystems and subfunctions:

(i) Barriers to channel persons, vehicles, and materials to protected area entry control points; and to delay any unauthorized penetration attempts or the introduction of unauthorized vehicles or materials sufficient to assist detection and permit a response that will prevent the penetration or prevent such penetration from resulting in theft of strategic special nuclear material or radiological sabotage; and

(ii) Access detection subsystems and procedures to detect, assess and communicate any unauthorized access or penetrations or such attempts by persons, vehicles, or materials at the time of the act or the attempt so that response can be such as to prevent the unauthorized access or penetration, or prevent such penetration from resulting in theft of strategic special nuclear material or radiological sabotage.

(2) Detect attempts to gain unauthorized access or introduce unauthorized persons, vehicles, or materials into the protected area by deceit using the following subsystems and subfunctions:

(i) Access authorization controls and procedures to provide current authorization schedules and entry criteria for persons, vehicles, and materials; and

(ii) Entry controls and procedures to verify the identity of persons, materials and vehicles and assess such identity against current authorization schedules before permitting entry and to initiate response measures to deny unauthorized access.

(g) Response. Each safeguards program shall provide a response capability to assure that the five capabilities described in paragraphs (b) through (f) of this section are achieved. To achieve this capability a licensee shall:

(1) Establish a security organization to:

(i) Provide trained and qualified personnel to carry out assigned duties and responsibilities; and

(ii) Provide for routine security operations and planned and predetermined response to emergencies and safeguards contingencies.

(2) Establish a predetermined plan to respond to safeguards contingency events.

(3) Provide equipment for the security organization and facility design features to:

(i) Provide for rapid assessment of safeguards contingencies;

(ii) Provide for response by assigned security organization personnel which is sufficiently rapid and effective so as to achieve the predetermined objective of the response; and

(iii) Provide protection for the assessment and response personnel so that they can complete their assigned duties.

(4) Provide communications networks to:

(i) Provide rapid and accurate transmission of security information among on-site forces for routine security operation, assessment of a contingency, and response to a contingency; and

(ii) Provide rapid and accurate transmission of detection and assessment information to off-site assistance forces.

§ 73.46 Fixed Site Physical Protection Systems, Subsystems, Elements, Components, and Procedures.

(a) A licensee physical protection system established pursuant to the general performance requirements of § 73.20(a) (1) and (a) (2) and the performance capability requirements of § 73.45 shall include, but not necessarily be limited to, the measures specified in paragraphs (b) through (h) of this section. The Commission may require, depending on individual facility and site conditions, additional measures deemed necessary to meet the general performance requirements of § 73.20. The Commission also may authorize protection measures other than those required by this section if, in its opinion, the overall level of performance meets the general performance requirements of § 73.20 and the performance capability requirements of § 73.45.

(b) Security Organization:

(1) The licensee shall establish a security organization, including guards. Criteria and requirements for security personnel suitability, training, equipment, qualifications, and requalifications are set forth in Appendix B to this part "General Criteria for Security Personnel" as proposed elsewhere in this issue.

(2) The licensee shall have onsite at all time at least one full time member of the security organization with authority to direct the physical security activities of the security organization.

(3) The licensee shall have a management system to provide for the development, revision, implementation, and enforcement of security procedures. The system shall include:

(i) Written security procedures which document the structure of the security organization and which detail the duties of guards, watchmen and other individuals responsible for security;

(ii) Provision for written approval of such procedures and any revisions thereto by the individual with overall responsibility for the security function and by licensee plant management;

(iii) Provision for a review at least every 12 months of the security system by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall include a review and audit of security procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards system along with commitments established for response by local law enforcement authorities. The results of the review and audit along with recommendations for improvements shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of five years.

(4) The licensee shall not permit an individual to act as a guard, armed response individual, or other security organization member unless the individual in accordance with his assigned duties meets the requirements of Appendix B of this part as proposed elsewhere in this issue.

(5) Guards and armed response personnel shall pass a physical examination, receive training and requalify with assigned weapons at least every twelve months.

(6) Guard and armed response personnel armament shall include handguns, shotguns, and semi-automatic rifles consistent with site specific conditions.

(c) Physical Barrier Subsystems:

(1) Vital equipment shall be located only within a vital area and strategic special nuclear material shall be stored or processed only in a material access area. Both vital areas and material access areas shall be located within a protected area so that access to vital equipment and to strategic special nuclear material requires passage through at least two physical barriers. More than one vital area or material access area may be located within a single protected area.

(2) The physical barriers at the perimeter of the protected area shall be separated from any other barrier designated as a physical barrier for a vital area or material access area within the protected area.

(3) Isolation zones shall be maintained in outdoor areas adjacent to the physical barrier at the perimeter of the protected area and shall be large enough to permit observation of the activities of people on either side of that barrier in the event of its penetration. If parking facilities are provided for employees or visitors, they shall be located outside the isolation zone and exterior to the protected area.

(4) Isolation zones and all exterior areas within the protected area shall be provided with illumination sufficient for the monitoring and observation requirements of paragraphs (c) (3), (e) (8), (h)

(4) and (h)(5) of this section, but not less than 0.2 footcandle measured at ground level.

(5) Strategic special nuclear material not in process shall be stored in a vault or vault-type room.

(6) Enriched uranium scrap in the form of small pieces, cuttings, chips, solutions or in other forms which result from a manufacturing process, contained in 30 gallon or larger containers with a uranium–235 content of less than 0.25 grams per liter, may be stored within a locked and separately fenced area within a larger protected area: *Provided*, That the storage area fence is no closer than 25 feet to the perimeter of the protected area. The storage area when unoccupied shall be protected by a guard or watchman who shall patrol at intervals not exceeding 4 hours, or by intrusion alarms.

(d) Access Control Subsystems and Procedures:

(1) A numbered picture badge identification subsystem shall be used for all individuals who are authorized access to protected areas without escort. An individual not employed by the licensee but who requires frequent and extended access to protected, material access, and vital areas may be authorized access to such areas without escort provided that he receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area and which indicates (i) Non-employee-no escort required; (ii) areas to which access is authorized and (iii) the period for which access has been authorized. Badges shall be displayed by all individuals while inside the protected areas.

(2) Access to vital areas and material access areas shall be limited to individuals who are authorized access to vital equipment and strategic special nuclear material and who require such access to perform their duties. No activities other than those which require access to strategic special nuclear material or equipment used in the processing, use, or storage of strategic special nuclear material, shall be permitted within a material access area. Authorization for such individuals shall be indicated by the issuance of specially coded numbered badges indicating vital areas and material access areas to which access is authorized.

(3) The licensee shall establish and follow procedures that will identify to access control personnel those vehicles and materials that are authorized entry to protected, material access, and vital areas and those vehicles and materials that are not authorized entry to such areas.

(4) The licensee shall control all points of personnel and vehicle access into a protected area. Identification and search of all individuals for firearms, explosives, and incendiary devices shall be made and authorization shall be checked at such points. ERDA couriers engaged in the transport of SNM need not be searched. Licensee employees having an NRC or ERDA clearance may be searched on a random basis. The individual responsible for the last access control function (controlling admission to the protected area) shall be isolated within a structure, with bullet-resistant walls, doors, ceiling, floor, and windows.

(5) At the point of personnel and vehicle access into a protected area, all hand-carried packages shall be searched for firearms, explosives, and incendiary devices.

(6) All packages and material for delivery into the protected area shall be checked for proper identification and authorization and searched for firearms, explosives, and incendiary devices prior to admittance into the protected area, except those Commission approved delivery and inspection activities specifically designated by the licensee to be carried out within material access, vital, or protected areas for reasons of safety, security or operational necessity.

(7) All vehicles, except ERDA vehicles engaged in transporting SNM and emergency vehicles under emergency conditions, shall be searched for firearms, explosives, and incendiary devices prior to entry into the protected area. Vehicle areas to be searched shall include the cab, engine compartment, undercarriage, and cargo area.

(8) All vehicles, except designated licensee vehicles, requiring entry into the protected area shall be escorted by a member of the security organization while within the protected area, and to the extent practicable shall be off-loaded in an area that is not adjacent to a vital area. Designated licensee vehicles shall be limited in their use to onsite plant functions and shall remain in the protected area except for operational, maintenance, security and emergency purposes. The licensee shall exercise positive control over all such designated vehicles to assure that they are used only by authorized persons and for authorized purposes.

(9) The licensee shall control all points of personnel and vehicle access to material access and vital areas. Identification of personnel and vehicles shall be made and authorization checked at such points. Prior to entry into a material access area, packages shall be searched for firearms, explosives, incendiary devices, or counterfeit substitutes items which could be used for theft or diversion of strategic special nuclear material. Each individual, package, and vehicle shall be searched for concealed strategic special nuclear material before exiting from a material access area unless exit is to a contiguous material access area.

(10) Individuals not permitted by the licensee to enter protected areas without escort shall be escorted by a watchman, or other individual designated by the licensee, while in a protected area and shall be badged to indicate that an escort is required. In addition, the individual shall be required to register his name, date, time, purpose of visit and employment affiliation, citizenship, and name of the individual to be visited.

(11) All keys, locks, combinations and related equipment used to control access to protected, material access, and vital areas shall be controlled to reduce the probability of compromise. Whenever there is evidence that a key, lock, combination, or related equipment may have been compromised it shall be changed. Upon termination of employment of any employee, keys, locks, combinations, and related equipment to which that employee had access, shall be changed.

(e) Detection and Alarm Subsystems:

(1) The licensee shall provide an intrusion alarm subsystem such that penetration or attempted penetration of the protected area or an isolation zone adjacent to the protected area barrier will be detected at the time of penetration or attempted penetration.

(2) All emergency exits in each protected, material access, and vital area shall be locked from the outside and alarmed to provide local visible and audible alarm annunciation.

(3) All unoccupied vital areas and material access areas shall be locked and protected by an intrusion alarm subsystem which will alarm upon the entry of a person anywhere into the area, upon exit from the area, and upon movement of an individual within the area, except that for process material access areas only the location of the strategic special nuclear material within the area is required to be so alarmed.

(4) All manned access control points in the protected area barrier, all security patrols and guard stations within the protected area, and both alarm stations shall be provided with duress alarms.

(5) All alarms required pursuant to this section shall annunciate in a continuously manned central alarm station located within the protected area and in at least one other independent continuously manned on-site station, so that a single act cannot remove the capability of calling for assistance or responding to an alarm. The alarm stations shall be considered vital areas and their walls, doors, ceiling, floor, and windows shall be bullet-resistant. The central alarm station shall be located within a building so that the interior of the central alarm station is not visible from the perimeter of the protected area. This station may not contain any operational activities that would interfere with the execution of the alarm response function.

(6) All alarms required by this section shall remain operable from independent power sources in the event of the loss of normal power.

(7) All alarm devices including transmission lines to annunciators shall be tamper indicating and self-checking e.g., an automatic indication is provided when a failure of the alarm system of a component occurs, when there is an attempt to compromise the system, or when the system is on standby power. The annunciation of an alarm at the alarm stations shall indicate the type of alarm (e.g., intrusion alarm, emergency exit alarm, tamper alarms, etc.) and location. The status of all alarms and alarm zones shall be indicated in the alarm stations.

(8) All exterior areas within the protected area shall be monitored or periodically checked to detect the presence of unauthorized persons, vehicle, materials, or unauthorized activities.

(9) Methods to observe individuals within material access areas to assure that strategic special nuclear material is not moved to unauthorized locations or in an unauthorized manner shall be provided and used on a continuing basis.

(f) Communication Subsystems:

(1) Each guard, watchman, or armed response individual on duty shall be capable of maintaining continuous communication with an individual in each continuously manned alarm station required by paragraph (e)(5) of this section, who shall be capable of calling for assistance from other guards, watchmen, and armed response personnel and from law enforcement authorities.

(2) Each alarm station required by paragraph (e)(5) of this section shall have both conventional telephone service and radio or microwave transmitted two-way voice communication, either directly or through an intermediary, for the capability of continous communication with the law enforcement authorities.

(3) Non-portable communications equipment controlled by the licensee and required by this section shall remain operable from independent power sources in the event of the loss of normal power.

(g) Test and Maintenance Programs: The licensee shall have a test and maintenance program for intrusion alarms, emergency alarms, communications equipment, physical barriers, and other security related devices and equipment used pursuant to this section that shall provide for the following:

(1) Tests and inspections during the design, installation, and construction of security related subsystems and components to assure that they comply with their respective design criteria and performance specifications.

(2) Preoperational tests and inspections of security related subsystems and components to demonstrate their effectiveness, availability, and reliability with respect to their respective design criteria and performance specifications.

(3) Operational tests and inspections of security related subsystems and components to assure their maintenance in an operable and effective condition, including:

(i) Testing of each intrusion alarm at the beginning and end of any period that it is used. If the period of continuous use is longer than seven days, the intrusion alarm shall also be tested at least once every seven days.

(ii) Testing of communications equipment required for communications offsite, including duress alarms, for performance not less frequently than once at the beginning of each security personnel work shift. Communications equipment required for communicatons offsite shall be tested for performance not less than once a day.

(4) Preventive maintenance programs shall be established for security related subsystems and components to assure their continued maintenance in an operable and effective condition.

(5) All security related subsystems and components shall be maintained in operable condition. The licensee shall develop and employ corrective action procedures and compensatory measures to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security related equipment or structures.

(h) Contingency and Response Plans and Procedures:

(1) The licensee shall have a safeguards contingency plan for dealing with threats, thefts, and radiological sabotage related to the special nuclear material and nuclear facilities subject to the provisions of this section. Safeguards contingency plans shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans" as proposed in 42 FR 25744. Contingency plans shall include, but not limited to, the response requirements in paragraphs (h)(2) through (h)(5) of this section.

(2) The licensee shall establish and document liaison with law enforcement authorities.

(3) A minimum of five (5) guards shall be immediately available at the facility to fulfill response requirements. In addition a force of guards or armed, trained personnel also shall be immediately available to provide assistance as necessary. The size of the additional force shall be determined on the basis of site-specific considerations that could affect the ability of the total response force to engage and defeat the adversary force. The rationale for determining the total number of response personnel shall be included in the physical protection plans submitted to the Commission for approval.

(4) Upon detection of abnormal presence or activity of persons or vehicles within an isolation zone, a protected area, a material access area, or a vital area, or upon evidence of intrusion into a protected area, a material access area, or a vital area, the facility security organization shall:

(i) Determine whether or not a threat exists,

(ii) Assess the extent of the threat, if any,

(iii) Inform law enforcement authorities of the threat and request assistance, if necessary,

(iv) Require guards or other armed response personnel to interpose themselves between vital areas and material access areas and any adversary attempting entry for purposes of radiological sabotage or theft of strategic special nuclear material, and

(v) Instruct guards or other armed response personnel to prevent or delay an act of radiological sabotage or theft of strategic special nuclear material by applying a sufficient degree of force to counter that degree of force directed at them, including the use of deadly force when there is a reasonable belief it is necessary in self-defense or in the defense of others.

(5) To facilitate initial response to detection of penetration of the protected area and assessment of the existence of a threat, a capability of observing the isolation zones and the physical barrier at the perimeter of the protected area shall be provided, preferably by means of closed circuit television or by other suitable means which limit exposure of responding personnel to possible attack.

6. Section 73.55 is amended to change the term "industrial sabotage" to "radiological sabotage" wherever it appears.

7. Section 73.55(b) is revised to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

* * * * *

(b) Physical Security Organization:

(1) The licensee shall establish a security organization, including guards, to protect his facility against radiological sabotage. Criteria and requirements for security personnel suitability, training, equipment, qualification, and requalifications are set forth in Appendix B to this part "General Criteria for Security Personnel" as proposed elsewhere in this issue.

(2) At least one full time member of the security organization who has the authority to direct the physical security activities of the security organization shall be onsite at all times.

(3) The licensee shall have a management system to provide for the development, revision, implementation, and enforcement of security procedures. The system shall include:

(i) Written security procedures which document the structure of the security organization and which detail the duties of guards, watchmen and other individuals responsible for security;

(ii) Provision for written approval of such procedures and any revisions thereto by the individual with overall responsibility for the security functions and by licensee plant management;

(iii) Provisions for a review at least every 12 months of the security system by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall include a review and audit of security procedures and practices, an audit of the security system testing and maintenance program and a test of the safeguards system along with commitments established program and a test of the safeguards system along with commitments established and audit along with recommendations for improvements shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of five years.

(4) The licensee shall not permit an individual to act as a guard, watchman or armed response individual unless the individual in accordance with his assigned duties meets the requirements of Appendix B to this part as proposed elsewhere in this issue.

(5) Guards and armed response personnel shall pass a physical examination, receive training and requalify with assigned weapons at least every twelve months.

(6) Guard and armed response personnel armament shall include handguns, shotguns, and semi-automatic rifles consistent with site specific conditions.

8. Section 73.55(h) is amended to renumber paragraphs (h)(1) through (h)(4) as (h)(2) through (h)(5) and add a new paragraph (h)(1) as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

* * * * *

(h) Response requirement. (1) The licensee shall have a safeguards contingency plan for dealing with threats, and radiological sabotage related to the nuclear facilities subject to the provisions of this section. Safeguards contingency plans shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans" as proposed in 42 FR 25744. Contingency plans shall include, but not be limited to, requirements in paragraphs (h)(2) through (h)(5) of this section.

* * * * *

9. The prefatory language of § 73.70 and § 73.70(c) and (g) is revised to read as follows:

Each licensee subject to the provisions of §§ 73.20, 73.25, 73.26, 73.27, and/or §§ 73.45, 73.46, and/or § 73.55 shall keep the following records:

* * * * *

(c) A register of visitors, vendors, and other individuals not employed by the licensee pursuant to §§ 73.46(d)(10) and 73.55(d)(6).

* * * * *

(g) Shipments of special nuclear material subject to the requirements of this part, including names of carriers, major roads to be used, flight numbers in the case of air shipments, dates and expected times of departure and arrival of shipments, verification of communication equipment on board the transfer vehicle, names of individuals who are to communicate with the transport vehicle, container seal descriptions and identification, and any other information to confirm the means utilized to comply with §§ 73.25, 73.26 and 73.27. Such information shall be recorded prior to shipment. Information obtained during the course of the shipment such as reports of all communications, change of shipping plan including monitor changes, trace investigations and others shall also be recorded.

* * * * *

§ 73.71 [Amended]

10. Section 73.71(a) is amended to change the reference to § 73.36(f) to reference § 73.27(c).

§ 70.22 [Amended]

11. Section 70.22(g) is amended to replace references "* * * §§ 73.30 through 73.36 * * * " with the reference "* * * §§ 73.20, 73.25, 73.26, 73.27 * * *"

§ 70.32 [Amended]

12. Section 70.32(d) is amended to delete the reference to paragraph 73.30(e).

13. Section 70.32(f) is deleted.

(Sec. 1611, Pub. L. 83-703, 68 Stat. 948; secs. 201, 204(b)(1), Pub. L. 93-438, 88 Stat. 1243, 1245 (42 U.S.C. 2201, 5841, 5844))

Dated at Washington, D.C. this 29th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-19051 Filed 6-30-77;8:45 am]

[10 CFR Part 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Upgraded Guard Qualification Training and Equipment Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: Based, among other things, on the findings of a joint ERDA-NRC task force, the Nuclear Regulatory Commission is considering amendments to its regulations to require upgraded guard qualification training and equipping requirements for security personnel protecting against theft of special nuclear material and industrial sabotage of nuclear facilities or nuclear shipments. Implementation of the rule would increase protection of nuclear materials and facilities.

DATES: Comments must be received on or before August 19, 1977.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Materials Protection Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6973.

SUPPLEMENTARY INFORMATION: In 1975, the Security Agency Study (NUREG-0015, ES) concluded that "Creation of a Federal guard force for maintaining security in the nuclear industry would not result in a higher degree of guard force effectiveness that can be achieved by the use of private guards properly qualified, trained and certified (by the NRC)." In 1976, a joint ERDA-NRC task force was formed to propose a plan of action for improving the controls and protection of nuclear materials at NRC licensed fuel cycle facilities. The task force addressed the current status and future direction of physical security protection at NRC licensed fuel cycle facilities now in possession of certain quantities of special nuclear materials. The task force report issued in July 1976[1] included conclusions and recommendations which provide a basis for rulemaking. The Nuclear Regulatory Commission has determined, as a result of the Security Agency Study conclusions, the joint task force findings and other subsequent deliberations, that security personnel qualification and training requirements should be upgraded through public rulemaking. The Commission proposes to amend its regulations in 10 CFR Part 73 that specify physical security requirements for fuel cycle facilities and transportation activities involving certain quantities of special nuclear material, and for nuclear power reactors. This action is one of a series to upgrade safeguards in the nuclear industry. The Commission recently published a proposed rule to require clearances for access to or control over special nuclear material (42 FR 14880, March 7, 1977), and is considering a general upgrading of safeguards for fuel cycle facilities and transportation activities.

Section 73.30(d), 73.50(a)(4) and 73.55(b)(4) of 10 CFR Part 73 have been revised to require that security personnel qualification, training and equipping be in accordance with criteria in a new Appendix B to 10 CFR Part 73. This appendix contains initial employment suitability and qualification requirements for security personnel and criteria for initial training, qualification and equipping as well as annual requalification. Although the criteria include many of the provisions of Regulatory Guide 5.20, "Training, Equipping, and Qualifying of Guards and Watchmen," and Regulatory Guide 5.43, "Plant Security Force Duties" now being used as guides for training fuel cycle facility and transportation guards, additional requirements have been added. Distinctions have been made as to which criteria apply to different types of security personnel. These criteria and subsequent Regulatory Guides or NUREG documents would supersede NUREG-0219, "Nuclear Security Personnel Interim Qualification and Training Requirements."

The training criteria are organized into four distinct programs each containing one or more parts. The programs

[1] Joint ERDA-NRC Task Force on Safeguards (u). Final Report, July 1976, NUREG-0095, ERDA 77-34.

are as follows: Basic Training Program, Advanced Training Program which is either site specific or transportation oriented, a Weapons Training and Qualification program and a Security Management Training Program. Five types of individuals have been identified as security personnel required to take all or parts of the program. These are as follows: guard, armed response individual, unarmed security individual, armed escort, and security management individual.

If the rule is published in effective form, a security personnel training manual will be published as a NUREG document which will expand on the criteria in Appendix B to provide guidance in the development of courses of instruction. It is expected that licensees will initially develop their own training programs or have security consultants develop these programs based on the criteria and training manual. The Commission will study the alternative of certifying training programs for a specific training center(s) versus certification of security personnel (individuals) by the NRC. The Commission will also study alternate approaches to the implementation of security personnel training programs at a central facility, regional facilities or completely decentralized facilities, to arrive at a consensus as to the most cost effective approach for conducting security personnel training. The Commission solicits comments, recommendations and cost tradeoffs on these various options.

If the Commission adopts the proposed amendments to 10 CFR Part 73, the rule would become effective 30 days after publication. Each affected licensee will be given a period of 30 days after the amendments become effective to submit a training, equipping and qualifications plan which documents the implementation of the training program. The licensee would be given 60 days after the rule became effective or 30 days after the submitted plan is approved, whichever is later, to initiate the approved security personnel training program. All security personnel would be required to be trained and qualified within two years after the effective date of the rule, or within two years after the submitted plan is approved, whichever is later, to have all security personnel meet the new requirements.

Because the amendments deal only with the training of existing security personnel and do not directly or indirectly affect the environment, the Commission has determined that under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51.5(d)(3), that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 73 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated.

1. Section 73.30(d) and 73.30(e) of 10 CFR Part 73 are revised to read as follows:

§ 73.30 General requirements.

* * * * *

(d) When armed escorts are used pursuant to §§ 73.31(c)(1), 73.31(c)(2), 73.33 and 73.35, the licensee shall not permit an individual to act as an armed escort or other member of the security organization unless such individual, in accordance with his assigned security duties, has been trained, equipped, and qualified in accordance with Appendix B, "General Criteria for Security Personnel" of this part. Armed escorts and other members of the security organization shall requalify in accordance with Appendix B of this part at least every 12 months. Such requalification shall be documented.

(e) By January 7, 1974 each licensee shall submit a plan outlining the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g). By (30 days after the rule becomes effective), each licensee shall submit a training and qualifications plan outlining the procedures that will be used for the selection, qualification, training and equipping of armed escorts in accordance with the requirement of paragraph (d) of this section. This plan shall include a schedule to show how all armed escorts will be trained by (within two years after the rule becomes effective) or within two years after the submitted plan is approved, whichever is later. This plan shall be followed by the licensee after (60 days after the rule becomes effective) or 30 days after the submitted plan is approved by the NRC, whichever is later.

2. Section 73.50(a)(4) and 73.50(h) of 10 CFR Part 73 are revised to read as follows:

§ 73.50 Requirements for physical protection of licensed activities.

* * * * *

(a) * * *

(4) The licensee shall not permit an individual to act as a guard, watchman, armed response individual, security management individual, or other member of the security organization unless such individual has been properly trained, equipped and qualified in accordance with Appendix B, "General Criteria for Security Personnel" of this part. Each guard, watchman, armed response individual, security management individual, and other member of the security organization shall requalify in accordance with Appendix B at least every 12 months. Such requalification shall be documented.

* * * * *

(h) By (30 days after the rule becomes effective) each licensee shall submit a training and qualification plan outlining the procedures that will be used for the selection, qualification, training and equipping of security personnel in accordance with the requirements of paragraph (a)(4) of this section. This plan shall include a schedule to show how all security personnel will be trained by (within two years after the rule becomes effective) or within two years after the submitted plan is approved, which ever is later. This plan shall be followed by the licensee after (60 days after the rule becomes effective) or 30 days after the submitted plan is approved by the NRC, whichever is later.

3. Paragraph 73.55(b)(4) of 10 CFR Part 73 is revised to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage.

* * * * *

(b) * * *

(4) The licensee shall not permit an individual to act as a guard, watchman, armed response individual, security management individual, or other member of the security organization unless such individual has been properly trained, equipped, and qualified in accordance with Appendix B, "General Criteria for Security Personnel" of this part. Each guard, watchman, armed response individual, security management individual and other member of the security organization shall requalify in accordance with Appendix B at least every 12 months. Such requalification shall be documented. By (30 days after the rule becomes effective) each licensee shall submit a training and qualification plan outlining the procedures that will be used for the selection, qualification, training and equipping of security personnel in accordance with the requirements of this paragraph. This plan shall include a schedule to show how all security personnel will be trained by (within two years after the rule becomes effective), or within two years after the submitted plan is approved, whichever is later. This plan shall be followed by the licensee after (60 days after the rule becomes effective) or 30 days after the submitted plan is approved by the NRC, whichever is later.

4. A new Appendix B entitled "General Criteria for Security Personnel" is added to 10 CFR Part 73 to read as follows:

APPENDIX B—GENERAL CRITERIA FOR SECURITY PERSONNEL

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II. TRAINING AND QUALIFICATIONS

A. Training Requirements.
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IV. WEAPONS QUALIFICATION AND REQUALIFICATION PROGRAM

V. GUARD, ARMED RESPONSE INDIVIDUAL, AND ARMED ESCORT EQUIPMENT

A. Fixed Site.
B. Transportation.

INTRODUCTION

Pursuant to the provisions of §§ 73.50 and 73.55 of 10 CFR Part 73, Rquirements for Physical Protection of Plants and Materials, each licensee who is authorized to conduct certain activities with specified quantities of special nuclear material pursuant to 10 CFR Part 70 and each licensee who is authorized to operate a production or utilization facility pursuant to 10 CFR Part 50, respectively, is required to establish a security organization, including trained and equipped guards to physically protect special nuclear material in their possession and their facilities against theft and industrial sabotage.

Further, pursuant to the provisions of 73.30 through 73.36 of 10 CFR Part 73, certain shipments of special nuclear material are required to be accompanied by armed escorts.

Security personnel responsible for the protection of special nuclear material onsite and in transit and for the protection of the facility against industrial sabotage shall, like other components of the physical security system, meet minimum levels of performance and reliability. The licensee shall assure that those responsible for security are capable, qualified, and equipped to execute the duties prescribed for them.

These General Criteria establish requirements for the qualifying, training and equip ping of individuals who will be responsible for protecting special nuclear materials, nuclear facilities and nuclear shipments.

DEFINITIONS

As used in this appendix:

(a) Terms defined in Parts 50, 70, and 73 of this chapter have the same meaning when used in this appendix:

(b) *Armed Response Individual.* Armed response individual means a trained and qualified person not necessarily uniformed whose primary duty in the event of attempted theft of special nuclear material and/or industrial sabotage of the facility shall be to respond, armed and equipped to prevent or delay such actions.

(c) *Security Management.* Security management means a person, not necessarily uniformed or armed, who is trained and qualified to direct the activities of the security organization.

CRITERIA

I. EMPLOYMENT SUITABILITY AND QUALIFICATION

A. *Suitability.* Prior to employment, or assignment to the security organization, an individual shall meet the following suitability criteria: (1) Minimum age of 21, (2) Education—high school diploma or equivalent, (3) No record of felony convictions.

B. *Physical and Mental Qualifications*—1. *Physical Qualifications.* Individuals whose duties and responsibilities are directly associated with the operation of the physical security system, excluding individuals assigned to routine office duties, shall be required to successfully pass a physical examination conducted by a licensed medical practitioner. The examination shall show no physical weaknesses or abnormalities that would affect their performance of security duties. Specifically, each individual shall meet the following physical requirements:

(a) *Vision.* For each individual distant visual acuity in each eye shall be correctable to 20/30 (Snellen or equivalent). Distant binocular acuity must be no worse than 20/30 (Snellen or equivalent) in both eyes, corrected. Field of vision, as tested by a tangent screen, must be at least 70° horizontal meridian in each eye, and the ability to distinguish basic colors is required. Near visual acuity must be corrected to at least 20/30 (Snellen English; Jaeger J-4 Snellen Metric 0.75). Loss of vision in one eye is disqualifying. Glaucoma shall be disqualifying, unless controlled by acceptable medical or surgical means, provided such medications as may be used for controlling glaucoma do not cause undesirable side effects which adversely affect the individual's performance: *And provided,* The visual acuity and field of vision requirement stated above are met.

(b) *Hearing.* Individuals shall have no hearing loss greater than 25 decibels at 500 Hz, 1000 Hz and 2000 Hz in the worst ear without a hearing aid.

(c) *Diseases.* Individuals shall either show no established medical history or medical diagnosis of epilepsy or diabetes or where there is a record showing such a condition has existed, the indivdual shall present medical evidence that the condition can be controlled with proper medication so that the individual will not lapse into a coma or unconscious state while performing assigned security duties.

(d) *Addiction.* Individuals shall either show no established medical history or clinical diagnosis of habitual alcoholism or drug addiction, or, where evidence of such a condition is shown to have existed, the individual shall produce documentation of having completed a rehabilitation program which would give a reasonable degree of confidence that the individual would be capable of performing assigned security duties.

(e) *Other Physical Requirements.* An individual who has been incapacitated due to a serious illness, injury, disease, or operation, which could interfere with the performance of assigned security duties shall, prior to resumption of such duties, provide medical evidence of recovery and ability to perform such duties.

2. *Mental Qualifications.* Individuals must be mentally alert and capable of exercising good judgment, implementing instructions and assimilating necessary spcialized training.

(a) There must be an absence of emotional instability, as determined by a licensed clinical psychologist or a psychiatrist, that would hamper the individual's ability to perform security job functions.

(b) *Other Mental Requirements.* An individual who exhibits an aberrant behavioral pattern which interferes with his ability to perform assigned normal and/or emergency security duties and responsibilities shall be relieved of such duties and responsibilities and shall be referred to a licensed clinical psychologist and/or medical practitioner for consultation and diagnosis. If the professional opinion is that the diagnosed condition interferes with the effective performance of assigned security duties and responsibilities, the individual shall not be permitted to resume those security duties until medical evidence showing that the condition no longer exists is provided.

C. *Physical Fitness Qualifications.* Guards, armed escorts and armed response individuals shall demonstrate physical fitness by performing the following exercises within a one (1) hour period. (1) One (1) mile run in 8 minutes, (2) Pull-ups—3 in 10 seconds, (3) Push-ups—10 in 30 seconds.

D. *Contract Security Personnel.* Contract security personnel shall be required to meet the suitability, physical, and mental requirements as appropriate.

E. *Physical Requalification.* At least every 12 months, guards, armed escorts, and armed response individuals shall be required to meet the physical requirements of paragraphs B.1 (a) and (b), and C of this appendix.

F. *Documentation.* The results of suitability, physical, and mental qualifications data and test results shall be documented.

II. TRAINING AND QUALIFICATIONS

A. *Training Requirements.* 1. Each individual whose duties and responsibilities are directly associated with the operation of the physical security system, excluding individuals assigned to routine office duties, shall be required to complete successfuly the training courses directly related to assigned job function(s).

2. The name, title and qualifications of each training instructor shall be documented.

3. The security personnel training shall consist of the following programs of insrtuction:

(a) "Basic Training Programs, One, Two and Three."

(1) "One" shall be completed by all security personnel except routine office workers;

(2) "Two" shall be completed by fixed site guards. Armed response individuals and other security personnel, excluding routine office workers, shall complete courses as appropriate to their specific job functions;

(3) "Three" shall be completed by armed escorts.

(b) "Advanced Training Programs, One, Two and Three."

(1) "One" shall be completed by fixed site guards. Armed response individuals and other security personnel, excluding routine office workers shall complete courses as appropriate to their specific job functions;

(2) "Two" shall be completed by guards and armed response individuals; and,

(3) "Three" shall be completed by armed escorts.

(c) A "Weapons Training and Qualification Program" shall be completed by guards, armed escorts and armed response individuals.

(d) A "Management Training Program" shall be completed by individuals who have the responsibility and the authority to direct the activities of the security organization.

4. Individual training and qualifications test data for all subjects covered in the Basic Training Program, the Advanced Training Program, the Weapons Training and Qualifications Program, and the Management Training Program; and the lesson plan for each course covered, the name of each instructor and the course(s) he will teach, and the location of the classroom in which each subject will be taught shall be documented.

5. Individuals shall be given written tests on both basic and advanced courses of instruction. Test scores shall be a minimum of 70% to qualify.

6. Contract personnel shall be trained, equipped, and qualified, as appropriate, in accordance with Sections II, III, IV, and V of this Appendix.

B. *Basic Training Programs.* Basic Training Programs One, Two, and Three shall consist of at least the following courses of instruction and the hours of training stated below.

1. *Basic Training One.* An 8-hour course of instruction and training which shall include, but not be limited to the following courses:

(a) *Introductory Training.* This course shall provide general information on the following topics:

(1) Security in the private nuclear industry.

(2) Protection of nuclear facilities, transport vehicles and special nuclear material.

(3) NRC requirements and guidance for physical security.

(4) The private security guard's role in providing physical protection for the nuclear industry.

(b) *Introduction to Law.* This course shall provide general information on the rules and laws governing such things as: (1) The role of the private security guard in the criminal justice system, (2) The authority of private guards, (3) The use of non-lethal weapons, (4) The use of deadly force; and, (5) Power of arrest, authority to detain, and the authority to search individuals and seize property.

(c) *Adversary Threat.* This course shall provide general information on adversary potential relating to: (1) Adversary groups; (2) Motivation and objectives; (3) Tactics and force that might be used to achieve his objective; and, (4) Recognition of sabotage related devices and equipment that might be used.

2. *Basic Training Two.* A 56-hour course of instruction and training which shall include but not be limited to the following courses:

(a) *Introduction to Fixed Site Security.* This course shall provide general information on various aspects of fixed site security systems covering such topics as:

(1) Facility organization and operation.

(2) Types of physical barriers.

(3) Weapons and key control.

(4) Location of SNM and/or vital areas within a facility.

(5) Protected areas.

(6) Types of alarm systems used.

(7) Routine response and assessment procedures to alarm annunciations.

(8) Familiarization with types of special nuclear material processed.

(9) General concepts of fixed site security systems.

(10) Vulnerabilities and consequences of theft of special nuclear material or industrial sabotage of a facility.

(11) Protection of security system information.

(b) *Equipment Training.* This course shall provide general information on the operation, test and maintenance of the following types of security organization equipment: (1) Personal equipment, normal and special duty; (2) Surveillance and assessment; (3) Communications; (4) Access control for individuals, packages and vehicles; (5) Contraband detection; (6) Barriers and other delays; (7) Exterior and interior alarm systems; (8) Duress alarms; and (9) Alarm stations.

(c) *Duties and Responsibilities.* This course shall provide familiarization of the duties and responsibilities of the fixed site security organization. The operations to be covered shall include but not be limited to the following:

(1) Fixed post stations.

(2) Access control.

(3) Searches; individuals, packages and vehicles.

(4) Escort and patrol.

(5) Alarm station operation.

(6) Alarm assessment and response.

(7) Security system or component failure.

(8) Weapons, lock and key control.

(9) Information security.

(10) Communications.

(11) Coordination with local law enforcement agencies.

(12) Security and situation reporting and documentation.

(13) Surveillance.

(14) Contingency duties.

(d) *Security Skill Training.* This course shall provide skill training in the following areas:

(1) Self defense.

(2) Incapacitating agents.

(3) Communications procedures.

(4) Security equipment testing.

(5) Awareness training.

(6) Sabotage device recognition.

(7) Security report writing.

(8) Contingency procedures.

(9) Night vision devices and systems.

(10) Specialized personal equipment.

(11) Mechanics of detention.

3. *Basic Training Three.* A 16-hour course of instruction and training which shall include, but not be limited to, the following courses:

(a) *Introduction to Transportation Security.* This course shall provide general information on various aspects of transportation security systems covering such topics as:

(1) Transportation systems organization and operation.

(2) Types of transport vehicles.

(3) Types of escort vehicles.

(4) Modes of transportation.

(5) Road transport command and control structures.

(6) Weapons.

(7) General tactics for responding to threats.

(8) Control of area around transport vehicle.

(9) Convoy techniques.

(10) Familiarization with types of special nuclear materials shipped.

(11) Duress alarms.

(12) Communications systems.

(13) Personal equipment for normal and special situations.

(14) Vulnerabilities and consequences of theft of special nuclear material or industrial sabotage of transport vehicle.

(15) Protection of transport security system information.

(b) *Equipment Training.* This course shall provide general information on the operation, test and maintenance of the following security organization equipment: (1) Personal equipment, normal and special duty; (2) Surveillance and assessment; (3) Communications; (4) Barriers and other delays; (5) Duress alarms; (6) Transport vehicles; and (7) Escort vehicles.

(c) *Duties and Responsibilities.* This course shall provide familiarization of the duties and responsibilities of the transportation security organization. The operations to be covered shall include but not be limited to the following:

(1) Verification of shipment documentation and contents.

(2) Continuous surveillance of shipment vehicle.

(3) Communications, shipment to control center and intra-convoy.

(4) Shipment mode transfers.

(5) Emergency transfers of shipments.

(6) Threat assessment and response.

(7) Shipment vehicle lock and key control.

(8) Isolation of shipment vehicle.

(9) Coordination with local law enforcement agencies.

(10) Verification of shipment locks and seals.

(11) Security and situation reporting and documentation.

(12) Shipment delivery and pickup.

(13) Escort by road, rail, air and sea.

(d) *Security Skill Training.* This course shall provide general skill training in the following areas: (1) Self defense, (2) Incapacitating agents, (3) Communications, (4) Awareness training, (5) Sabotage device recognition, (6) Security report writing, (7) Contingency procedures, (8) Night vision devices and systems, and (9) Personal equipment for special duty.

C. *Advanced Training Programs.* Advanced Training Programs, One, Two, and Three shall consist of at least the following courses of instruction and the hours of training stated below:

1. *Advanced Training One.* A 16-hour course of instruction and training which shall cover the site specific duties and responsibilities of the security organization for both normal and contingency situations. The program shall include but not be limited to the following courses:

(a) *Fixed Post Stations.* This course shall provide instruction on the procedures to be followed in the operation of fixed post stations

(b) *Access Control.* This course shall provide instruction on the procedures to be followed in controlling access to sensitive areas for the following types of operations: (1) Personnel identification, (2) Credential inspection, (3) Verification of shipment and receiving authorizations, (4) Door and gate control, (5) Key, lock and weapons control, (6) Activation and deactivation of alarm systems, and (7) Testing detection system effectiveness.

(c) *Search of individuals, packages and vehicles.* This course shall provide instruction on the procedures and techniques to be used to search individuals, packages and vehicles for weapons, contraband and concealed special nuclear material.

(d) *Escort and Patrol.* This course shall provide instruction on procedures to be followed when performing the following escort or patrol duty:

(1) Escort Duty: (i) Visitors; (ii) Delivery and service vehicles; (iii) Maintenance, construction or repair personnel; and (iv) Emergency vehicles.

(2) Patrol Duty: (i) Material access areas; (ii) Vital areas; and (iii) Protected areas.

(e) *Alarm Station Operation.* This course shall provide instruction on operating procedures to be followed during both normal and emergency situations.

(f) *Alarm Assessment and Response.* This course shall provide instruction on the procedures to be followed and the techniques to be used when responding to and assessing alarm annunciations.

(g) *Security System or Component Failure.* This course shall provide instruction on procedures to follow and actions to take upon detection of failure or improper operation of any security system or component.

(h) *Weapons, Lock and Key Control.* This course shall provide instruction on the method or system used for controlling access to weapons, keys, and locks.

(i) *Information Security.* This course shall provide instruction on why the details of the facility security plan should not be disclosed to, or discussed with anyone who is not a member of the security organization, or who does not require the information to perform his job function.

(j) *Communications.* This course shall provide instruction on the communication systems and operating procedures to be used by the security organization during both normal and contingency situations.

(k) *Local Law Enforcement Agencies.* This course shall provide instruction on the system established and the procedures to be followed when communicating with local law enforcement agencies.

(l) *Security Reports and Situation Reporting.* This course shall provide instruction on security report writing, and procedures to be followed when reporting a security incident.

(m) *Security Records.* This course shall provide instruction on the security organization system for keeping security records and the procedures for recording, maintaining and updating the following:

(1) Access authorization lists for material access and vital areas.

(2) Documenting security incidents.

(3) Logging of all security alarm annunciations, and reasons for such annunciations.

(4) Recording of security inspections and results.

(5) Accounting for weapons, keys and locks.

(6) Assembling personnel and taking roll call after an emergency evacuation.

(7) Surveillance techniques and procedures to be followed.

(n) *Contingency Duties.* This course shall provide instruction on the various duties and responsibilities of security personnel and the procedures they shall follow during emergency situations.

2. *Advanced Training Two.* A 32-hour course of instruction and training on advanced tactical response. This program shall identify the basic and site specific defensive tactics to be used when responding to attempted theft of special nuclear material and/or industrial sabotage of nuclear facilities. The courses to be covered shall include, but not be limited to the following:

(a) *Basic Tactics*—(1) *The Response Force.* This course shall provide instruction on the response force mission, organization, level of training required and essential equipment needed.

(2) *Response Force Operation.* This course shall provide instruction on operating procedures and tactics that will assure an effective response force. The following topics shall be discussed: (i) Response force deployment; (ii) Alert procedures; (iii) Briefing procedures; (iv) Tactical training in movement; (v) Command and control; (vi) Communication systems; and (vii) Coordination with other offsite and onsite elements of the security organization.

(3) *Response Force Engagement.* This course shall provide instruction on the essential defensive tactical training elements for adversary engagement such as: (i) Tactical training in weapons firing; (ii) Response force movement; (iii) Formations; (iv) Command and control during adversary engagement; (v) Response force withdrawal; and (vi) Use of support fire.

(4) *Tactical Exercises.* This course shall provide for simulated controlled student/instructor tactical exercises, for both day and night adversary engagement, to assure effective coordination of all elements of the response force. These exercises shall involve problem solving situations, e.g., loss of onsite radio communications, loss of security supervisor, etc.

(5) *Special Situations.* This course shall provide instruction and training on the site specific defensive tactics the response force shall use to respond to and control contingency situations such as: (i) Bomb and attack threats; (ii) Civil disturbances (e.g., strikes, demonstrators); (iii) Alarm annunciations and other indications of intrusion; (iv) Confirmed intrusions or attempted intrusions; (v) Confirmed attempted theft of special nuclear and/or industrial sabotage of facilities; (vi) Hostage situations; (vii) Failure of major security system hardware; (viii) Security response to emergency situations other than security incidents; and (ix) Use of, and defense against, incapacitating agents.

(b) *Site Specific Tactics.* This course shall provide instruction on the following topics: (1) Plant layout; (2) Location of material access and/or vital areas; (3) Areas of restricted weapons use; (4) Local law governing authority of private guards; (5) Local law governing possession of deadly weapons and on the use of deadly forces; (6) Routes of travel, interior and exterior to the plant; and (7) Local Law Enforcement Agency/Licensee coordinated plan.

3. *Advanced Training Three.* A 40-hour course of instruction and training of which 8 hours shall consist of training on the organization transportation security system and procedures, and 32 hours on advanced tactical training. This course shall provide instruction on the specific defensive tactics to be used when responding to attempted theft of special nuclear material and/or industrial sabotage of the transport vehicle. The courses to be covered shall include but not be limited to the following:

(a) *Transportation Security.* This course shall provide instruction on the transportation security organization, its mission, the level of training required, and essential equipment required.

(b) *Duties and Responsibilities.* This course shall provide instruction and training on the duties and responsibilities of the specific transportation security system and operating procedures. The topics to be covered shall include but not be limited to the following: (1) Verification of shipment documents and contents; (2) Continuous surveillance of shipment vehicle; (3) Communication systems, shipment to control center and intra-convoy, and communications procedures; (4) Shipment mode transfers; (5) Emergency transfers of shipment; (6) Control of convoy vehicle locks and keys; (7) Isolation of shipment vehicle; (8) Coordination with local law enforcement agencies; (9) Security and situation reporting and documentation; (10) Shipment delivery and pickup; and (11) Escort of shipments by road, rail, air and by sea.

(c) *Advanced Tactical Training.* This course shall provide instruction and training on the tactics that will be required to prevent or delay action directed against the shipment vehicle. The course shall cover but not be limited to the following topics: (1) Deployment; (2) Alert procedures; (3) Briefing procedures; (4) Shipment command and control; (5) Communication systems; (6) Adversary engagement; (7) Formations; (8) Use of weapons fire (tactical and combat); (9) Armed escort and shipment movement under fire; (10) Command and control during adversary engagement; and (11) Tactical convoying techniques.

(d) *Tactical Exercises.* This course shall provide for simulated controlled student/instructor tactical exercises for both day and night adversary engagement to assure effective coordination of the shipment security system. These exercises shall involve problem solving situations, e.g., loss of shipment commander, loss of communication systems, assorted threats, etc.

(e) *Special Situations.* This course shall provide instruction and training on specific defensive tactics the armed escorts shall use to respond to and control contingency situations such as: (1) Bomb and attack threats; (2) Demonstrations; (3) Hostage situations; (4) Vehicle or other system failure; (5) Security response to emergency situations other than security; and (6) Use of and defense against incapacitating agents.

D. *Security Management Training Program.* The Management Training Program shall consist of a 24 hour course of instruction and training on security management duties and responsibilities. The program shall include but not be limited to the following courses:

1. *Introduction.* This course shall provide general information on the managerial aspects of security organization functions and responsibilities and shall cover such topics as: (a) Purpose of training program; (b) Purpose and principles of NRC security requirements and guidance available to meet the requirements; (c) Potential adversary threats, motivations, objectives and capabilities; and (d) Concepts of physical protection systems as applied to a specific nuclear facility or to nuclear shipments, as appropriate.

2. *Guard Force Organization.* This course shall provide general information about the fixed site or transport security system organization on such things as: (a) Organization and functions; (b) Legal authority, procedures and limitations; (c) Discipline; (d) Guard orders; (e) Weapons; (f) Communications; and (g) Operation, normal and emergency.

3. *Emergency Plans.* This course shall provide general information on plans developed to cope with special situations such as: (a) Attempted diversion of special nuclear material when appropriate; (b) Bomb and attack threats; (c) Civil disturbances (e.g., strikes, demonstrators); (d) Hostage situations; and (e) Non-security emergencies.

4. *Response Force Organization.* This course shall provide detailed instructions and procedures, on the organization and operation of the response force. The topics to be covered shall include, but not be limited to the following: (a) Response force organization; (b) Duties and responsibilities, normal and emergency; (c) Authority of the response force, normal and emergency; and (d) Special situations, problem solving.

5. *Security Management.* This course shall provide general management planning and implementation information on developing an effective security organizations. The topics to be covered shall include, but not be limited to the following: (a) NRC requirements; (b) Emergency decision making; (c) Individual authority, normal and emergency; (d) Motivation of security personnel; (e) Security organization liaison and coordination with offsite response forces; and (f) Security incident reporting and security report writing.

E. *Refresher Training.* Security personnel, excluding routine office workers, shall receive, during the course of each year, at least five (5) days of refresher advanced training on duties and responsibilities of the security organization and security procedures to be followed in both normal and emergency situations. Each individual shall be tested to assure understanding of his duties, responsibilities, and procedures. Results of each test shall be documented.

III. WEAPONS TRAINING AND QUALIFICATION

A 60-hour course of instruction, training and qualification firing on the semi-automatic pistol or revolver, semi-automatic rifle and the shotgun. The program shall include but not be limited to the following courses for each weapon: (a) Introduction and mechanical training; (b) Day and night range practice firing and techniques; and (c) Range qualification which shall be in accordance with the requirements in Section IV with each of the weapons described in Section V.

IV. WEAPONS QUALIFICATION AND REQUALIFICATION PROGRAM

Qualification firing for the handgun and the rifle shall be for both day and night firing.

A. *Handgun.* The individual shall qualify with a revolver or a semi-automatic pistol firing the National Police Course, which is as follows:

1. *Seven-Yard-Course.* Twelve shots (2 strings) from the crouch position. Time starts with weapon in holster. Time allowed: 25 seconds. Max point total=60 pts. Target specification [2]—B27.

2. *Twenty-Five-Yard-Course.* Six shots kneeling; six shots standing, left hand from behind barricade: six shots standing, right hand from behind barricades. Time allowed: 90 seconds. Max point total=90. Target specification [2]—B27.

3. *Fifty-Yard-Course.* Six shots sitting, six shots prone, six shots left hand standing from behind barricade, and six shots right hand standing from behind barricade. Time allowed: 2 minutes and 45 seconds. Max point total=120. Target specification [2]—B27.

4. *Twenty-Five-Yard-Course.* Six shots standing without support or barricade. Time allowed: 12 seconds. Max point total=30. Target specification [2]—B27.

NOTE.—For all firing stages, all times start with loaded weapon in the holster, and includes reloading for subsequent six (6) shot strings as applicable.

To qualify each individual must achieve a minimum point total of 210.

B. *Semi-Automatic Rifle.* Qualification with a semi-automatic rifle shall be made on the following rifle fire course:

1. *Rifle Short Course.* Each individual shall run 100 yards double time with weapon in hand, and then fire 10 rounds in the following positions and within the specified time:

Range	Type fire	Position	Number Rounds	Number Strings	Target [1]	Maximum points
100 yd	Timed	Prone	2	1	B-25	2
100 yd	do	Kneeling	2	1	B-25	20
100 yd	do	Standing	2	1	B-25	20
100 yd	do	Support	Standing			
	Left hand barricade		2	1	B-25	20
	Right hand barricade		2	1	B-25	20

[1] As set forth by the National Rifle Association (NRA) in its official rules and regulations, "NRA Target Manufacturers Index," December 1976.

[2] As set forth by the National Rifle Association (NRA) in its Official Rules and Regulations, "NRA Target Manufacturers Index," December, 1976.

Scoring shall be ring value (bullseye=10 points.) Qualification score shall be 80 points minimum. Qualification firing time shall be 1 minute and 30 seconds.

Each semi-automatic rifle shall be sight zeroed at 100 yards at least every 4 months and before each qualification firing.

C. *Shotgun.* Qualification with the 12 gauge shotgun shall be accomplished in accordance with the following requirements:

Each individual shall run 100 yards double time with weapon in hand, and then fire 8 rounds in the following two (2) positions and within the specified times.

Range	Position	Number of rounds	Target [1]	Maximum points
15	Hip fire	[2] 4	B-27	NA
25 yd	Point, shoulder	[2] 4	B-27	NA

[1] As set forth by the National Rifle Association (NRA) in its Official Rules and Regulations, "NRA Target Manufacturers Index," December 1976.

[2] The 4 rounds shall be fired at 4 separate targets within 10 sec using 00 (9 pellet) shotgun shells.

To qualify the individual shall be required to place 50% of all pellets (36 pellets) within the black silhouette.

V. Guard, Armed Response Individual, and Armed Escort Equipment

A. *Fixed Site.* Fixed site guards and armed response individuals shall either be equipped with or have readily available in the event of a threat on the facility, the following appropriate equipment:

1. Semi-automatic rifles with following minimum specifications: (a) .223 cal.; (b) Muzzle velocity, 3000 ft/sec; (c) Muzzle energy, 1300 foot pounds; (d) Full magazine, 10 rounds; (e) Magazine reload, ≤6 sec; and (f) Operable in any environment in which it will be used.

2. 12 gauge shotguns with the following capabilities: (a) 4 round pump or semi-automatic and (b) Operable in any environment in which it will be used.

3. Semi-automatic pistols or revolvers with the following minimum specifications: (a) 9 millimeter; (b) Muzzle energy, 345 foot pounds; (c) Full magazine or cylinder reload capability ≤6 seconds; (d) Muzzle velocity, 1000 ft/sec.; and (e) Full cylinder or magazine capacity, 6 rounds.

4. Ammunition: (a) With each assigned weapon as appropriate: (1) 21 rounds per handgun; (2) 100 rounds per semi-automatic rifle; and (3) 15 rounds per shotgun (00 gauge and slug).

(b) Ammunition available on site—Two (2) times the amount stated in (a) above.

5. Personal Equipment: (a) Helmet, combat; (b) Gas mask, full face; (c) Body armor (flak vest); (d) Flashlights and batteries; (e) Baton; (f) Handcuffs; and (g) Ammunition/equipment belt.

6. Binoculars.

7. Night vision aids, i.e., hand fired illumination flares or equivalent.

8. Tear gas or mace.

9. Pagers/duress alarms.

10. Two way portable radios (handi-talkie) 2 channels minimum, 1 operating and 1 emergency.

B. Transportation—Armed Escorts shall be equipped with the following security equipment:

1. Semi-automatic rifles with the following minimum specifications: (a) .223 cal.; (b) Muzzle velocity, 3000 ft/sec.; (c) Muzzle energy, 1300 foot pounds; (d) Full magazine, 10 rounds; (e) Reload capability, ≤6 seconds; and (f) Operable in any environment in which it is expected to be used.

2. 12 gauge shotguns: (a) 4 round pump or semi-automatic and (b) Operable in any environment in which it is to be used.

3. Semi-automatic pistols or revolvers with the following minimum specifications: (a) 9 millimeter; (b) Muzzle energy, 345 foot pounds; (c) Full magazine or cylinder reload capability ≤6 seconds; (d) Muzzle velocity, 100 ft/sec.; (e) Full cylinder or magazine capacity, 6 rounds; and (f) Operable in any environment in which it is expected to be used.

4. Ammunition for each shipment: (a) For each armed escort: (1) 42 rounds per handgun; (2) 200 rounds per semi-automatic rifle; and (3) 30 rounds per shotgun (00 gauge and slug).

5. Escort vehicles; bullet resisting, equipped with communications systems, red flares, first aid kit, emergency tool kit, tire changing equipment, battery chargers for radios (where appropriate).

6. Personal Equipment: (a) Helmet, combat; (b) Gas mask, full face; (c) Body armor (flak vest); (d) Flashlights and batteries; (e) Baton; (f) Ammunition/equipment belt; and (g) Pagers/duress alarms.

7. Binoculars.

8. Night vision aids, i.e., hand fired illumination flares or equivalent.

9. Tear gas or mace.

Dated at Washington, D.C., this 29th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-19053 Filed 6-30-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 808]

[Docket No. 77N-0110]

EXEMPTIONS FROM FEDERAL PREEMPTION OF STATE AND LOCAL DEVICE REQUIREMENTS

Proposed Procedures for Consideration of Applications

Correction

In FR Doc. 77-16783 appearing at page 30383 in the issue for Tuesday, June 14, 1977, in § 808.1(c) on page 30387, the third line from the bottom of the paragraph now reading "emption. The granting of an exemption" should be deleted and in its place inserted the following: "exemption regulation for the preempted".

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-108]

OCCUPATIONAL EXPOSURE TO ACRYLONITRILE

Request for Information

NOTE: The following document was originally published on June 29, 1977 (page 33043). It is being republished here in order to meet Day-of-the-Week publication requirements.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on acrylonitrile.

SUMMARY: This notice requests information on acrylonitrile (AN), a chemical used in manufacturing acrylic fibers, synthetic rubbers and plastics. OSHA has recently received data which indicates that the present standard for AN, Table Z-1, 29 CFR 1910.1000, may not be sufficiently protective of exposed employees. In light of the potential cancer hazard involved, the possibility of issuing an Emergency Temporary Standard for AN is being considered. OSHA is there-

fore seeking information on the manufacture and use of AN monomer, polymers and various copolymers, health effects related employee exposures, health effects, medical surveillance, respiratory protection, and the technological and economic aspects of controlling employee exposures to these substances. OSHA is also requesting views on the appropriate regulatory response to the new information received on AN.

DATE: The information requested in this notice must be submitted on or before July 29, 1977.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket H-108, Room S6212, U.S. Department of Labor-OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, Room N3641, OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-8151).

SUPPLEMENTARY INFORMATION:

Acrylonitrile: Recent Information Received by OSHA

In January, 1977 OSHA received information from the Manufacturing Chemists Association (MCA) regarding their investigation of the potential long-term toxic effects of exposure to acrylonitrile (AN). Their interim report of feeding and inhalation studies indicated that laboratory rats exposed to AN developed "masses", "lesions", "tumors" and other pathologic changes in various organs (*1,2,3*). Additional animal studies examining the possible teratogenic effects of AN indicated the potential for the AN monomer to cause fetal malformation when given to pregnant rats by gavage (*4*). On May 23, 1977, OSHA received a communication from E.I. Dupont de Nemours and Company reporting the preliminary results of an epidemiologic study conducted at their Camden, South Carolina textile fibers plant. This study indicated that workers in this plant were subject to statistically significant excess risk of dying of lung cancer and colon cancer (*5*).

Background

Acrylonitrile ($CH_2=CHCN$; CAS No. 000107131) (AN) is a widely used chemical intermediate in the manufacture of acrylic fibers, synthetic rubbers and plastics (*6*). Its use in the manufacture of a number of acrylic fibers and copolymer resins accunts for most of the 1.5 billion pounds of AN produced annually in the United States (*7*). AN is a clear, colorless (when pure) or yellowish liquid with a characteristic odor and a molecular weight of 53.06. It is very reactive and polymerizes violently in the presence of strong bases. Pure AN is subject to self-polymerization with rapid pressure development (the commercial product is inhibited and not subject to this reaction). AN is a volatile (vapor pressure 83 mm Hg at 68° F.), flammable liquid with a flash point of 30° F. (closed cup), is easily ignited and may release cyanide gases when burned, especially where the supply of oxygen is limited. Its vapors are heavier than air, and when diffused over a considerable range of concentrations in air (3 percent to 17 percent by volume), are highly explosive (*8*).

AN is highly toxic by ingestion, inhalation of the vapor or by absorption of the liquid through the intact skin, and repeated skin contact with the liquid may result in dermatitis. Until recently the toxicity of AN was thought to be primarily due to the inhibition of cellular respiration by the in vivo release of cyanide ions (similar in its action to inorganic cyanide), and producing no permanent physiological damage. There is now considerable evidence indicating that while the in vivo decomposition of AN may release some cyanide within the body, the primary toxic effect of this substance is a result of its own chemical composition (*8*).

Occupational exposure to AN is currently limited by the Occupational Safety and Health Administration (OSHA) to an 8-hour time weighted average of 20 ppm (or approximately 45 mg/M^3) as found in Table Z-1 of 29 CFR 1910.1000.

Information Requested on Acrylonitrile

The data recently received by OSHA suggests that current regulation of worker exposure to AN may not be sufficiently protective, and that more information in a number of areas is necessary before a reassessment of the hazards of AN exposure can be made. OSHA is therefore requesting information pertaining to the AN monomer, polymers and various copolymers, individually or collectively (as well as any finished products containing any or all of these), including but not limited to the following:

1. Metabolism, including intermediate as well as final metabolites.

2. Toxicity, tumorogenicity, carcinogenicity, teratogenicity and/or mutagenicity, including the effects of potential co-factors as related to each of these.

3. Human epidemiology (employee populations and those otherwise exposed).

4. Appropriate medical surveillance procedures.

5. Appropriate respiratory protection.

6. Uses and production technologies.

7. Employee exposures (actual or potential) in each use and production facility, including: (a) The levels and specific conditions of such exposures, (b) the numbers of employees involved in each exposure situation.

8. Technological and economic feasibility of reducing employee exposure.

9. Analytical and sampling methods used and evidence of their precision and accuracy.

10. Whether issuance of an Emergency Temporary Standard is appropriate.

Submittals of Information Requested in This Notice

Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by July 29, 1977, to the Docket Officer, Docket H-108, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (202-523-7894). Timely written submissions will be considered in any action taken by this agency.

References

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(*1*) Communication from A. C. Clark of MCA to Douglas Costle of the Environmental Protection Agency, dated April 11, 1977.

(*2*) Norris, J. M. "Status Report on the 2-year Study Incorporating Acrylonitrile in the Drinking Water of Rats," (an MCA-sponsored study done by Dow Chemical), dated January 12, 1977.

(*3*) Quast, J. F. et al. "Toxicity of Drinking Water Containing Acrylonitrile (AN) in Rats: Results After 12 Months," (an MCA-sponsored study done by Dow Chemical), dated March, 1977.

(*4*) Murray, F. J. et al. "Teratologic Evaluation of Acrylonitrile Monomer Given to Rats by Gavage," (an MCA-sponsored study done by Dow Chemical), dated November 3, 1976.

(*5*) O'Berg, M. T. "Epidemiologic Study of Workers Exposed to Acrylonitrile: Preliminary Results," May, 1977 (Dupont).

(*6*) Kirk-Othmer Encyclopedia of Chemical Technology, 2nd Edition, A. Stauden (Executive Editor) 1972, p. 319.

(*7*) National Institute of Occupational Safety and Health (NIOSH) memo from Roscoe M. Moore, Jr., Chief, Technological Evaluation and Review Branch, Office of Extramural Coordination and Special Projects, on the carcinogenic potential of acrylonitrile in rats, dated May 11, 1977.

(*8*) Manufacturing Chemists Association (MCA) Chemical Safety Data Sheet SD-31 (1974).

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 23rd day of June, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18504 Filed 6-27-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-13679; File No. S7-709]

REGISTERED BROKERS AND DEALERS AND ASSOCIATED PERSONS

Minimum Qualification Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Rulemaking.

SUMMARY: The Commission proposes to adopt a new rule which would establish minimum qualification requirements for all registered brokers and dealers and their associated persons. In accordance with the Securities Acts Amendments of 1975, the proposed rule would extend the coverage of the Commission's present qualification rule, currently applicable only to registered brokers and dealers not members of a registered securities association, to all registered brokers and dealers (unless exempted).

DATES: Comments must be received on or before August 10, 1977.

ADDRESSES: All communications on this matter should be directed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-709 and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Amy, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755-1374.

SUPPLEMENTARY INFORMATION: The Commission today announced a proposal to adopt proposed Rule 15b7-1 ("proposed Rule 15b7-1" or the "proposed Rule") which would establish minimum qualification requirements for all registered brokers or dealers and persons associated with them. The Commission wishes to emphasize that, in drafting the proposed Rule in accordance with the Congressional mandate, it has endeavored to upgrade generally the existing qualification standards for the securities industry without imposing undue burdens on free entry into the business. The Commission also announced a proposal to adopt certain amendments to Rule 15b10-4 (17 CFR 240.15b10-4) relating to supervision of persons associated with nonmember brokers or dealers. Proposed Rule 15b7-1 and the proposed amendments to Rule 15b10-4 would be adopted under Sections 6, 15, 15A, and 23 of the Securities Exchange Act of 1934 ("the Act").[1]

BACKGROUND—EFFECT OF THE 1975 AMENDMENTS

As a result of the Securities Acts Amendments of 1975 (the "1975 Amendments,") [2] Section 15(b)(7) of the Act (15 U.S.C. 78o(b)(7) (1975)) [3] now provides that every registered broker or dealer and persons associated must meet minimum standards of training, experience, competence, and such other qualifications as the Commission finds necessary or appropriate in the public interest or for the protection of investors. Prior to the amendments, former section 15(b)(8) [4] of the Act had authorized the Commission to adopt rules prescribing qualifications for registered broker-dealers not members of a registered securities association ("nonmember brokers and dealers" or "SECO brokers and dealers") [5] and persons associated with such brokers and dealers. Thus, present Rule 15b8-1 [6] establishes qualification standards only for nonmember broker-dealers, requiring (among other things) each associated person engaged directly or indirectly in securities activities to take and pass a general securities examination.[7]

Adoption of proposed Rule 15b7-1 [8] would set minimum qualification standards applicable to all registered brokers and dealers, not just to those in SECO, although it will consider exempt from coverage any broker-dealer in compliance with a comparable approved qualification rule of any registered securities association, which may set somewhat higher standards.[9] It should be noted in this connection that the NASD has submitted for Commission approval, pursuant to Rule 19b-4 under the Act (17 CFR 240.19b-4), certain proposed amendments to Schedule C of its By-laws which sets forth qualification requirements for members and persons associated (the "proposed NASD rule" or the NASD's "proposed Schedule C".[10] Moreover, an exemption would also be accorded a non-NASD broker-dealer which is in compliance with comparable, approved qualification rules of a national securities exchange, subject to certain conditions.[10a]

THE EXAMINATION REQUIREMENT

Prior to the mid-1960's the qualification and registration requirements for brokers and dealers and their associated persons under the Federal securities laws were not stringent. The Act and the Maloney Act Amendments of 1938 [10b] (under which the NASD is registered as a national securities association with the Commission) largely permitted free access and ready entry into the securities business by anyone who had not violated securities laws. Although it was the responsibility of the Commission under the Act to administer and enforce broker-dealer registration requirements and to screen registrants [11] with regard to possible violations of the securities laws or similar misconduct, the qualification examination programs were generally those of the self-regulatory organizations.

In 1956, the NASD established an exination requirement for persons desiring to join its member firms.[12] However, this examination consisted of questions which, along with the answers, were distributetd to the applicants prior to taking the examination. As the industry expanded it became apparent that more selective standards were needed to be established to ensure that all registered broker-dealers met minimum competence requirements. In 1962, the NASD introduced a completely new qualification examination which, unlike the test it replaced, did not rely so heavily on memorization. Instead of receiving a catalog of questions and answers each applicant received a "Study Outline" listing the topics on which objective-type examination questions would be based and containing a bibliography of pertinent books and pamphlets.

In 1965, the NASD first adopted a separate qualification examination for principles consisting predominantly of es-

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[1] 15 U.S.C. 78a, et seq., Pub. L. No. 94-29 (June 4, 1975).

[2] Pub. L. No. 94-29 (June 4, 1975).

[3] Former section 15(b)(8) has been amended and renumbered as Section 15(b)(7) by the 1975 Amendments. Therefore, the designation of present Rule 15b8-1, which is now proposed to be revamped, should be changed to Rule 15b7-1.

[4] Enacted by the Securities Acts Amendments of 1964, Pub. L. No. 88-467 (August 20, 1964). (15 U.S.C. 78o(b)(8), as amended, 15 U.S.C. 78o(b)(7) (1975).)

[5] The National Association of Securities Dealers, Inc. ("NASD"), is the only association so registered.

[6] Rule 15b8-1 was adopted on September 7, 1965 (Securities Exchange Act Release No. 7697) (30 FR 11675 (September 9, 1965)).

[7] It has been Commission policy since the adoption of Rule 15b8-1 to require nonsupervisory personnel to attain a grade of C or better (generally at least 70 percent) and principals, officers and other supervisory persons a grade of B or better (generally at least 80 percent).

[8] Present Rule 15b7-1 under the Act deals with Commission proceedings under Section 15(b)(6) (formerly 15(b)(7)) and former Sections 15A(1)(2) and 19(a)(3) of the Act. Because the proposed Rule would be adopted under new Section 15(b)(7), it would seem appropriate to redesignate present Rule 15b7-1 as Rule 15b7-2 or in some other rule series, as appropriate.

[9] The House Committee Report on the 1975 Amendments, Report of the House Committee on Interstate and Foreign Commerce (House Report No. 94-123) (the "House Report") states at page 76: "The industry regulatory organizations are also allowed to impose qualification standards higher than those required by the Commission. The Commission examination, however, will be a *minimum* which all persons engaged in the industry must meet." (Emphasis added.) The Commission proposes to exempt those broker-dealers that are in compliance with the qualification rules of the NASD or with those of a registered national securities exchange provided such rules are deemed by the Commission to be at least comparable to the standards set forth in Rule 15b7-1.

[10] The NASD submission was published in the FEDERAL REGISTER on December 10, 1975 (Cf. 40 FR 57533). The comment period ended on January 9, 1976.

[10a] See note 9, supra. See also text at note 38, infra.

[10b] 52 Stat. 1070 (1938), as amended, 15 U.S.C. 78o et seq. (1975).

[11] Only officers, directors, and ten percent shareholders were closely screened for securities violations.

[12] Since 1936 the NYSE has required prospective registered representatives of its members to pass an examination and in 1963 instituted an examination for prospective members and allied members.

say-type questions, but this was subsequently changed to an objective-type exam format similar to the examination for registered representatives. However, the content of the principal exams had been oriented more toward managerial responsibilities. In September, 1972, the NASD added to its membership standards a requirement that each firm have a Financial Principal, who is required to pass a separate examination.

While the objective examination format is still being used by the NASD, the examination itself has been amended from time to time and has become increasingly more difficult. In the fall of 1974, the NASD, in cooperation with the New York Stock Exchange, Inc. ("NYSE"), instituted (with the Commission's concurrence) a new, more comprehensive, six-hour examination—the Qualification Examination for General Securities Representatives ("Series 7"). This qualification examination is currently being utilized by the American and Pacific Stock Exchanges as well as by the NASD and the NYSE. For the NASD community, the Series 7 examination replaced NASD's earlier Examination for Qualification as a Registered Representative ("Series 1"), a less comprehensive, 2-hour examination. The combined NASD-NYSE effort which resulted in the development of the Series 7 exmination represents an attempt to implement a uniform qualification examination for general securities salesmen associated with members of both the NASD and (one or more) exchanges.

In the Commission's 1963 "Special Study of Securities Markets" [13] ("Special Study") there were several recommendations concerning the up-grading of qualification standards including the examination requirements for associated persons of non-NASD broker-dealers.[14] As a result of the Special Study, the Commission proposed federal legislation and Congress subsequently passed the Securities Acts Amendments of 1964 [14a] which provided, among other things, that the Commission could impose qualification standards on non-member broker-dealers and their associated persons.[15] Subsequently, the Commission adopted Rule 15b8–1 which provided that every associated person engaged directly or indirectly in securities activities on behalf of nonmember brokers and dealers must pass the Commission's general securities examination or a satisfactory alternative.[16]

In 1971 a Subcommittee of the House of Representatives after studying SEC records concerning the failure of broker-dealer firms, issued a report (the "House Review").[17] The House Review found that some of the major causes of broker-dealer failure were inexperience, the lack of knowledge of rules and regulations,[18] and the lack of crucial skills, such as bookkeeping.[19] The House Review recommended, among other things, more stringent and comprehensive examinations to better control entry to the securities industry and to exclude brokers and dealers who are unqualified.[20]

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[13] SEC, "Report of Special Study of Securities Markets," H.R. Doc. No. 95, 88th Congress, 1st Session (1963).

[14] The general philosophy expressed in the Special Study is: "The regulatory problems engendered by the rapid influx of newcomers [to the securities industry] present a challenge which cannot be met by merely adding to the police force, an approach which is neither desirable nor feasible. It is the belief of the study that the gateway to the industry is the point where government and industry should look first for the solution of some of these problems, and that adequate controls over entry into the industry are an alternative to be preferred over an abundance of regulations and too many policemen." Part I, at page 47.

The Special Study briefly explained the measures which should be taken at the "gateway" to the industry:

"The way should be left open for newcomers to enter the securities business, as with any other business, but the public interest demands that newcomers meet minimum standards of competency and show an awareness of their responsibilities before being allowed to approach the public as brokers, dealers, or underwriters." Part I, at page 54.

[14a] Pub. L. No. 88–467 (August 20, 1964).

[15] Section 15(b)(8), as added to the Act in 1964, stated: "No broker or dealer registered under Section 15 of this title shall, during any period when it is not a member of a securities association registered with the Commission under Section 15A of this title, effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) unless such broker or dealer and all natural persons associated with such broker or dealer meet such specified and appropriate standards with respect to training, experience, and such other qualifications as the Commission finds necessary or desirable. The Commission shall establish such standards by rules and regulations, which may—

"(A) Appropriately classify brokers and dealers and persons associated with brokers and dealers (taking into account relevant matters, including types of business done and nature of securities sold).

"(B) Specify that all or any portion of such standards shall be applicable to any such class.

"(C) Require persons in any such class to pass examinations prescribed in accordance with such rules and regulations.

"(D) Provide that persons in any such class other than a broker or a dealer and partners, officers, and supervisory employees (which latter term may be defined by the Commission's rules and regulations and as so defined shall include branch managers of brokers or dealers) of brokers or dealers, may be qualified solely on the basis of compliance with such specified standards of training and such other qualifications as the Commission finds appropriate.

"The Commission may prescribe by rules and regulations reasonable fees and charges to defray its costs in carrying out this paragraph, including but not limited to, fees for any examination administered by it or under its direction. The Commission may cooperate with securities associations registered under section 15A of this title and with national securities exchanges in administering examinations and may require brokers and dealers subject to this paragraph and persons associated with such brokers and dealers to pass examinations administered by or on behalf of any such association or exchange and to pay such association or exchange reasonable fees or charges to defray the costs incurred by such association or exchange in administering such examinations."

[16] The Commission regarded most state examinations, the NASD examination, and those of the New York, American, and Pacific Stock Exchanges as satisfactory alternatives. See discussion that follows in this section of the release, infra.

[17] "Review of the SEC Records of the Demise of Selected Broker-Dealers," Staff Study for the Special Subcommittee on Investigations, 92nd Congress, 1st Session (July, 1971) (Subcommittee Print)

[18] In this connection, the House Review stated: "In some cases these violations (of net capital rules, improper hypothecation of funds, improper extension of credit to customers, and other violations) can be associated with inexperience and with lack of knowledge of rules and regulations, and in other cases it was evident they were willful." Page 6.

[19] The House Review noted, for example, that "bookkeeping and its comprehension by broker-dealer principals is a most critical part of a broker-dealer firm, yet, it is one area that is scarcely covered on broker-dealer principals' examinations." Page 26.

[20] The following are some of the conclusions reached in the House Review: "Our review disclosed a need for the Commission to make the eligibility requirements for entry into the securities industry more restrictive." Page 5.

"We believe the Commission should adopt rules and regulations and/or, if necessary, recommend legislative amendments that would authorize or permit it to require more strict eligibility requirements for becoming a broker-dealer." Page 6.

"The examnations for the Commission and the NASD given to principals and registered representatives are relatively simple to pass and require no particular educational background or experience. We believe the examinations have serious shortcomings in that they do not test adequately the abilities or knowledge of applicants for principals on proper methods of supervision of employees, proper methods of internal control, record-keeping, or generally how to run a brokerage firm. The examinations for registered representatives do not test applicants' ability or knowledge as how well they can manage other peoples' money and give advice on what securities to buy and sell. The investing public in many instances places reliance on principals and registered representatives in the belief they are professional experts. Based on the examinations they take, such reliance may well be misplaced." Page 7.

"We believe the shortcomings of these examinations were directly related to the failures of a number of brokerage firms. The examinations should be improved so as to require a comprehensive knowledge of the securities industry and the related rules and regulations and thereby raise the standards to a quasi-professional level." Page 7.

"We believe the examination, properly designed, can be an effective means to prevent unqualified or irresponsible individuals from entering the securities industry." Page 23.

"It appears that (some instances of illegal distribution and sale of unregistered stocks) could have been prevented had these individuals been adequately tested as to the rules and regulations governing all the buying and selling functions." Page 23.

"There are a number of areas essential to a comprehensive knowledge of the securities industry that are only partially included in these examinations and some that are completely omitted. For example, the examination for principals does not include questions to test the applicant's knowledge of proper methods of supervision of employees, proper methods of internal control over cash and securities, or generally how to run a firm. Also, the examination does not have any questions to test the applicant's knowledge as to whether he knows how to prevent improper acts by salesmen." Page 26.

In addition to the suggestions found in the House Review, there was a belief in Congress that the quality of regulation of a securities firm be unaffected by the status of the broker-dealer, i.e., whether he is a member of the NASD or a SECO broker-dealer. The scope of the Commission's authority as to qualifications of brokers and dealers was therefore expanded in the 1975 Amendments, both as to range of coverage and as to types of requirements which could be imposed. Where Commission authority had been limited to SECO brokers and dealers it now was expanded to all brokers and dealers registered with the Commission; and, in particular, the Commission was authorized to devise uniform examinations for persons engaged in the industry. It was Congress' desire that the Commission's examination would be the minimum which all persons in the industry must meet, although the industry self-regulatory organizations could impose higher qualification standards as well.[21]

The Qualification examination currently given to nonmember brokers and dealers (i.e., SECO participants) is a two-hour, 100 question, multiple choice examination identical to the NASD Series 1 examination, with the deletion of 25 questions concerning NASD rules and regulations. Any NASD examination (including either the Series 7 examination for registered representatives or the NASD Qualification Examination for Principals) is deemed as a "satisfactory alternative" to the Commission's examination, as are the NYSE Allied Member examination and numerous state examinations.[22] In addition, examinations of the American and Pacific Stock Exchanges are recognized as acceptable alternative examinations.

The NASD is currently in the process of developing new examinations for each of the categories of principals and representatives in the proposed rule. Several of these are nearly complete, as are several study guides. The rest of the examinations are expected to be completed in the near future and should be in effect at the time Rule 15b7-1 is adopted. Those tests will serve as the required examinations under Rule 15b7-1. In the interim, the Commission will continue to require completion of the old NASD or SECO examinations [23] or recognized "satisfactory alternatives" for SECO personnel under present Rule 15b8-1.

It is anticipated that under Rule 15b7-1 the Commission will continue to delegate the responsibility for developing and administering all required examinations to the NASD, subject, of course, to the Commission's review and oversight powers.[24]

General Characteristics of the Proposed Commission Rule

A. PRINCIPALS

Under the proposed Rule, no registered broker or dealer [25] would be permitted to engage directly or indirectly in securities transactions unless the broker or dealer and its associated persons satisfy the requirements for principals and representatives.

Each registered broker or dealer would be required to have, depending on the number of associated persons employed, one or two General Securities Principals.[26] As with the proposed NASD rule,[27] these principals would have ultimate supervisory responsibility for the firm's securities activities. A General Securities Principal would qualify by passing two examinations, the one for General Securities Principals and the one for General Securities Representatives. (The former would be a 3-hour (125 question) examination and the latter, a 6-hour (250 question) examination). A broker or dealer who limits his transactions to specialized segments of the securities industry would have the option of satisfying the General Securities Principal requirement by designating the appropriate number of Limited Principals, either for Investment Company and Variable Contracts Products or for Direct Participation Programs, which would include real estate securities. Limited Principals would be required to pass examinations in their particular field, both as a principal and as a representative.[28] (Each of the Limited Principal examinations would be 1 (or 1½) hour (50 question) examinations).

Every registered broker or dealer, except those who are covered by certain of the provisions of the Commission's Uniform Net Capital Rule, Rule 15c3-1 under the Act (17 CFR 240.15c3-1),[29] would be required to have at least one Financial and Operations Principal who is responsible for the preparation of all financial statements and net capital computations.[30] The qualification requirement for Financial and Operations Principal would be successful completion of a Financial and Operations Prinicpal examination.[31] (This examination would be a 3-hour (250 question) examination).

B. CATEGORIES OF REPRESENTATIVES

No broker or dealer would be permitted to effect any securities transactions unless his associated persons [32] are qualified

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[21] See excerpt of House Report in note 9, supra. In addition, the House Report states: "The Committee expects that the Commission will work with the various securities industry regulatory organizations in devising the uniform examination, and (new section 15(b)(7)) authorizes the Commission to allow such organizations to administer the examination." (House Report, at page 76).

[22] On June 6, 1975, the Commission conducted a survey of state qualification and examination requirements for the purposes of enabling it to publish a revised list of examinations deemed to be satisfactory alternatives to the Commission's General Securities Examination. The last published release was announced on July 21, 1970 (Release No. 8935). The survey was responded to by 47 States, 4 of which did not require any form of examination for obtaining a securities license. Of the 43 States requiring some form of examination, 29 administered the States Securities Sales Examination ("SSSE") distributed to the states by the NYSE. The SSSE Form No. 9 examination presently being administered by all states was put into use in 1965. There has been no new SSSE examination developed since that date and, according to the exchange, they have no intention of marketing future examinations. The NASD examination is accepted by 41 states as an acceptable alternative examination, while the SECO examination is accepted by 34 states. Due to the SSSE's continuous use without revision for the past ten years, and for obvious security reasons, the Commission can no longer consider that examination as an acceptable alternative to the Commission examination.

[23] The NASD does not deem these examinations acceptable for registration of a principal or general securities salesman.

[24] See excerpt of House Report in note 21, supra.

[25] Proposed Rule 15b7-1 would exclude from its scope qualifications requirements for municipal securities professionals. (See paragraph (a) of the proposed Rule). The Commission has determined that, while both the MSRB and the Commission have rulemaking authority with respect to establishing qualification standards for municipal securities professionals, the MSRB should, in the first instance, decide which associated persons of municipal securities brokers or dealers should be required to take examinations and what the content of those examinations should be. See Securities Exchange Act Rel. No. 12468 (May 20, 1976), 9 SEC Docket at 681.

[26] If the firm has ten or fewer associated persons, including clerical or ministerial personnel, the minimum requirement would be one General Securities Principal; if the firm has more than ten such associated persons, the minimum would be two such principals. See paragraphs (a)(1) and (a)(3) of the proposed Rule, infra.

[27] The NASD's proposed Schedule C would establish qualification standards for NASD members similar to the provisions of proposed Rule 15b7-1. As the two rules will be generally comparable, Rule 15b7-1 would provide an exemption for any member in compliance with the NASD rule.

[28] See paragraph (a)(3) of the proposed Rule, infra. Successful completion of either of the examinations that would be prescribed for Direct Participation Programs Representative or Real Estate Securities Representative (see discussion in subsection B., entitled "Categories of Representatives," infra) would satisfy the representative examination portion of the Limited Principal for Direct Participation Programs qualification requirement. Proposed Schedule C would have a similar provision. It is believed that since both these specialized representative examinations cover largely the same subject, i.e., tax shelter programs, successful completion of the Real Estate Securities Representative examination should suffice as an alternative representative examination for this category of Limited Principal.

[29] The Rule 15c3-1 provisions which would exempt a broker-dealer from the Financial and Operations Principal requirement are paragraphs (a)(2) or (3) thereof, which set net capital levels of $5,000 or $2,500, respectively, and paragraph (b)(2) thereof, which is the net capital exemptive provision.

[30] See paragraph (a)(2) of the proposed Rule, infra.

[31] Ibid.

[32] See paragraph (d) of the proposed Rule, infra. An associated person is defined in the rule to include any person working for or with a broker or dealer, except those employees whose functions are solely clerical or ministerial, who performs any of an enumerated list of functions. (See definition of "associated person" in paragraph (n)(2) of the proposed Rule, infra).

and designated as principals or representatives. There are five types of representatives, depending on the function of the associated person. The broadest category would be that of the General Securities Representative who would be qualified to solicit or exercise discretion in the sale or purchase of any type of security; the other four categories would apply to persons who are limited in their respective functions.

The scope of activities which would require qualification as a representative is broad. Of course, every person directly or indirectly involved in sales and purchases of securities or their solicitation would be subject to the qualification requirements as a representative; and, in addition, qualification as a representative would be required for any person engaged in other types of related activities, such as trading, underwriting or private placements, and hiring, recruiting or training of salesmen.

It should be pointed out that neither the proposed Rule 15b7–1 nor the NASD's proposed Schedule C would subject firm personnel engaged exclusively in research activities on behalf of the firm to a qualification requirement.[33] A major reason for the Commission's not proposing such standards at this time is that, in its view, the required examinations currently in use or under development are not now appropriate for this area. The Commission will consult with the NASD and interested industry and professional organizations in the development of such qualification examinations. The Commission believes that the imposition of qualification requirements for research personnel is appropriate inasmuch as they can have a substantial influence on investors and the securities market, even though they may have no direct contact with public customers.[34] The Commission is particularly interested in receiving comments and suggestions from interested persons as to what form the examination or examinations should take.[35]

An associated person who limits his securities activities to a specialized field may qualify as a General Securities Representative or as one of the specialized representatives, which are: Investment Company and Variable Contract Products Representative; Securities Trader Representative; Real Estate Securities Representatives; and Direct Participation Programs Representative. As with the principal category, the Direct Participation Programs Representative category includes real estate securities. The only qualification standard for any restricted category of representative would be successful completion of the appropriate examination.[36] (Each of the examinations for the restricted categories would be a 2-hour (75–100 question) examination).

C. EXEMPTIONS AND GRACE PERIODS

The Rule contains many exemptive and grace period clauses, serving a variety of functions. The primary exemptive clause would entirely exempt from the Rule any broker or dealer which is a member of a registered securities association (i.e., the NASD) and is in compliance with its membership qualification rules.[37] Any non-NASD broker or dealer which is a member of a national securities exchange and is in compliance with its membership qualification rules would also be exempt if it carries no accounts of customers and its annual gross income derived from purchases and sales of securities otherwise than an exchange of which it is a member is nominal.[38]

Any person who is designated or qualified under the Rule in any category would be permitted to terminate his designation or association for a period of up to two years, without being required to re-qualify upon his designation in the category or categories for which he had been qualified.[39]

Since many currently registered brokers and dealers and their associated persons have had experience and have demonstrated adequate qualifications to operate their business, the Commission proposes the inclusion of several "grandfather clauses" in the proposed Rule.[40] For example, any person who has qualified prior to adoption of the proposal as a General Securities Principal [41] or Representative [42] by passing the pertinent examination would be entitled to retain that status under the new Rule. Any person who had been designated as a Financial and Operations Principal, or, if not so designated, had performed this function prior to the date of this notice [43] would also be permitted to retain his status.

Three grace periods in the proposed Rule are designed to protect a firm from disruptions caused when a required principal terminates his association for any reason and to allow a firm to promote a qualified representative without delay. One such period would permit a firm to operate for up to six months without the requisite minimum number of qualified principals pending the replacement of the terminated principal.[44] The Commission believes that, as a practical matter, a firm in this situation may need that long a period of time to replace a terminated principal with another individual

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[33] However, under proposed Rule 15b7–1, an individual who supervises such activities would be required to qualify as a firm principal. (See definition of "principal" in subparagraph (n)(1) of the proposed Rule.) Similarly, an individual who supervises the advertising or public relations activities of a firm, including supervision of firm employees engaged in such activities, would be required to qualify as a principal. However, non-supervisory advertising and public relations employees would not be subject to a qualification requirement under the proposed Rule. However, the Commission is interested in receiving comments on the desirability of including such a requirement in the proposed Rule. (See section entitled "Requests for Comments", infra).

[34] Present Rule 15b8–1 requires research employees associated with SECO brokers and dealers to qualify as representatives; and the MSRB's Rule G–3 requires such persons to qualify as Municipal Securities Representatives.

[35] See section entitled "Requests for Comments," infra. The NYSE's rules presently require that member firm research reports must be prepared or approved by a firm "Supervisory Analyst" who becomes qualified by taking and passing a special examination, among other things. See NYSE Rules 344 and 472 (CCH NYSE Manual, paragraphs 2344 and 2472, respectively.) This examination as well as pertinent portions of the Series 7 examination might be used as bases for an interim test for research personnel.

[36] See paragraphs (d)(2) through (d)(5) of the proposed Rule, infra.

[37] See paragraph (i)(I) of the proposed Rule, infra.

[38] See paragraph, (1)(3) of the proposed Rule, infra. A broker-dealer's annual gross income derived from the aggregate of such transactions could not exceed $1,000 in order to qualify for the exemption. However, gross income for this purpose does not include income derived from such transactions which are effected for the broker's or dealer's own account by or through another registered broker or dealer. This is the exemption now contained in Rule 15b8–1 (see Securities Exchange Act Rel. No. 12160, March 3, 1976).

[39] See paragraph (1)(2) of the proposed Rule, infra. This exemption would be applicable where, for example, a General Securities Principal terminated his association with a firm for a year and then returned as a limited representative. The rule provides that a General Securities Principal is qualified as a General Securities Representative and that a General Securities Representative is qualified as a limited representative. A representative who terminated his association could not return as a principal without taking the principal examination, although a general representative would be exempt from the representative examination portion of the principal requirement.

[40] See paragraphs (c) and (e) of the proposed Rule, infra.

[41] Although Rule 15b8–1 has no specific requirement for a General Securities Principal, Commission policy has been to qualify associated persons as such under certain circumstances. See note 40, infra. The NASD has had special requirements for principals since 1965.

[42] Prior to June 30, 1970, the National Association of Insurance Commissioners gave an examination which was deemed an acceptable alternative for those persons who restricted their securities activities to the sale of variable contracts. In addition, the NASD has since 1968 permitted limited registration for representatives who sold only variable contracts. Persons who qualified under either of these alternatives would be grandfathered as Investment Company and Variable Contracts Products Representatives.

[43] See paragraphs (c)(2) and (c)(3) of the proposed Rule, infra. The grandfather clause would be determined as of the date the Rule is proposed, rather than the date it becomes effective, in order to prevent firms from evading the qualification standards by changing the duties of one of their qualified General Securities Principals between the date of publication and the effective date so as to qualify him as a Financial and Operations Principal without being examined.

[44] See paragraph (b)(2) of the proposed Rule, infra. It should be noted that, as paragraph (b)(2) provides, a firm must retain at all times at least one designated principal.

qualified to function in that capacity. A second grace period would permit a firm to promote a representative (in any category) to any category of principal, including a Financial and Operations Principal, for a period of ninety days without his having passed the appropriate principal examination.[45] The promotion would be permitted even where the purpose is not to fill a vacancy. The other grace period provision would permit any qualified principal, including a Financial and Operations Principal, to function in any other principal category with the same firm for ninety days without having passed the examination.[46]

The six-month grace period provision may not be lengthened by either of the two 90-day grace period provisions—that is, these provisions may not be construed to permit a firm to function for longer than six months without the required number of qualified principals. Thus, if a firm decided to promote a representative to a required principal position which had been unfilled for five months, the representative would have to qualify as a principal within the next month (rather than within 90 days) by passing the appropriate examination. The same would be true if another kind of firm principal (i.e., Financial and Operations Principal) is transferred for this purpose.

In addition, each registered broker-dealer would be granted a ninety-day period[47] from the time the rule is promulgated to comply with the principal requirements.[48] No grace period would be permitted with respect to the representative requirements.

D. FORMS U–4 AND U–5

The designation of persons as principals or representatives under the Rule would be made on a Form U–4, which is already being used by the Commission and most self-regulatory organizations. The proposed Rule would require a Form U–4 to be filed with the Commission for each person associated with a nonmember firm (except clerical or ministerial personnel), whether or not the person is subject to any of the qualification standards in the rule. (Members of NASD will file the Form U–4 with the NASD). The form must be updated promptly if it ever becomes inaccurate or incomplete.

The Form U–5, the "Uniform Termination Notice for Securities Industry Representative and/or Agent" was developed by the NASD and the NYSE, in cooperation with the North American State Securities Administrators' Association, and is currently being utilized by the NASD, the various national securities exchanges and most of the states. The general concerns which motivated the development of the Form U–4, i.e., the desire to devise uniform forms for registration of broker-dealers and their agents in order to alleviate a particularly burdensome duplication of reports submitted by firms registering with more than one governmental agency or self-regulatory organization, may be said to be the same as those which led to the implementation of the Form U–5 by the self-regulatory organizations and the states.[49] Also, like the Form U–4, the Form U–5 information would assist the Commission in discharging its regulatory and investigative responsibilities.

The Form U–5 contains 10 items designed to elicit much of the same information sought on the Form U–4, such as the terminated individual's involvement, if any, in investigations, disciplinary proceedings or court actions, including those resulting in his conviction for any felony or misdemeanor, during his employment with the reporting firm. However, the Form U–5 also requires disclosure of the reason for the termination, including full details if the individual was "permitted to resign," "discharged" or terminated for reasons other than his voluntary resignation or death. Thus, proposed Rule 15b7–1 would require a Form U–5 to be filed with the Commission whenever a person associated with a SECO firm is terminated for any reason. The Commission believes that the information sought on the Form U–5 is both necessary and proper to meet its regulatory needs.

The proposed adoption of Form U–5 under Rule 15b7–1 would make this filing requirement applicable for the first time to SECO broker-dealers.[50] Unlike present Rule 15b8–1, proposed Rule 15b7–1 would specify that the Form U–5 be filed promptly after the termination of an associated person or employee becomes effective, but in no event later than 30 days thereafter. In effect, therefore, SECO broker-dealers would have to file more detailed information on the Form U–5 and on a more current basis than is presently the case under Rule 15b8–1.

A copy of "Special Instructions for Completing the Form U–5" would accompany the Form U–5.[51] The instructions would be largely comparable to those which now accompany the Form U–4. The proposed Rule would provide that disclosure of the Form U–5 information would be non-public, but would be made available as required by law or to any person whom the Commission authorizes disclosure in the public interest.

PROPOSED AMENDMENTS TO RULE 15b10–4

As noted above, non-supervisory firm personnel engaged exclusively in research, advertising and public relations activities would not be subject to a qualification requirement under the proposed Rule.[52] However, in order to emphasize and make more specific the supervisory responsibilities in these areas at the firm level, the Commission is also proposing at this time certain amendments to Rule 15b10–4 under the Act which would require SECO broker-dealers to designate, in the written supervisory procedures required to be maintained under that rule, the particular firm principal who has specific responsibility for supervising all such firm personnel and for approving, prior to use, all research material and public media advertising, among other things, disseminated by the firm. The proposed amendments to Rule 15b10–4 would take the form of new paragraph (e) thereto.[53]

REQUEST FOR COMMENTS

The Commission hereby requests comments on the entire proposal from all interested persons. Further, the Commission wishes particularly to solicit comments regarding (1) what further "objective standards" would be appropriate in connection with the imposition of "experience" or "training" requirements as qualification standards;[54] (2) whether, under proposed Rule 15b7–1, an individual seeking to qualify as a Financial Operations Principal should be subject to a qualification requirement in addition to the satisfactory completion of the special examination for that

[45] See paragraph (b)(3) of the proposed Rule, infra. The reason for this distinction is that there has been no previous SECO principal requirement, so that the absence of a grace period would be greatly disruptive. There is, however, already a representative qualification requirement—so no grace period is required for that aspect of the principal requirement.

[46] See paragraph (b)(4) of the proposed Rule, infra.

[47] Since the rule would not likely be declared effective until at least 30 days after the announcement of its adoption, the grace period for effecting initial compliance with the principal requirements, in effect, would be 120 days. Under the NASD's proposed Schedule C, members would have 6 months from the effective date of the amendments to comply with the minimum principal requirements and 90 days to comply with the Financial and Operations Principal requirement.

[48] See paragraph (b)(1) of the proposed Rule, infra. While the NASD has required many of its members to have a Financial Principal since 1972, the Commission has had no special examination requirements for the various categories of principal prior to this proposal. Form U–4 has permitted the designation of SECO associated persons as principals; and such persons may retain their status although their registration as such has not been explicit. Financial and Operations Principals would not also be required to qualify as General Securities Principals under the proposed Rule.

[49] For a discussion of the background of Form U–4, see Securities Exchange Act Rel. No. 11424 (May 16, 1975), 7 SEC Docket at 2, et seq.

[50] Present Rule 15b8–1 requires every SECO broker-dealer to file with the Commission on or before July 31 of each year a list of associated persons with respect to whom a Form U–4 has been filed with the Commission and who have been terminated during the preceding year ending June 30. However, up to now the Commission has not specified the use of a standard form for purposes of satisfying this reporting requirement.

[51] The "Special Instructions" accompanying the Form U–5 would require a SECO broker or dealer to use its "best efforts" to obtain a terminated individual's assistance in completing the Form U–5 and to have him (as well as the appropriate firm principal) sign it. In addition, the terminated individual's signature would have to be notarized, as is the case with the Form U–4.

[52] See text at note 33, supra.

[53] See section entitled "Text of Proposed Amendment to § 240.15b10–4 under the Act," infra.

[54] The Commission favors the establishment of appropriate experience and training (or "apprenticeship") requirements. How-

category of principal;[56] (3) whether an associated person who engages exclusively in hiring, recruiting or training securities salesmen should be subject to a qualification requirement;[58] (4) what form a qualification examination for broker-dealer research personnel should take;[57] (5) whether non-supervisory advertising and public relations personnel associated with a registered broker or dealer should be subject to a qualification requirement;[58] and (6) whether every associated person engaged directly or indirectly in the management, direction or supervision of a firm's securities activities should be required to qualify as a principal.[59] Commentators should indicate the particular type of examination requirement, if any, they believe should apply in the above situations.

TEXT OF PROPOSED RULE 15b7-1

The text of proposed Rule 15b7-1, which would rescind current Rule 15b8-1 and is proposed to be adopted under the Act, and particularly sections 6, 15, 15A, and 23 thereof, reads as follows:

§ 240.15b7-1 Minimum qualification standards for registered brokers and dealers and associated persons.

MINIMUM PRINCIPAL REQUIREMENTS

(a) No registered broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, commercial bills or municipal securities) unless such broker or dealer meets all of the following minimum qualification standards as applicable:

(1) Every registered broker or dealer engaged in a securities business not limited so as to qualify under paragraph (a)(3) of this section herein shall have designated as a General Securities Principal each person who is associated with it in such capacity. At the time of such designation, each such principal shall have qualified by passing qualification examinations prescribed by the Commission for General Securities Principal and for General Securities Representative. The qualification examination for General Securities Principal includes questions relating to bookkeeping, accounting, internal control over cash and securities, supervision of employees, maintenance of records, and other appropriate matters. Each such broker or dealer having ten or less associated persons shall have designated at least one General Securities Principal, and every broker or dealer having more than ten associated persons shall have designated at least two such General Securities Principals.

(2) Every registered broker or dealer execpt one which is exempt from § 240.-15c3-1 (17 CFR 240.15c3-1) pursuant to paragraph (b)(2) of this section or which meets the requirements of paragraphs (a) (2) or (3) of this section, shall have designated as a Financial and Operations Principal each person who is associated with it in such capacity. At the time of such designation, each person shall have qualified by passing a qualification examination prescribed by the Commission for Financial and Operations Principal. Each such broker or dealer shall have designated at least one Financial and Operations Principal.

(3) Every registered broker or dealer whose business consists solely of transactions in:

(i) Investment company or variable contracts products shall have designated as Limited Principal for Investment Company and Variable Contracts Products each person who is associated with it in such capacity. At the time of such designation, each such principal shall have qualified by passing the qualification examinations prescribed by the Commission for Limited Principal for Investment Company and Variable Contracts Products and for Investment Company and Variable Contracts Products Representative. The qualification examination for this category of limited principal includes questions relating to bookkeeping, accounting, internal control of cash and securities, supervision of employees, maintenance of records, and other appropriate matters. Each such broker or dealer having ten or less associated persons shall have designated at least one such limited principals, and each such broker or dealer having more than ten associated persons shall have designated at least two such limited principals, or

(ii) Direct participation programs and real estate securities shall have designated as Limited Principal for Direct Participation Programs each person who is associated with it in such capacity. At the time of such designation each such principal shall have qualified by passing the qualification examinations prescribed by the Commission for Limited Principal for Direct Participation Programs and for either Direct Participation Programs Representative or Real Estate Securities Representative. Each such broker or dealer having ten or less associated persons shall have designated at least one such limited principal, and each such broker or dealer having more than ten associated persons shall have designated at least two such limited principals.

Provided, however, That any person qualified as a General Securities Principal pursuant to paragraph (a)(1) of this section hereof shall also be deemed qualified pursuant to paragraph (a)(3) of this section; *Provided, further*, That an associated person may be designated as a principal for any or all categories for which he is qualified.

GRACE PERIOD FOR MEETING PRINCIPAL REQUIREMENTS

(b)(1) A broker or dealer registered with the Commission on (the date this rule is adopted) shall be exempt from the requirements of paragraph (a) of this section until (ninety days after the effective date of this rule).

(2) In the event of the termination of the association with a registered broker or dealer of a principal whose designation as such was necessary to enable the broker or dealer to meet the minimum requirements specified in paragraph (a) of this section, the broker or dealer shall be allowed a period of six months following the date of such termination to replace the terminated principal with a fully qualified person in order to remain in compliance with paragraph (a) of this section; *Provided, however*, That at all times such broker or dealer shall have associated with it at least one qualified person designated as a principal.

(3) Any associated person designated as a representative pursuant to the pro-

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ever, the Commission believes that the interested regulatory organizations, instead of merely requiring, in general terms, firms subject to their rule-making authority to have a specified period of experience or training or to have firm training procedures, should develop some objective standards or monitoring programs to assess their effectiveness. In this connection, therefore, the Commission is particularly interested in receiving comments and suggestions on what objective standards or programs could be adopted.

[55] The proposed Rule would require that in order to become qualified as a Financial and Operations Principal a candidate must take and pass only the special examination prescribed for the particular category. However, the Commission is still considering the appropriateness of requiring such individuals to demonstrate at least a basic knowledge of the industry as well. For example, the proposed Rule could require that candidates also be qualified first as General Securities or Limited Representatives.

[56] The proposed Rule would require such individuals to qualify as representatives. (See paragraph (d) and the definition of "associated person" in paragraph (n)(2) of the proposed Rule, respectively, infra). Any individual who supervises those engaged in such activities would be required to qualify as a principal. (See definition of "Principal" in paragraph (n)(1) of the Proposed Rule, infra).

[57] See discussion in subsection B. of section entitled "General Characteristics of Proposed Commission Rule", infra.

[58] Such individuals would not be subject to a qualification requirement under the proposed Rule if they served in a non-supervisory capacity and did not engage in other securities activity requiring qualification. (See definition of "associated person" in paragraph (n)(2) of the proposed Rule, infra).

[59] See the definition of "Principal" set forth in paragraph (n) (1) of the proposed Rule. It should be noted that the proposed Rule would require qualification as a principal of any individual who has supervisory responsibility over sales personnel, including managers of any branch offices. Moreover, intermediate-level supervisors in certain of the main office departments of a broker or dealer, in addition to the principal in overall charge of that department, would be subject to the qualification requirement for principals. Neither the NASD's present or proposed Schedule C would require branch managers of offices which are not offices of supervisory jurisdiction or intermediate supervisors to qualify as principals.

visions of paragraph (d) of this section whose duties are changed so as to require designation as a principal, including a Financial and Operations Principal, shall be allowed a period of ninety days following the change in his duties during which to pass the appropriate examination.

(4) Any person associated with a registered broker or dealer as a principal in any of the categories of principal specified in paragraph (a) of this section, whose duties are changed so as to require designation in any other category of principal associated with such registered broker or dealer, shall be allowed a period of ninety days following the change in his duties during which to pass the appropriate examination.

(5) Any person associated with a registered broker or dealer who is designated as a principal pursuant to paragraphs (b)(3) and (b)(4) of this section and who does not pass the required examination within the specified ninety-day period may no longer function in such capacity without having first passed such examination.

EXCEPTIONS FROM EXAMINATIONS FOR PRINCIPALS

(c) Unless such person's most recent such association has been terminated for a period of two years or more, (1) any person associated with a registered broker or dealer who was designated as a principal on or before (the effective date of this rule) shall be exempt from the examinations prescribed for General Securities Principal; (2) any person who was designated as a Financial and Operations Principal on or before (the date this rule is proposed) shall be exempt from the examination prescribed for Financial and Operations Principal; and (3) any person who was not previously designated as a Financial and Operations Principal shall be exempt from the examination prescribed under paragraph (a)(2) of this section, if he has performed the functions of a Financial and Operations Principal prior to (the date the rule is proposed).

REQUIREMENT FOR ASSOCIATED PERSONS OF REGISTERED BROKERS AND DEALERS

(d) No registered broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, commercial bills or municipal securities) unless each person associated with such broker or dealer is designated and qualified as a principal pursuant to paragraph (a) of this section or meets the following minimum qualification standards, as applicable:

(1) Each associated person of such broker or dealer, except those subject to paragraphs (d) (2) through (5) of this section, shall be designated as a General Securities Representative and shall have qualified by passing a qualification examination prescribed by the Commission for General Securities Representative.

(2) Each associated person of such broker or dealer whose activities are limited solely to the solicitation of sale or purchase of investment company and variable contracts products shall be designated as an Investment Company and Variable Contracts Products Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Investment Company and Variable Contracts Representative.

(3) Each associated person of such broker or dealer whose activities are limited solely to exercising discretionary authority in trading securities or effecting market making securities transactions otherwise than on a national securities exchange shall be designated as a Securities Trader Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Securities Trader Representative.

(4) Each associated person of such broker or dealer whose activities are limited solely to the solicitation of sale or purchase of real estate securities shall be designated as a Real Estate Securities Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Real Estate Securities Representative.

(5) Each associated person of such broker or dealer whose activities are limited solely to the solicitation of the sale or purchase of direct participation programs, and, if applicable, the activities of a Real Estate Securities Representative, as set forth in paragraph (d)(4) of this section, shall be designated as a Direct Participation Programs Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Direct Participation Programs Representative: *Provided, however,* That any person qualified as a General Securities Representative pursuant to paragraph (d)(1) of this section also shall be deemed qualified pursuant to paragraphs (d)(2) through (5) of this section: *Provided, further,* That any person designated as a General Securities Principal or a Limited Principal for either Investment Company and Variable Contracts Products or Direct Participation Programs shall be deemed to be also designated as a General Securities Representative, Investment Company and Variable Contracts Products Representative, or Direct Participation Products Representative, respectively.

EXEMPTION FROM EXAMINATION FOR REPRESENTATIVES

(e) Unless such person's most recent association has been terminated for a period of two years or more, any person associated with a registered broker or dealer who was designated as a representative on or before (the effective date of this rule) shall be exempt from the examination requirement for General Securities Representative imposed by this rule: *Provided, however,* That any such person whose permissible securities activities were limited by either the Commission or a registered securities association to the sale of variable contracts only shall be exempt from the examination requirement for Investment Company and Variable Contracts Products Representative.

ACTIVITIES OF ASSOCIATED PERSONS

(f) No associated person of a registered broker or dealer may perform any function or effect any transaction for which designation as a principal or representative is necessary unless such person is qualified as such under this rule.

EXAMINATION PROCEDURES AND FEES

(g)(1) The qualification examinations of the Commission provided for in this rule shall be given in examination centers designated by the National Association of Securities Dealers, Inc. The grades required for passing such qualification examinations shall be determined by the Commission. Persons taking such examinations will be required to pay the following fees:

(i) Any examination for principal--------
(ii) Examination for General Securities representative----------
(iii) Examination for representative other than general----------

(2) Any person who fails to achieve a passing grade on a qualification examination provided for herein may, subject to the payment of required fees, take such examination twice more without waiting any specified period of time between such examinations. After a third failure of such examination, a person may not take such examination again within 90 days after any third or subsequent failure.

DESIGNATIONS

(h) Where this rule requires a person to be "designated" in a specified category, such designation shall be on a Form U-4 or a predecessor form which shall be filed or which currently is on file with the Commission, a registered securities association or a national securities exchange.

EXEMPTIONS

(i)(1) Any registered broker or dealer which is a member of a registered securities association and is in compliance with the membership qualification rules of that association shall be exempt from this rule.

(2) Any person previously designated as a principal or representative under this rule whose most recent association with a registered broker or dealer has not been terminated for a period longer than two years shall be exempt from the qualification examination or examination prescribed by the Commission for the category for which such person was designated.

(3) Any registered broker or dealer who is a member of a national securities exchange and is in compliance with the membership qualification rules of that exchange shall be exempt from the rule

if (i) he carries no accounts of customers, and (ii) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which he is a member is in an amount no greater than $1,000: *Provided, however,* That gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer who is a member of and is in compliance with the qualification rules of the national securities exchange on which such transactions are effected or, in the case of transactions otherwise than on a national securities exchange, is a member of and is in compliance with the qualification rules of a registered securities association, or is qualified under this rule, shall not be subject to such $1,000 limitation.

(4) Any person associated with a registered broker or dealer who confines his securities activities to areas outside the jurisdiction of the United States and who does not deal with or act for any United States resident or national shall be exempt from compliance with this rule, except that the requirements of paragraph (j) of this section shall apply to any such person insofar as they are applicable to him.

(5) The Commission may, upon the written application of a registered broker or dealer, exempt such broker or dealer or any associated person subject to this rule from any provision of this rule if it finds it necessary or appropriate in the public interest or for the protection of investors to do so.

FILING OF FORM U–4

(j) A nonmember broker or dealer shall file with the Commission a Form U–4 with respect to each associated person engaged directly or indirectly in securities activities before such person engages in any such activities on behalf of such broker or dealer, whether or not any of the other requirements of this rule are applicable to the associated person. A Form SECO–2F must accompany a Form U–4 filed for those associated persons who confine their securities activities to areas outside the jurisdiction of the United States and who do not deal with or act for any United States resident or national.

AMENDMENTS TO FORM U–4

(k) Each nonmember broker or dealer shall file promptly, in writing, information making accurate or complete a Form U–4 filed after October 1, 1975, on behalf of any associated person whenever the information filed previously on behalf of such associated person is or becomes inaccurate or incomplete for any reason. This information may be in letter form and must be furnished under the signature of a principal officer, partner, sole proprietor, or managing agent of the broker or dealer. A nonmember broker or dealer who, prior to October 1, 1975, filed a Form SECO–2 on behalf of any associated person shall file promptly a completed Form U–4 for such associated person when the information contained in the Form SECO–2 is or becomes inaccurate or incomplete for any reason.

NOTICE OF TERMINATION OF ASSOCIATED PERSON

(l) Promptly upon, but in no event later than 30 days after, the termination of the association with a nonmember broker or dealer of any person required to be designated as a principal or representative under this rule, such nonmember broker or dealer shall give notice to the Commission on Form U–5 of the termination of such association.

PUBLIC AVAILABILITY OF INFORMATION ON FORM U–4 AND FORM U–5

(m) Information supplied on Form U–4 and Form U–5 shall be non-public but will be made available as required by law or to any person to whom the Commission authorizes disclosure in the public interest.

DEFINITIONS

(n) For the purposes of this rule:

(1) The term "principal," including General Securities Principal and any of the categories of Limited Principal specified in paragraph (a)(3) of this section, shall mean any associated person engaged directly or indirectly in (i) the management, direction or supervision of the securities business of the broker or dealer: Sales, trading, research or investment advice, advertising, public relations, hiring, recruiting, or training of salesmen, maintenance of books and records, financial responsibility, underwriting and private placements, and (ii) the supervision of hiring, recruiting or training of securities employees associated with a registered broker or dealer for any of the aforementioned functions. Such persons shall include: sole proprietors, officers, directors, partners, all branch managers and other persons performing similar functions.

(2) The term "associated person" or "person associated" with a (registered) broker or dealer (or member) shall mean any partner, officer, director, or branch manager of a registered broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling, controlled by, or under common control with such registered broker or dealer, including any employee of such registered broker or dealer (other than employees whose functions are solely clerical or ministerial except for purposes of determining the minimum principal requirements specified in paragraphs (a)(1) and (a)(3) of this section), who engages directly or indirectly in one or more of the following aspects of the broker's or dealer's securities business: sales, trading, hiring, recruiting or training of salesmen; underwriting and private placements; or any such person who supervises others engaged in any of the aforementioned activities on behalf of such broker or dealer, and, in addition, research and investment advice, advertising and public relations, maintenance of books and records and financial responsibility; and any broker or dealer conducting business as a sole proprietor.

(3) The term "Financial and Operations Principal" shall mean an associated person of a registered broker or dealer whose responsibilities on behalf of such broker or dealer include:

(i) Final approval and responsibility for preparation of financial statements of the broker or dealer, supporting schedules, computations concerning net capital and the maintenance of basic reserves with respect to cash held for or owed to customers of such broker or dealer and of related books and records; and

(ii) Supervision of individuals who assist in the preparation of such reports.

(4) The term "investment company" shall have the meaning set out in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3).

(5) The term "variable contracts" shall mean contracts providing for benefits or values which may vary according to the investment experience of any separate or segregated account or accounts maintained by an insurance company.

(6) The term "real estate security" shall mean any certificate of interest or participation, partnership interest, investment contract, or other interest or instrument constituting a security as defined in section 2(1) of the Securities Act of 1933 (15 U.S.C. 77(b)(1)) which represents principally the acquisition, investment, or holding of real property or an interest therein.

(7) The term "direct participation programs" shall mean a sales program for securities which provides flow through tax consequences regardless of the structure of the legal entity or vehicle for distribution, including, but not limited to, oil and gas programs, real estate syndications (except real estate investment trusts, tax qualified pension and profit sharing plans under sections 401, 403 (a) and (b) and 408 of the Internal Revenue Code, (26 U.S.C. 401, 403 (a) and (b), 408 (1976)) and any company, including separate accounts, registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq. (1975))), agricultural programs, cattle programs, condominium securities, and all other programs of a similar nature, regardless of the industry represented by the program or any combination thereof.

(8) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 (15 U.S.C. 78o (1975)) or section 15B (15 U.S.C. 78o–4 (1975)) of the Act who is not a member of a registered national securities association.

TEXT OF PROPOSED AMENDMENT TO RULE 15b10–4

Section 240.15b10–4 is proposed to be amended by adding new paragraph (e) thereto which reads as follows:

§ 240.15b10–4 Supervision of associated persons.

* * * * *

(e) Every nonmember broker or dealer shall designate, and so indicate in its written supervisory procedures required to be maintained under this rule, from among his partners, officers or other qualified principals associated with such broker or dealer, a person or group of persons who shall:

(1) Supervise the research, advertising and public relations activities, if any, engaged in by such broker or dealer, including the supervision of any and all personnel of such broker or dealer involved in such activities on behalf of such broker or dealer; and

(2) Review and approve in writing, prior to use, all advertisements by public media (i.e., by publication in newspapers or magazines or by radio, television, motion picture, etc.), all sales literature and market letters, including notices, circulars, reports, newsletters, research reports, form letters, and reprints of published articles disseminated by such broker or dealer.

Proposed Rule 15b7–1 and the proposed amendment to Rule 15b10–4 will be considered in conjunction with the NASD's proposed amendments to Schedule C of its By-Laws. In this regard, attention is directed to Release No. 34–11889 (December 1, 1975), 40 FR 57533 (December 10, 1975).

All interested persons are invited to submit written comments on the proposed rules, and the proposed amendment to Rule 15b10–4, which should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before August 10, 1977 and should refer to File No. S7–709. All such comments will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1977.

[FR Doc.77–19021 Filed 7–1–77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

[31 CFR Part 51]

PUBLIC PARTICIPATION AND PUBLIC HEARING

Proposed Requirements

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Proposed Rule.

SUMMARY: These rules propose to amend the interim regulations prescribing the requirements for publication of reports and holding of public hearings. Substantial amendments to the interim regulations necessitate the issuance of an additional set of proposed regulations. These proposed rules clarify the existing provisions of the Revenue Sharing Act as amended.

DATE: Written comments will be considered if received on or before August 4, 1977.

ADDRESS: Send comments to: Director, Office of Revenue Sharing (Symbol CC), Department of the Treasury, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT:

William H. Sager, Chief Counsel, Office of Revenue Sharing, 2401 E St. NW., Columbia Plaza Highrise, Rm 1545, Washington, D.C. 20226, Telephone 202–634–5182.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On October 10, 1976, the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94–488) were enacted. This amended the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512) which established the General Revenue Sharing Program. The Amendments to the Revenue Sharing Act necessitated the amendment of the revenue sharing regulations set forth in 31 CFR Part 51. The first step in the process was the publication of proposed rules in the FEDERAL REGISTER on October 27, 1976, to amend Subpart B entitled "Assurances, Reports, Public Participation and Public Hearings" (41 FR 47054). The Director received 42 comments on the proposed regulations. Interim regulations on Subpart B were published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2196). On February 11, 1977 a public hearing was held upon the interim regulations. Thirteen persons representing various citizens and governmental associations presented oral comments at the hearing. A copy of the transcript of the hearing is available for inspection at the Office of Revenue Sharing. These comments will be discussed below as part of the section by section analysis of the proposed changes.

SECTION 51.10 DEFINITIONS

Proposed § 51.10 would add several new definitions. A definition of budget summary is proposed in response to requests for clarification. The definition of "enacted" is amended to provide that enactment is the final action of a unit of local government where the State is involved in the approval of a local government's budget. Comments were received stating that the terms "governmental body" and "governmental authority" were misleading. Therefore, the proposed rules would replace those terms with "legislative body" and "executive authority," respectively. The proposed rules would include a new definition of "publication" added to clarify the fact that publication need not be solely by notice in a newspaper. Wherever publication in a newspaper is required, it is so specified. The definition of recipient government would be expanded to include the office of the separate law enforcement officer of parishes in the State of Louisiana, other than the Parish of Orleans.

SECTION 51.12 USE REPORTS

The proposed rules would amend § 51.12(a), to eliminate the requirement that the use report be submitted to the Director within 60 days of the close of the fiscal year of the recipient government. Submission of the report would be required upon the request of the Director. Section 51.12(b) is amended to expand the public inspection requirements for the use report. Several comments suggested that certain smaller governments would have neither a principal place of business nor a public library. As a result of the comments, the Director would provide for public inspection at other public places within the political boundaries of the recipient government. The change also applies to the public inspection requirements of §§ 51.13 and 51.14. Further, several comments objected to the fact that there was no provision for notifying the public of the availability of the use report for public inspection. The proposed rules would therefore require a recipient government to publish a notice of the availability for inspection of the use report in a newspaper unless publication is impractical and other methods of notification are available. One comment objected strongly to the use of alternative methods of publication and notice other than in a newspaper. The Director decided, however, that the emphasis should be placed upon notification of the public rather than upon specific methods of such publication in order to maintain flexibility in the General Revenue Sharing Program.

The proposed rules would amend § 51.12(c), Submission of Reports to Governors, to remove the provision that the Director will notify the Governors of the availability of the use reports. Several comments suggested that the language of the interim regulations gave the impression that submission of use reports to Governors was not mandatory contrary to the requirements of the Revenue Sharing Act as amended.

SECTION 51.13 PROPOSED USE HEARINGS

The majority of the comments received objected strongly to the waivers of the proposed use hearing contained in § 51.13 (c) and (d) of the interim regulations. Accordingly, to narrow the scope of the waivers the proposed rules would eliminate paragraph (c) of § 51.13 which provides that the proposed use hearing shall not apply to a recipient government for which a budget is not presented by an executive authority to a legislative body for enactment. Section 51.13(d) of the interim regulations is redesignated § 51.13(c) and eliminates the waiver of the proposed use hearing for recipient governments receiving entitlements of $10,000 or less. Proposed § 51.13(c)(1) would provide that the waiver of the proposed use hearing may be granted by the Director upon written application if

the unavoidable expenses associated with holding the proposed use hearing exceed 15% of the recipient government's entitlement for the fiscal year. The unavoidable expense figure was raised from 5% to 15% in response to comments that the 5% figure was significantly lower than that contained in the Conference Report on the Amendments to the Revenue Sharing Act. (House Report No. 94–1720)

Proposed § 51.13(c)(2) would provide that the notice and publication requirements for the proposed use hearing may be waived by the Director upon the receipt of a written assurance that publication in the newspaper is impractical and alternative means of informing the citizens are available.

SECTION 51.14 BUDGET HEARING

The proposed rules would amend § 51.14(b), Time, Place and Public Notice, by including the current subparagraph (c), Public Inspection as new paragraphs (b) (2) and (3). Section 51.14(c) of the interim regulations would therefore be eliminated and current § 51.14(d) redesignated § 51.14(c). Current § 51.14(e) would be redesignated § 51.14(d). Current § 51.14(f), Waiver of Budget Hearing, would be redesignated § 51.14(e) and retitled Alternative Procedures for Budget Hearing Requirement. Many of the comments received objected that the scope of the waiver provisions for the budget hearing requirement of current § 51.14(f) was too broad. Further, it was suggested that the use of the term "waiver" was misleading, as some form of budget hearing must be held by the recipient government. The title of this section is therefore changed from Waiver of Budget Hearing to Alternative Procedures for Budget Hearing Requirement. The waiver provisions contained in current § 51.14(f)(2) would be eliminated. Proposed § 51.14(e) would provide that a recipient government may use an alternative budget hearing process if State or local law requires a public hearing which provides the citizens an opportunity to present oral and written comments on the use of all funds including revenue sharing funds in relation to the entire budget, and the chief executive officer provides a written assurance to the Director to that effect. The phrase "in relation to its entire budget" would be added to make it clear that it is insufficient for a recipient government to merely allow questions on revenue sharing fund expenditures at a public hearing on the budget. The budget hearing must specifically address the relationship of entitlement funds to the entire budget.

Current § 51.14(g) would be redesignated 51.14(f) and retitled Waiver of Notice and Publication Requirement; Alternative Forms. In response to comments, § 51.14(f)(2) would be amended by raising the cost figure from 1 percent to 15 percent, thus bringing the cost figure in line with that limitation mentioned in the Conference Report on the Amendments to the Revenue Sharing Act. (House Report No. 94–1720)

SECTION 51.15 AMENDMENTS OR MODIFICATIONS TO ENACTED BUDGET

The Director received comments on both sides of the issue as to whether the 10 percent figure, used in the definition of modification of a budget, was too high or too low. Certain comments suggested that the 10 percent figure for determining a major change be removed entirely, whether or not a modification is major, while others suggested that the figure be raised to 50 percent. The suggestion that applicable State or local law, concerning modifications of budgets, be followed was persuasive in that the applicability of State or local law is one of the most important principles of the General Revenue Sharing Program. Accordingly, the proposed regulation would raise the figure defining major change to 25 percent or $1,000, whichever is greater, where no applicable State or local law applies. Current § 51.15 would therefore be amended to provide that where State or local law governing modifications of budgets exists, it shall be complied with. Where no such State or local law exists the public hearing provisions apply to the modification of a budget proposing a major change. A major change would be defined as a change which on a cumulative basis affects 25 percent or $1,000 of entitlement funds. The 25 percent figure was made cumulative in order to prevent the avoidance of the public hearing process by making a large number of minor changes to a budget.

SECTION 51.16 PARTICIPATION BY SENIOR CITIZENS

This section remains unchanged. However, a number of comments were received requesting clarification as to how a recipient government is to endeavor to provide senior citizens and their organizations with an opportunity to be heard. It is expected that recipient governments will identify the senior citizen organizations located in the jurisdiction and contact them directly concerning public hearings to be held. Recipient governments should give special attention to the location of the hearing place to assure that it is accessible to senior citizens. A recipient government might also provide senior citizens with transportation to the public hearings. Public hearing notices and budget summaries and other required information might be posted in senior citizen centers and other locations frequented by senior citizens.

SECTION 51.17 NOTIFICATION OF NEWS MEDIA

This section remains unchanged. However, several comments expressed concern that this section required recipent governments to notify each individual minority or bilingual newspaper in its geographic area. Notification does not require personal contact with each news organization. Such a requirement is particularly impractical and infeasible for States and metropolitan governments. A State, or large city, for example, would satisfy the notice requirements by notifying the major news services of any required information. The Director recommends that any known minority or bilingual press be contacted directly if feasible.

SECTION 51.19 REPORTS TO THE BUREAU OF THE CENSUS

The proposed rules would add reports on use of entitlement funds to the requirement that a recipient government comply promptly wtih requests by the Bureau of the Census for data and information relevant to the determination of entitlement allocations.

WRITTEN COMMENTS SOLICITED

Because a large number of substantial revisions are proposed to the current interim regulations, comments are solicited to these proposed rules prior to the issuance of final regulations. The Director will be particularly interested in receiving comments concerning the waiver provisions.

Consideration will be given to any written comments or suggestions pertaining to these proposed Subpart B regulations, received on or before August 4, 1977. Written comments shall be addressed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. Written comments submitted in response to this solicitation will be available to the public upon request unless the comments are exempt from disclosure under the Freedom of Information Act, (5 U.S.C. 552) and the Department invokes the applicable exemption. A file of all written comments will be indexed and lodged with the Treasury Library for public inspection and copying.

Economic impact.—The Department of the Treasury has determined that these amendments and proposed regulations do not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A–107.

These proposed rules are issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title I, Pub. L. 92–512 and the State and Local Fiscal Assistance Amendments of 1972, Pub. L. 94–488, (31 U.S.C. 1221–1263), and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

It is therefore proposed to amend 31 CFR Part 51, Subpart B in the manner set forth below.

BERNADINE DENNING,
Director,
Office of Revenue Sharing.

Approved: June 29, 1977.

ROGER C. ALTMAN,
Assistant Secretary.

Subpart B—Assurances, Reports, Public Participation, and Public Hearings

Sec.
51.10 Definitions.
51.11 Reports to the Director; assurances.

AUTHORITY: State and Local Fiscal Assistance Act of 1972, as amended, Title I, Pub. L. 92-512 and the State and Local Fiscal Assistance Amendments of 1972, Pub. L. 94-488, (31 U.S.C. 1221-1263), Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Subpart B—Assurances, Reports, Public Participation, and Public Hearings

§ 51.10 Definitions.

As used in this subpart (except where the context clearly indicates otherwise) the following definitions shall apply:

(a) "Budget" means a plan for the overall allocation of funds, including entitlement funds, by a recipient government to various purposes during a specified fiscal period. A recipient government that does not formally adopt or enact such a plan, shall be deemed to have adopted or enacted a budget for purposes of this subpart when it has adopted or enacted a resolution, ordinance, or appropriation act, or taken other action dedicating, setting aside, or otherwise designating entitlement funds for a particular purpose or use.

(b) "Budget summary" means categories of receipts and expenditures classified by major function and activity in accordance with the recipient government's State or local laws or procedures. Where there is no State or local law or procedure, the recipient government shall use the expenditure classifications of the Bureau of the Census.

(c) "Enacted" means, in the budget context, the act of final adoption, ratification, confirmation or other action with respect to an approved budget that makes such budget the official expenditure authorization of the recipient government. Where a State board or agency has statutory authority to review or approve the budget of a unit of local government, enacted means the final action of the unit of local government.

(d) "Entitlement funds" are the funds received under Subtitle A of Title I of the State and Local Fiscal Assistance Act of 1972, as amended. (31 U.S.C. 1221, et seq.).

(e) "Fiscal year" means the 12 month period or other fiscal period on the basis of which the recipient government operates.

(f) "Executive authority" means the chief executive officer or other elected or appointed officials of the recipient government whose statutory responsibility is to assemble budget data and present the budget document to a governmental body for enactment or approval.

(g) "Legislative body" means the elected official or officials of the recipient government who have the primary legal responsibility for enacting the budget.

(h) "Presented" means, in the budget context, the submission of the budget to the legislative body having primary legal responsibility for enacting the budget of a recipient government.

(i) "Publication" means giving notice or advising the public, and making information known to the citizens of the recipient government.

(j) "Recipient government" means a State government, unit of local government, Indian tribe, Alaskan native village, or the office of the separate law enforcement officer for any parish in the State of Louisiana (except for the Parish of Orleans) which receives entitlement funds.

(k) "Use report" means a report to the Director by each recipient government showing the amounts and purposes for which entitlement funds have been used.

§ 51.11 Reports to the Director: assurances.

(a) *In general.* The Director may require each recipient government receiving entitlement funds to submit such annual and interim reports as may be necessary to provide a basis for evaluation and review of compliance with, and effectiveness of, the provisions of the Act and regulations of this part.

(b) *Requisite assurances for receipt of entitlement funds.* In order to qualify for entitlement funds for an entitlement period the chief executive officer of each recipient government shall file a statement of assurances when requested by the Director, on a form to be provided, that such government will comply with specified requirements of the Act and the prohibitions and restrictions of Subparts D, E, and F of this part, with respect to the use of entitlement funds. The Director will afford the Governor of each State an opportunity for review and comment to the Office of Revenue Sharing on the adequacy of the assurances by units of local government in his State.

§ 51.12 Use reports.

(a) *In general.* Each recipient government shall submit a report to the Director setting forth the amounts and purposes for which entitlement funds have been appropriated, spent or obligated during its fiscal year. Such report shall also show the relationship of the entitlement funds to the relevant functional items in the recipient government's budget and shall identify differences between actual use of entitlement funds and the use of such funds as proposed by the executive authority responsible for presenting a budget to the legislative body primarily responsible for enactment of a budget. Such report shall be filed on the form prescribed and approved by the Director and shall be submitted at the time requested by the Director. Failure to file the report as prescribed by the Director may jeopardize future entitlement payments pursuant to § 51.3(c).

(b) *Public inspection.* Within ten days after the use report required under paragraph (a) of this section is filed as requested by the Director, a copy of such report shall be made available for public inspection during normal business hours at the principal office of the recipient government and, where feasible, at local public libraries or at other public buildings. If the recipient government has no principal office then posting of the report at a public place within the political boundaries of the recipient government shall satisfy the requirements of this paragraph. The recipient government shall publish, in a newspaper, notice of the availability of the report for public inspection. Where publication in a newspaper is impractical and alternative methods of public notice are available which are capable of reaching the citizens of the recipient government such alternative methods shall be used instead of newspaper publication.

(c) *Submission of use reports to Governor.* The Director (or such agency as the Director may designate) shall furnish the reports required under paragraph (a) of this section to the governor of the State in which a recipient government is located, in the manner and form prescribed by the Director.

§ 51.13 Proposed use hearing.

(a) *In general.* Each recipient government which expends entitlement funds in any fiscal year pursuant to a budget enacted on or after January 1, 1977, shall have at least one public hearing on the possible uses of such funds. At such public hearing citizens of the recipient government shall have the opportunity to provide the executive authority written or oral comments and suggestions respecting the possible uses of entitlement funds. The public hearing shall be conducted not less than seven calendar days before the budget is presented to the legislative body.

(b) *Public notice.* The public shall be notified of the time, place, subject, amount of unobligated entitlement funds in the recipient government's revenue sharing trust fund, the amount of entitlement funds which the recipient government expects to receive during its fiscal year, and the right to present oral and written comments at the public hearing required by paragraph (a) of this section, at least 10 days prior to the date on which the public hearing is scheduled. The notice of public hearing shall be published in at least one newspaper of general circulation. Where publication in a newspaper is impractical and alternative methods of public notice are available which are capable of reaching the citizens of the recipient government, this requirement may be waived pursuant to paragraph (c)(2) of this section.

(c) *Waiver of proposed use hearing and notice requirements.* (1) The Director may, upon written application of the chief executive officer of a recipient government, grant a waiver of the requirements of paragraph (a) of this section for one or more fiscal years, if the Director determines from the facts submitted that the unavoidable expenses associated with the costs of compliance with the provisions of paragraph (a) of this sec-

tion would exceed fifteen (15) percent of the recipient government's entitlement for such year. For purposes of this subparagraph unavoidable expenses are those incurred in holding the public hearing, such as space, furniture and equipment rentals, overtime compensation, expense of recording and preparing transcripts, and similar direct costs including the costs of publication of required notices.

(2) The notice and publication requirements of paragraph (b) of this section may be waived by the Director upon the receipt of a written assurance by the chief executive officer of the recipient government stating that publication in a newspaper is impractical and providing for an alternative method which informs the citizens of the jurisdiction regarding the recipient government's use of entitlement funds.

§ 51.14 Budget hearing.

(a) *In general.* Each recipient government which expends entitlement funds in any fiscal year pursuant to a budget enacted on or after January 1, 1977 shall have at least one public hearing prior to enactment of the budget before the legislative body, or the appropriate committee thereof primarily responsible for enacting the budget, on how the entitlement funds are to be used. For those recipient governments which have a bicameral legislature, such hearing shall be held before the appropriate committee in each house of the legislature or before an appropriate joint committee of both houses of the legislature. The citizens of the recipient government shall have a reasonable opportunity to provide written and oral comments, and to ask questions concerning the entire budget and the relationship of entitlement funds to the entire budget.

(b) *Time, place and public notice.* (1) The budget hearing required by paragraph (a) of this section shall be held at a place and time, as determined by the recipient government, that permits and encourages public attendance and participation. At least 10 days prior to the budget hearing a recipient government shall publish in at least one newspaper of general circulation within its geographic area a notice stating how, in the context of its proposed budget, it intends to use its entitlement funds, together with a summary of its entire proposed budget, and notice of the time and place of the budget hearing.

(2) At least 10 days prior to the budget hearing a recipient government shall make available for public inspection during normal business hours, at the principal office of such government, a statement of the proposed uses of entitlement funds in the context of its proposed budget and a summary of its entire proposed budget. If a recipient government has no principal office, then posting at a public place within the political boundaries of the recipient government shall satisfy the requirements of this section. Where feasible, local public libraries or other public buildings may be used for the purpose of providing additional places for availability of inspection of the statement of proposed uses.

(3) Within 30 days after enactment of a budget as provided by State or local law, a summary of the enacted budget showing the intended use of entitlement funds shall be made available for public inspection during normal business hours at the principal office of the recipient government. If a recipient government has no principal office, then posting at a public place within the political boundaries of the recipient government shall satisfy the requirements of this section. Where feasible local public libraries or other public buildings may be used for the purpose of providing additional places for availability of inspection of the budget summary.

(c) *Modification of public notice and inspection time limitation.* Whenever State or local law provides for a specified time period within which a recipient government is required to publish notice of a budget hearing or for a specified time period to permit public inspection of its proposed budget, and such specified time period differs from the 10-day provisions in paragraphs (b)(1) or (b)(2) of this section (and is not less than three (3) working days) the recipient government shall comply with the time period for publication or public inspection required by its State or local law governing the expenditure of revenues generated and collected by such government.

(d) *Published notice of budget summary availability.* Public notice that the information required by paragraph (b)(3) of this section is available for public inspection during normal business hours at the principal office of the recipient government (and, where feasible, at local public libraries or other public buildings) shall be published in a newspaper of general circulation within the geographic area of the recipient government within 30 days after enactment of the budget.

(e) *Alternative procedures for budget hearing requirement.* A recipient government may use an alternative budget hearing process: *Provided,* That:

(1) The recipient government is required under applicable State or local law which governs the expenditure of the government's own revenues to have a budget process which includes a public hearing: *Provided,* That the public hearing provides citizens with the opportunity to present oral and written comments and ask questions concerning the proposed use of all funds, including the use of entitlement funds in relation to the entire budget; and,

(2) The chief executive officer of a recipient government provides the Director with written assurance that it has complied with such State or local law. The assurance shall be accompanied by a citation to the applicable State or local law and explanation of how such law complies with the Act's statutory objectives concerning public participation on the uses of entitlement funds as set forth in paragraphs (a) and (b) of this section.

(f) *Waiver of notice and publication requirement; alternative forms.* (1) The notice and publication requirements of paragraph (b) of this section with respect to publication of the uses of entitlement funds and the budget summaries may be waived by the Director upon receipt of a written assurance by the chief executive officer of the recipient government stating that publication in a newspaper is impractical or infeasible and providing for an alternative method of notice and publication which informs the citizens of the jurisdiction regarding the recipient government's uses of entitlement funds.

(2) The requirement of paragraph (b)(1) of this section with respect to the publication of a budget summary may be waived by the Director upon receipt of a written assurance by the chief executive officer of the recipient government stating that the cost of publication in a newspaper will exceed fifteen (15) percent of the recipient government's entitlement to which the budget is applicable and providing for an alternative method which provides the citizens of the jurisdiction with the opportunity to review the budget summary.

§ 51.15 Amendments or modification to enacted budget.

Where applicable State or local law governing amendments or modification of existing budgets exists, the recipient government shall comply with the State or local law. In the absence of applicable State or local law, the provisions of §§ 51.13 and 51.14 shall apply to any amendment, modification or revision to an enacted budget only when a major change is proposed. For the purposes of this section a major change is any change in the enacted budget which, on a cumulative basis, affects the use of 25 percent or $1,000 of the entitlement funds (whichever is greater) as originally enacted in the budget of the recipient government.

§ 51.16 Participation by senior citizens.

In conducting any hearing or proceeding required under this subpart or under its own budget processes, a recipient government shall endeavor to provide senior citizens and organizations representing the interests of senior citizens with an opportunity to be heard and present their views regarding the allocation of entitlement funds prior to final allocation of such funds.

§ 51.17 Notification of news media.

At the same time any report, notice of hearing or budget information is required to be published in a newspaper under this subpart, each recipient government shall advise the news media, including minority, bilingual and foreign language news media, within its geographic area and shall provide copies of such reports, notice, or budget information to the news media on request.

§ 51.18 Legal notice rules not applicable.

Whenever any section of this subpart requires the newspaper publication of a

report, public notice, budget summary, or any other required information, the recipient government may publish in a newspaper of general circulation within its geographic area without regard to State or local statutory requirements for the publication of legal notices.

§ 51.19 Reports to the Bureau of the Census.

It shall be the obligation of each recipient government to comply promptly with requests by the Bureau of the Census (or by the Director) for data, information and reports relevant to the determination of entitlement allocations or use of entitlement funds. Failure of any recipient government to so comply may place in jeopardy the prompt receipt by it of entitlement funds.

[FR Doc.77-19019 Filed 6-29-77;2:54 pm]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 81]

MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

Paternity Claims and Adoption Proceedings

AGENCY: Office of the Secretary of Defense.

ACTION: Proposed Rule.

SUMMARY: This proposed rule adds procedures on adoption hearings concerning members of the Armed Forces alleged to be fathers of illegitimate children. It changes the word "charges" (against members of the Armed Forces) to "allegations," and modifies the notification procedures. These changes will clarify and elaborate upon the present procedures.

DATES: Comments must be received on or before August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Major J. A. Badami, USA, JAGC, Assistant Director, Personnel Administration, OASD(MRA&L) (MPP), Room 3C980, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0625 or 697-9525.

SUPPLEMENTARY INFORMATION: On January 5, 1967, there was published in the FEDERAL REGISTER (32 FR 52) a final rule adoption effective November 19, 1966 which established policy applicable to the Military Departments on paternity claims against members of the Armed Services on active duty, not on active duty, and former members. The Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) (ASD(MRA&L)) proposes to reissue its DoD Directive 1344.3 to incorporate the changes described in the "Summary".

Accordingly, PART 81 is revised as follows:

Sec.
81.1 Reissuance and purpose.
81.2 Applicability.
81.3 Policy.

AUTHORITY: Sec. 301, 80 Stat. 379 (5 U.S.C. 301).

§ 81.1 Reissuance and purpose.

This part reissues DoD Directive 1344.3, "Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces," to standardize procedures for the handling of:

(a) Paternity claims against members and former members of the Armed Forces, and

(b) Requests from civilian courts concerning the availability of members and former members of the Armed Forces to appear at an adoption hearing where it is alleged that such member is the father of an illegitimate child.

§ 81.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 81.3 Policy.

(a) *Members on active duty.* (1) Allegations of paternity against members of the Armed Forces who are on active duty will be transmitted to the individual concerned by the appropriate military authorities.

(2) If there exists a judicial order or decree of paternity or support duly rendered by a United States or foreign court of competent jurisdiction against such a member, the commanding officer of the appropriate Military Departments will advise the member of his moral and legal obligations as well as his legal rights in the matter. The member will be encouraged to render the necessary financial support to the child and take any other action considered proper under the circumstances.

(3) Communications from a judge of a civilian court, including a court summons or a judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that an active duty member is the father of an illegitimate child, shall receive a reply that:

(i) Due to military requirements, the member cannot be granted leave to attend any court hearing until (date), or

(ii) A request by the member for leave to attend an adoption court hearing on (date), if made, would be approved, or

(iii) The member has stated in a sworn written statement (forward a copy with response) that he is not the natural parent of the child, or

(iv) Due to the member's unavailability caused by a specific reason, a completely responsive answer cannot be made.

(4) The member should be informed of the inquiry and the response and urged to obtain legal assistance for guidance (including an explanation of sections of the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. Appendix, Section 501 et seq., if appropriate).

(b) *Members not on active duty.* (1) Allegations of paternity against members of the Armed Forces who are not on active duty shall be forwarded to the individual concerned in such manner as to ensure that the allegations are delivered to the addressee only. Military channels will be used when practicable.

(2) Communications from a judge of a civilian court, including a court summons or judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that the member not on active duty is the father of an illegitimate child shall receive a reply that such person is not on active duty. A copy of the communication and the reply will be forwarded to the named individual.

(3) When requested by a court, the last known address of inactive members may be furnished under the same conditions as set forth for former members under § 81.3(c)(2) (i) and (ii).

(c) *Former members.* (1) In all cases of allegations of paternity against former members of the Armed Forces or communication from a judge of a civilian court, including a judicial summons or court order, concerning the adoption of an illegitimate child of former members of the Armed Forces who have been separated from the Military Services, i.e., those members now holding no military status whatsoever, the claimant or requester will be (i) informed of the date of discharge, and (ii) advised that the individual concerned is no longer a member of the Armed Forces in any capacity, and that the Military Departments assume no responsibility for the whereabouts of individuals no longer under their jurisdiction. The correspondence and all accompanying documentation shall be returned to the claimant or requester.

(2) In addition, the last known address of the former member will be furnished to the requester:

(i) If the request is supported by a certified copy of either:

(A) A judicial order or decree of paternity or support duly rendered against a former member by a United States or foreign court of competent jurisdiction; or

(B) A document which establishes that the former member has made an official admission or statement acknowledging paternity or responsibility for support of a child before a court of competent jurisdiction, administrative or executive agency, or official authorized to receive it; or

(C) A court summons, judicial order, or similar document of a court within the United States in a case concerning the adoption of an illegitimate child; wherein the former serviceman is alleged to be the father.

(ii) If the claimant, with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father to protect the physical health of either the prospective mother or the unborn child.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE, 29, 1977.

[FR Doc.77-18990 Filed 7-1-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21311; FCC 77-436]

SUBSCRIPTION TELEVISION

Repeal of Movie Restrictions

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action announces the proposed deletion of an FCC rule that restricts which movies can be presented on subscription television ("STV"). The rule to be deleted is identical to a pay cable rule, but now that the pay cable rule has been vacated by the U.S. Court of Appeals (D.C. Cir.), the Commission has requested the Court to remand the STV rule to consider its possible repeal.

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

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

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 22, 1977.

Released: June 29, 1977.

1. The Commission's rules and regulations contained similar sections which restricted the presentation of certain feature movies on subscription television and pay cable. On March 25, 1977, the U.S. Court of Appeals, D.C. Circuit, vacated the pay cable restrictions but not the identical subscription television restrictions. *Home Box Office* v. *F.C.C.*, Case No. 75-1280 et al.

2. At the Commission's request, the Court remanded by Order of May 4, 1977, the subscription television restrictions, contained in 47 CFR 73.643(a), for consideration of repeal of that section, and such repeal is proposed.[1]

3. Comments are invited on any justification for retaining the subscription television restrictions on feature movies, now that the cable rule has been vacated. However, this proceeding is limited to subscription television only, and no comments will be accepted which are repetitious of the record compiled on the pay cable rule.

4. Accordingly, it is proposed, That Section 73.643 of the Commission's rules and regulations, be amended by deletion of paragraph (a), and by relettering paragraphs (b) through (f) as paragraphs (a) through (e).

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 August 8, 1977, and reply comments on or before August 18, 1977. 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,

VICENT J. MULLINS,
Secretary.

[FR Doc.77-19030 Filed 7-1-77;8:45 am]

[1] National Subscription Television and Oak Broadcasting Systems, Inc., with the support of Blonder-Tongue Broadcasting Corporation, have requested expedited action repealing § 73.643(a) or a stay or waiver of this provision pending its repeal. That request is granted to the extent that we are issuing this Notice of Proposed Rule Making looking toward such repeal. In taking such action we must of course be governed by the need for compliance with the Administrative Procedure Act. Nonetheless, we shall act as promptly as circumstances permit. With this in mind we are in a position to dismiss the alternative forms of relief which shall be done by separate letter.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 6; Notice 77-10]

STANDARD TIME ZONE BOUNDARY IN THE STATE OF INDIANA

Proposed Relocation

AGENCY: Department of Transportation.

ACTION: Proposed rule.

SUMMARY: The Department of Transportation proposes to relocate the boundary between the eastern and central time zones in the State of Indiana so as to move Pike County from the central to the eastern zone. This move has been requested by the governing body of the county.

DATES: Public hearing—Wednesday, August 24, 1977, 6:00 p.m., C.D.T., Pike County Court House, Petersburg, Indiana. Comment closing date: September 9, 1977. Proposed effective date: 2:00 a.m., C.D.T., Sunday, October 30, 1977.

ADDRESS: Send comments to Docket Clerk, OST Docket No. 6, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT THE AUTHOR OF THIS DOCUMENT:

Robert I. Ross, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION: Under section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261) ("the Act") the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States so as to move an area from one time zone to another. The Act's standard in this area is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." The Commissioners of Pike County have formally requested that the county be moved from the central to the eastern zone.

The appropriate time zone for Indiana has been the subject of much debate ever since the Act took effect. From 1967 to 1969, the Department of Transportation conducted an extensive rulemaking proceeding which resulted in the present time pattern in the State—80 counties in the eastern zone and 12 counties (six in the northwest around Gary and six in the southwest around Evansville) in the central zone. Pike is one of the six southwest counties.

Although this proposal does not directly involve the observance of advanced (daylight saving) time, it is a relevant factor warranting discussion. Under section 3 of the Act (15 U.S.C. 260a), daylight saving time is observed in the United States from the last Sunday in April until the last Sunday in October each year, except in those States which by law have exempted themselves from such observance. In 1972 the Congress, responding to the situation in Indiana, amended the Act to permit a State in more than one time zone—like Indiana—to exempt either the entire State or only that part of the State in the more easterly of the two zones. Pursuant to this provision of Federal law and to its own State exemption statute (Acts 1969, Chapter 491), the central zone portion of Indiana observes daylight saving time with the rest of the country while the eastern zone portion does not observe it at all. (The result is that, although the two parts are in different time zones, while daylight saving time is in effect the clocks throughout the State read the same; on the clock, eastern standard is the same as central daylight time.) Given that exemption—which may be changed at any time by the State and which is not a matter of Federal authority—adoption of this proposal would have the effects of not only changing the time zone in which Pike County is located but also exempting it from daylight saving time.

Before taking action to adopt, deny, or modify the proposal, the Department will consider the views of interested persons. Comments should be submitted in writing to the address shown above. All comments received by the comment closing date above will be considered and will be available for public inspection and copying in the Office of the Assistant General Counsel for Operations and Legal Counsel, Department of Transportation, Room 10100 Nassif Building, 400 Seventh Street, SW., Washington, D.C., between the hours of 9:00 am and 5:30 p.m. local time, Monday through Friday except Federal holidays.

To facilitate the receipt of comments by persons in the affected area, a representative of the Department will conduct a public hearing in Pike County on Wednesday evening, August 24, 1977, beginning at 6:00 PM CDT in the County Court House in Petersburg, the county seat. The hearing, which will be electronically recorded, will last approximately four hours; in the interest of providing opportunity for as many people to speak in that period as wish to, each speaker will be limited to six minutes in which to present his/her views. Requests to speak will not be accepted prior to the hearing.

In consideration of the foregoing, it is proposed to amend § 71.5 of Title 49, Code of Federal Regulations, by revising paragraph (b) thereof to read as follows:

§ 71.5 Boundary line between eastern and central zones.

* * * * *

(b) *Indiana-Illinois.* From the junction of the western boundary for the State of Michigan with the northern boundary of the State of Indiana easterly along the northern boundary of the State of Indiana to the east line of LaPorte County; thence southerly along the east line of LaPorte County to the north line of Starke County; thence east along the north line of Starke County to the east line of Starke County; thence south along the east line of Starke County to the south line of Starke County; thence west along the south line of Starke County to the east line of Jasper County; thence south along the east line of Jasper County to the south line of Jasper County; thence west along the south lines of Jasper and Newton Counties to the western boundary of the State of Indiana; thence south along the western boundary of the State of Indiana to the north line of Gibson County; thence easterly and southerly along the north line of Gibson County to the east line of Gibson County; thence south along the east line of Gibson County to the north line of Warrick County; thence easterly and southerly along the north lines of Warrick and Spencer Counties to the east line of Spencer County; thence southerly along the east line of Spencer County to the Indiana-Kentucky boundary.

* * * * *

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67); sec. 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(d)(5)); sec. 1.59(a), Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).)

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

LINDA HELLER KAMM,
General Counsel.

[FR Doc.77-19020 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Proposed Frameworks for Early Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements proposed rulemakings published in the FEDERAL REGISTER on March 10 and May 25, 1977, and proposes to establish frameworks for early season migratory bird hunting regulations so that States may select season dates and daily bag and possession limits for the 1977–78 season. It also clarifies the boundary of the Pacific Flyway as it relates to New Mexico.

DATES: Comments on this supplemental proposed rulemaking will be accepted until July 14, 1977.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–343–8827).

SUPPLEMENTARY INFORMATION: On March 10, 1977, the Service published in the FEDERAL REGISTER (42 FR 13311) a proposal to amend 50 CFR Part 20, with a comment period ending May 18, 1977. That document dealt with minor modifications in § 20.11 of Subpart B, the addition of § 20.40 in Subpart D of 50 CFR 20, and with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR 20. On May 25, 1977, the Service published for comment in the FEDERAL REGISTER (42 FR 26669) a second document in the series consisting of a supplemental proposed rulemaking dealing specifically with a number of additional or modified proposals and clarification or correction of minor portions of the earlier document. The comment period ends July 14, 1977. On July 1, 1977, the Service published in the FEDERAL REGISTER final rule making dealing specifically with final frameworks for the 1977–78 season from which wildlife conservation agency officials in Puerto Rico and the Virgin Islands may select season dates for hunting certain doves, scaly-naped pigeons, ducks, coots, gallinules, and snipe in Puerto Rico, and Zenaida doves and scaly-naped pigeons in the Virgin Islands. This supplemental proposed rulemaking is the forth in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with proposed regulations frameworks for 1977–78 early hunting seasons on certain migratory game birds.

On June 21, 1977, a public hearing was held in Washington, D.C., as announced in the FEDERAL REGISTER of May 25, 1977 (42 FR 26709) and June 8, 1977 (42 FR 29345), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, lesser sandhill (little brown) cranes in North and South Dakota, and common snipe. Proposed hunting regulations for these species were discussed plus those governing migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; and special sea duck seasons in the Atlantic Flyway. Statements or comments were invited.

This supplemental proposed rulemaking document identifies a number of changes to the original framework proposals published on March 10, 1977, in the FEDERAL REGISTER, and as supplemented on May 25, 1977. The present supplemental proposals are briefly described as follows. Topics are identified numerically and listed in the same sequence as they appeared in the March 10, 1977, FEDERAL REGISTER.

18. *Lesser sandhill (little brown) cranes.* The FEDERAL REGISTER dated May 25, 1977, proposed that hunting seasons in designated portions of North Dakota and South Dakota be allowed during the period of September 1 through 11, 1977, in lieu of the November seasons of previous years. The Service now proposes that such hunting seasons be confined to 5 consecutive days during the period of September 1 through 11, 1977. This change is made as a precaution against any undue increase in the harvest of sandhill cranes in these States in 1977.

26. *White-winged doves.* No season length was specified in the March 10, 1977, FEDERAL REGISTER for the proposed white-winged dove season in Texas. Such a recommendation was delayed pending completion of breeding population surveys. These surveys have now been completed by the Texas Parks and Wildlife Department. As a result of those surveys, Texas has recommended that 5 days of hunting be permitted this year. The Service concurs with this recommendation and now identifies it as the season length under consideration. As noted earlier, Texas will designate at a later date the specific areas in which hunting will be allowed.

CLARIFICATION

This document also clarifies the boundary of the Pacific Flyway as it was described on page 13313 of the FEDERAL REGISTER dated March 10, 1977, as it relates to New Mexico. In New Mexico, the Pacific Flyway is confined to that

portion of the State west of the Continental Divide plus the Jicarilla Apache Indian Reservation. In the March 10, 1977, document those portions of New Mexico were omitted from the Pacific Flyway description.

SHOOTING HOURS AND SEASON FRAMEWORKS

The Service has received comments from a number of organizations and individuals expressing opposition to shooting hours of one-half hour before sunrise to sunset for migratory game birds, and season frameworks that permit the hunting of mourning doves in September. On the other hand, comments in support of these shooting hours and season frameworks have been received from other organizations and individuals. Those in opposition on the shooting hours issue requested that shooting hours be restricted to one-half hour after sunrise to one-half hour before sunset. This concern centers on waterfowl identification during the pre-sunrise period. Those expressing concern about the hunting of mourning doves during September have expressed several points, the most significant one being that the proposed season coincides with the period when some mourning dove nesting and rearing will still be underway. They have requested that the season for mourning doves open no earlier than October 15.

Although no changes in shooting hours or season frameworks are proposed at this time, both matters are presently under review and evaluation by the Service. Environmental assessments are in preparation and will be completed and made available for public comment in the near future. Final decisions on these matters will be deferred until the evaluations and assessments have been completed. These assessments may result in final frameworks which differ somewhat from those currently being proposed.

PUBLIC COMMENT INVITED

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the amendments resulting from these supplemental proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and certain waterfowl in the contiguous United States; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; sea ducks in coastal water of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations.

COMMENT PROCEDURE

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2243, Department of the Interior, C Street between 18th and 19th Streets, NW., Washington, D.C.

All relevant comments received no later than July 14, 1977, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

ENVIRONMENTAL REVIEW

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

PROPOSED REGULATIONS FRAMEWORKS FOR 1977–78 EARLY HUNTING SEASONS ON CERTAIN MIGRATORY GAME BIRDS

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; sandhill cranes in designated portions of North and South Dakota; and for waterfowl, coots, snipe, and sandhill cranes in Alaska. For the guidance of State conservation agencies, these frameworks are summarized below.

NOTE.—Any State desiring its season on gallinules, woodcock, snipe, or crane to open in September must make its selection no later than July 27, 1977. Those States which desire their gallinule, woodcock, snipe or crane season to open after September may make their selection at the time they select their regular waterfowl season.

Those Atlantic Flyway coastal States desiring their season on sea ducks in certain defined areas to open in September must make their selection no later than July 27, 1977. Those Atlantic Flyway coastal States which desire their season on sea ducks in certain defined areas to open after September may make their selection at the time they select their regular waterfowl season.

MOURNING DOVES

Between September 1, 1977, and January 15, 1978, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit.—(All States east of the Mississippi River and Louisiana.)

1. Shooting hours[1] between 12 o'clock noon and sunset daily;

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama—The South Zone consists of the areas south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia—U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean.

Louisiana—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi—State Highway 12 from the Arkansas State line to Kosciusko, and State Highway 14 from Kosciusko to the Alabama State line.

B. Within each zone, these States may select hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1977.

Central Management Unit.—(Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.)

1. Shooting hours between ½ hour before sunrise and sunset daily in all States;

2. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

3. Hunting seasons in all States of not more than 60 full days which may run

[1] The hours noted here and elsewhere also apply to hawking (taking by falconry).

consecutively or be split into not more than three periods.

4. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1977, and January 22, 1978.

C. The South Zone may have a season of not more than 60 days between September 20, 1977, and January 22, 1978. In the Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remainder of the season (60 days less the number of days of the white-winged dove season) must be within the September 20, 1977–January 22, 1978, period.

5. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit.—(Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.)

1. Shooting hours between ½ hour before sunrise and sunset daily;

2. Daily bag and possession limits not to exceed 10 and 20, respectively;

3. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods.

In the Nevada Counties of Clark and Nye, and in the California Counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

White-Winged Doves

Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1977, and December 31, 1977, and daily bag and possession limits as stipulated below. Shooting hours between ½ hour before sunrise and sunset may be selected.

Arizona may select a hunting season for the entire State of not more than 25 consecutive days, to run concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves.

California may select a hunting season for the Counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the Counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 5 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

Band-Tailed Pigeons

West Coast States.—(California, Oregon, and Washington).

These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1977, and January 15, 1978. Shooting hours between ½ hour before sunrise and sunset may be selected. The daily bag and possession limits may not exceed 8 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1977. Shooting hours between ½ hour before sunrise and sunset may be selected. The daily bag and possession limits may not exeeced 5 and 10, respectively. These seasons shall be open only in the areas delineated by the respective States in their hunting regulations. *Provided, That* each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State conservation agency, and such permit will be valid in that State only; and *Provided further, That* this season shall be open only in the areas delineated by the respective States in their hunting regulations.

New Mexico may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1977, and November 30, 1977, in the North Zone, and October 1, 1977, and November 30, 1977, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected by New Mexico.

Rails

(Clapper, King, Sora, and Virginia)

The States included herein may select seasons between September 1, 1977, and January 20, 1978, on clapper, king, sora, and Virginia rails as follows:

The seasons length for all species of rails may not exceed 70 days.

Shooting hours between ½ hour before sunrise and sunset in all States for all species may be selected.

Clapper and King Rails

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, daily bag and possession limits may not exceeed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia Rails

In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, are prescribed in States in the Atlantic, Mississippi, and Central Flyways.[2]

No hunting season is prescribed for rails in the Pacific Flyway.[3]

Woodcock

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1977, and February 28, 1978, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively, *Provided, That* in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Shooting hours may be selected between ½ hour before sunrise and sunset. Any State may split its woodcock season without penalty.

An option to allow New Jersey to experimentally set woodcock seasons by north and south zones, divided by State Highway 70, is being proposed. Seasons in each zone may not exceed 55 days, and the season in the South Zone may be split.

Common (Wilson's) Snipe

States in the Atlantic, Mississippi, and Central Flyways may select hunting

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[2] The Central Flyway is defined as follows: Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and outside the Jicarilla Apache Indian Reservation).

[3] The Pacific Flyway is defined as follows: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

seasons between September 1, 1977, and February 28, 1978, not to exceed 107 days, except that in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons between September 1, 1977, and February 28, 1978, and not to exceed 93 days, may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico.

All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Shooting hours between ½ hour before sunrise and sunset may be selected. Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three eastern Flyways may defer selections of snipe seasons at this time and make the selections in August when they select waterfowl seasons. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

Lesser Sandhill (Little Brown) Cranes

North Dakota and South Dakota may select sandhill crane seasons not to exceed 5 consecutive days during the period September 1 through 11, 1977, in certain designated areas.

In North Dakota, the season is confined to Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh Counties. In South Dakota the season is confined to Campbell, Walworth, Potter, Dewey, and Corson Counties. In both States, the bag limit is 3 birds daily and the possession limit is 6 birds. Each person participating in the season must obtain and carry in his possession while hunting a Federal lesser sandhill crane hunting permit.

Gallinules

States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1977, and January 20, 1978, of not more than 70 days. States in the Pacific Flyway must select their hunting seasons within the waterfowl seasons. States may split their seasons without penalty. Shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 15 and 30, respectively.

States may select their gallinule seasons at the time they select their waterfowl seasons. If the selection is deferred, daily bag and possession limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period. Exception: A gallinule season selected by any State in the Pacific Flyway may not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

Scoter, Eider, and Oldsquaw Ducks (Atlantic Flyway)

A maximum season of 107 days for taking scoter, eider, and oldsquaw ducks is prescribed during the period between September 18, 1977, and January 20, 1978, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays. eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southhampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia; *Provided, That* any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Shooting hours between ½ hour before sunrise until sunset daily may be selected.

Any State desiring its sea duck season to open in September must make its selection no later than July 27, 1977. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl season.

In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or special falconry season) exceed 107 days for any geographical area.

September Teal Season

Between September 1 and September 30, 1977, an open season on all species of teal may be selected by the States of Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect nontarget species by July 27, 1977.

In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for any geographical area.

Migratory Game Bird Seasons in Alaska

Between September 1, 1977, and January 26, 1978, Alaska may select seasons on waterfowl, coots, snipe, and cranes, subject to the following limitations:

1. Shooting hours between ½ hour before sunrise until sunset daily may be selected for all species.

2. *Season lengths.*—A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots. In the Kodiak (State game management unit 8) area, an open season of 107 days for ducks, geese, brant, and coots and the season may be split without penalty.

B. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska including Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots.

D. An open season for snipe concurrent with the duck season.

E. An open season for lesser sandhill (little brown) cranes concurrent with the duck season.

3. *Bag and possession limits.*—A. *Ducks*—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and redbreasted mergansers, singly or in the aggregate of these species.

B. *Geese*—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. *Brant*—A daily bag limit of 4 and a possession limit of 8.

D. *Coots*—A daily bag and possession limit of 15.

E. Snipe—A daily bag limit of 8 and a possession limit of 16.

F. *Lesser sandhill (little brown) cranes*—A daily bag limit of 2 and a possession limit of 4.

SPECIAL FALCONRY REGULATIONS

Any State that provides special falconry hunting seasons may select extended seasons for taking certain migratory game birds in accordance with the following provisions:

(1) Seasons must fall within the framework dates provided for selecting regular hunting seasons for the various groups of species (e.g., October 1–January 20 for waterfowl, etc.).

(2) Season lengths for all permitted methods of hunting within a given area may not exceed 107 days for any species.

(3) Hunting hours shall not exceed one-half hour before sunrise to sunset.

(4) Daily bag and possession limits for waterfowl (ducks, geese, and mergansers) shall not exceed 2 and 4 birds, respectively, singly or in the aggregate.

(5) Daily bag and possession limits for certain other species (coots, gallinules, rails, snipe, woodcock, doves and pigeons only) shall not exceed 4 and 8 birds, respectively, singly or in the aggregate.

(6) States offering extended seasons shall evaluate and report to the Service the results of each hunting season (regular and extended) each year.

Hunting by falconry during regular migratory game bird seasons is permitted in accordance with applicable regulations.

States selecting extended falconry seasons must inform the Service of seasons and other regulations and publish said regulations.

DRAFTING INFORMATION

This supplemental proposed rulemaking was authored by Dr. John P. Rogers, Chief, Office of Migratory Bird Management.

ECONOMIC IMPACT REVIEW

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

Issued in Washington, D.C., June 27, 1977.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77-18964 Filed 7-1-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

Public Hearings; Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION. Advance Notice of Proposed Rulemaking.

SUMMARY: Announcement is made of one of several public hearings to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. This particular hearing will be held jointly by the National Marine Fisheries Service (NMFS) and the Western Pacific Regional Fishery Management Council. This hearing will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES, TIMES, AND LOCATIONS: A public hearing will be held on July 21, 1977 at:

Hawaii State Capitol Building, Conference Room 6, Honolulu, Hawaii 96813.

The hearing will begin at 10:00 a.m. and will continue until all testimony is received. The hearing will terminate, however, by 5:00 p.m.

In addition to oral testimony, written comments also are solicited. These may be submitted to the address shown below no later than July 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Doyle Gates, Administrator, Western Pacific Program Office, NMFS, 2570 Dole Street, P.O. Box 3830, Honolulu, Hawaii 96812, telephone 808-946-2181.

SUPPLEMENTARY INFORMATION: During the hearing we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;

(b) Changing optimum yield statements with, or without, new biological, social, or economic data;

(c) Adjusting existing foreign allocations;

(d) Modifying existing permits and issuing new ones;

(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and

(f) Taking such other related steps as may be appropriate.

A detailed explanation of the issues and options to be discussed at this public hearing may be found at 42 FR 30875, 30876, Friday, June 17, 1977. The NMFS presently has no additional information which would be helpful to the public in updating or expanding upon that explanation.

Dated: June 30, 1977.

WINFRED H. MEIBOHM,
Associate Director
National Marine Fisheries Service.

[FR Doc.77-19164 Filed 7-1-77;8:45 am]

[50 CFR Part 611]

FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

Public Hearings; Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: Announcement is made of the first several of public hearings to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. These particular hearings will be held jointly by the National Marine Fisheries Service (NMFS) and the Pacific Regional Fishery Management Council. These hearings will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES, TIMES, AND LOCATIONS: Public hearings will be held on July 20, 1977 at:

The Ceremonial Court Room, Federal Building, U.S. Courthouse, 19th Floor, 450 Golden Gate Avenue, San Francisco, California 94102.

On July 21, 1977 at:

The Athens-Bombay Room, Cosmopolitan Motor Hotel, 1030 N.E. Union, Portland, Oregon 97212.

On July 22, 1977 at:

Northwest and Alaska Fisheries Center Auditorium, National Marine Fisheries Service, 2725 Montlake Boulevard, East Seattle, Washington 98112.

Hearings will begin at 9:00 a.m. and will continue until all testimony is received. The hearings will terminate, however, by 5:00 p.m.

In addition to oral testimony, written comments also are solicited. These may be submitted to the address shown below no later than July 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Harvey M. Hutchings, Chief, Fisheries Management Division, 1700 Westlake Avenue, North, Seattle, Washington 98109, Telephone: (206) 422-4817.

SUPPLEMENTARY INFORMATION: During the hearings we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;

(b) Changing optimum yield statements with, or without, new biological, social, or economic data;

(c) Adjusting existing foreign allocations;

(d) Modifying existing permits and issuing new ones;

(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and

(f) Taking such other related steps as may be appropriate.

A detailed explanation of the issues and options to be discussed at these public hearings may be found at 42 FR 30875, 30876, Friday, June 17, 1977. The NMFS presently has no additional information which would be helpful to the public in updating or expanding upon that explanation.

Dated: June 30, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19165 Filed 7-1-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 761]

[FRL 757-7]

POLYCHLORINATED BIPHENYLS

Open Public Meeting; Solicitation of Comments; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction.

SUMMARY: In FR Doc 77-18402 appearing at page 32555 in the FEDERAL REGISTER of June 27, 1977 the phone number of Ms. Mary Ellen Sabella, the Chicago meeting coordinator, should have read 312-353-2072.

DATES: The public meeting in Washington, D.C. on July 15, 1977 and the public meeting in Chicago, Ill. on July 19, 1977 will both commence at 10 a.m.

FOR FURTHER INFORMATION CONTACT:

George Wirth, 202-426-9000.

Dated: June 30, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator
for Toxic Substances.

[FR Doc.77-19224 Filed 7-1-77; 11:02 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.

CIVIL AERONAUTICS BOARD

[Docket No. 30823]

AIR WISCONSIN CERTIFICATION PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 26, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 11, 1977, and the other parties on or before July 19, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 28, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-19060 Filed 7-1-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP77-103]

ALGONQUIN GAS TRANSMISSION CO.

Filing by Algonquin Gas Transmission Company Requesting Special Permission To Recover Increases in Purchased Gas Costs Related to Emergency Natural Gas Act of 1977 Under Unrecovered Purchased Gas Cost Account

JUNE 24, 1977.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on June 15, 1977, filed with the Federal Power Commission a request for special permission to include in Algonquin Gas' Unrecovered Purchased Gas Cost Account of its Purchased Gas Adjustment ("PGA") clause increases in its purchased gas costs related to gas sold to Algonquin Gas pursuant to the Emergency Natural Gas Act of 1977 ("Emergency Gas Act").

Algonquin Gas states that its sole natural gas supplier, Texas Eastern Transmission Corporation ("Texas Eastern") billed Algonquin Gas approximately $417,000 for the month of May, 1977, for emergency gas purchased by Texas Eastern and allocated to Algonquin Gas pursuant to Section 6 of the Emergency Gas Act. This is an increase of approximately $207,000 in excess of the cost of gas currently reflected in Algonquin Gas' effective rates. Algonquin Gas expects to be billed again by Texas Eastern for similar purchases in June and July in approximately the same amount for each of those months. According to Algonquin Gas, since its currently effective PGA does not provide the precise mechanics for the recovery of increased costs due to such short-term emergency purchases passed on to Algonquin Gas by Texas Eastern as separate charges, Algonquin Gas is requesting special permission from the Commission to include such cost increases in the Unrecovered Purchased Gas Cost Account of its PGA to allow their recovery as part of the amortization of this account by a unit rate adjustment as provided in Section 17.5 of the General Terms and Conditions of Algonquin Gas' FPC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that unless the Commission grants the permission requested, it will have incurred approximately $600,000 in increased gas costs related to gas to be supplied during May, June, and July, 1977, pursuant to the Emergency Gas Act of 1977, with no way of recovering such costs.

Any person desiring to be heard or to protest the instant filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18981 Filed 7-1-77;8:45 am]

[Docket No. CP77-423]

COLORADO INTERSTATE GAS COMPANY

Application

JUNE 24, 1977.

Take notice that on June 6, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-423 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an exchange of natural gas with Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to exchange natural gas with Panhandle pursuant to a gas purchase and exchange agreement dated December 3, 1976 between the two parties. It is stated that Panhandle controls or would control certain volumes of gas located near Applicant's existing pipeline system but distant from Panhandle's system, and that these volumes are expected to increase in the future. By the terms of the agreement, Applicant would receive into its pipeline system the subject gas volumes controlled by Panhandle in an "Area of Interest" located in southwestern Wyoming. It is further stated that it is not known at this time the amount of gas to be delivered to Applicant by Panhandle over the term of the agreement as the delivery volumes would include gas from wells yet to be drilled on locations yet to be determined. Panhandle anticipates annual delivery volumes of 16,100,000 Mcf, 24,500,000 Mcf, and 27,100,000 Mcf in the first, second and third years of operation respectively, it is said. Applicant states that it fully expects to be able to receive anticipated volumes from Panhandle on a best efforts basis beginning in the fall of 1978. As of May 1, 1977, there were nine wells in the Area of Interest awaiting connection with an estimated aggregate initial deliverability of 8,600 Mcf per day, it is indicated.

It is indicated that pursuant to the terms of the agreement Panhandle would deliver the subject gas to Applicant at two delivery points in the Red Desert and La Barge areas of Sweetwater County, Wyoming. Applicant states that Panhandle proposes in Docket No. CP77-383 to construct two major supply laterals to connect gas to Applicant at these points, and that these delivery points would require Applicant to construct two line taps at an estimated cost of $50,000. Applicant further states that additional facilities may also be required as development progresses, and that all jurisdictional connecting facilities required to receive delivery volumes from Panhandle would be constructed under budget authority.

Applicant indicates that it has the option to purchase up to 25 percent of the delivery volumes as sale gas, and that for such sale gas, Applicant would reim-

burse Panhandle for Panhandle's average gas purchase cost plus costs attributable to gathering, compression, dehydration, taxes, and a reasonable return on the related investment. Applicant states that it would also reimburse Panhandle for the cost of service of qualified advance payments attributable to Applicant's purchase gas share. It is stated that Applicant would redeliver the remainder volumes, less applicable fuel and unaccounted-for volumes (exchange gas) on a thermally equivalent basis to Panhandle from Applicant's existing Lakin Panhandle Eastern Sales Meter Station located at the Lakin Compressor Station discharge in Kearny County, Kansas and also at Applicant's existing delivery point located near Baker, Oklahoma. The capacity of the Lakin and Baker redelivery points is sufficient to accept the projected initial Redelivery Volumes along with Applicant's existing delivery obligations to Panhandle, it is said.

It is stated that Panhandle would provide gas to Applicant to compensate for fuel usage to the extent reasonably required by Applicant to accomplish the transportation of the exchange gas, and that the fuel gas usage allowance is limited to a maximum of 2 percent of the redelivery volumes. Unaccounted-for gas would be computed as a percentage of the redelivery volumes equal to Applicant's actual systemwide experience during the previous year but limited to a maximum of 0.5 percent, it is said.

Applicant indicates that Panhandle would reimburse Applicant for transportation of the redelivery volumes at a rate to reflect Applicant's transmission system cost of service, including a reasonable rate of return on investment, but exclusive of the cost of service attributable to gathering and storage systems and exclusive of the cost of service attributable to gas used in the operation and maintenance of Applicant's transmission system. Applicant states that this rate, which is subject to change from time to time, is currently 16.43 cents per Mcf.

It is indicated that Applicant may, subject to available capacity in Panhandle's gathering facilities, connect gas supplies located in the Area of Interest to Panhandle's gathering system for redelivery to Applicant, and that in return, Applicant would pay Panhandle a transportation charge based upon Panhandle's current cost of service per Mcf for these facilities.

Applicant asserts that its FPC Gas Tariff and its service agreements with certain jurisdictional customers provide that the input factor of gas delivered may not vary by more than 6 percent (over or under) from values, and that it may not be able to maintain input factor control as deliveries from Panhandle increase without additional facilities, since the gas volumes Applicant would receive from Panhandle in the area of interest are expected to have a relatively high heat content. Applicant indicates that the agreement provides that in the event Applicant installs and places in operation * * * additional facilities on its system for the injection of air or other inert gases, Panhandle would reimburse Applicant for the cost of acquisition and installation thereof to the extent such facilities are necessary for the injection of volumes of air or inerts equivalent to the volume by which Applicant is required, in order to achieve thermally equivalent balancing, to deliver to Panhandle redelivery volumes which volumetrically exceed the volumes of exchange gas received by Applicant.

It is stated that volumes of gas to be purchased by Applicant from Panhandle pursuant to the agreement would be used to meet the requirements of Applicant's existing customers.

Any person desiring to be heard or to make any protest with reference to said appliaction should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18978 Filed 7-1-77;8:45 am]

[Docket No. CP75-231]

COLORADO INTERSTATE GAS COMPANY

Petition To Amend

JUNE 24, 1977.

Take notice that on June 6, 1977, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-231 a petition to amend the Commission's order of October 1, 1975, issued in the instant docket (54 FPC ____), pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to include the acreage attributable to the Shell Creek Unit Well No. 2 in the acreage covered by the sale/exchange agreement by adding all of Section 27, Township 12 North, Range 99 West, Moffat County, Colorado, and to add an additional delivery point on Mountain Fuel Supply Company's (Mountain Fuel) pipeline in Moffat County, Colorado, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner indicates that pursuant to the Commission's order of October 1, 1975, issued in the instant docket, it was authorized to sell and/or transport and exchange natural gas it controls in the North Hiawatha Field area of Sweetwater County, Wyoming, near the Colorado-Wyoming border. Petitioner states that pursuant to a gas purchase and exchange agreement dated Janaury 2, 1975, between Petitioner and Mountain Fuel, Petitioner delivers certain volumes from the North Hiawatha Field area to Mountain Fuel at a point on Mountain Fuel's 20-inch pipeline in Moffat County, Colorado. Petitioner further states that Mountain Fuel purchases up to 25 percent of the volume received and delivers the balance to Petitioner from Mountain Fuel's Spearhead Ranch and Antelope area supplies.

Petitioner indicates that since February 13, 1977, it has been purchasing, under the provisions of the Emergency Natural Gas Act of 1977, natural gas produced by the operator, Champlin Petroleum Company (Champlin), from the Shell Creek Unit Well No. 2 located in Moffat County, Colorado, and that the remaining interest is owned by Petitioners subsidiary, CIG Exploration, Inc. (CIGE). It is stated that Champlin has constructed a temporary line from the well to Petitioner's lateral which is connected to the above-mentioned point at which Petitioner delivers its North Hiawatha Field area gas to Mountain Fuel.

Petitioner has executed a long-term gas purchase agreement with CIGE for gas produced from Shell Creek Unit Well No. 2. and is negotiating for a long-term commitment of Champlin's interest, it is said. It is stated that the sale of gas under the long-term agreement from the Shell Creek Unit Well No. 2 is to commence upon termination of the emergency puchase under the Emergency Natural Gas Act. Petitioner states that by amendment dated February 11, 1977, to the January 2, 1975, exchange agreement, Mountain Fuel has agreed to include the acreage attributable to the Shell Creek Unit Well No. 2 in the acreage covered by the sale/exchange agreement by adding all of Section 27. Township 12 North, Range 99 West, Moffat County, Colorado, to the exchange agreement. Petitioner further states that Mountain Fuel has further agreed to

make an additional tap for a permanent delivery point for the gas from the Shell Creek Unit Well No. 2 on its 20-inch line in Moffat County, Colorado.

It is stated that at such time as it is appropriate to connect the Shell Creek Unit Well No. 2 to the proposed point at which Mountain Fuel has agreed to install a new tap on its 20-inch line, Petitioner may construct approximately 1.5 miles of 4-inch pipeline at an estimated cost of $60,000. The requisite construction may be accomplished under Petitioner's currently effective gas purchase budget authority in Docket No. CP76–503, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 14, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18987 Filed 7-1-77;8:45 am]

[Docket No. CP77-444]

CONSOLIDATED GAS SUPPLY CORP.

Application

JUNE 24, 1977.

Take notice that on June 17, 1977, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-444 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of a three-year storage service to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to render storage services for Tennessee on a best efforts basis for each of the next three injection and withdrawal seasons, beginning with the 1977 summer injection period and ending with the 1979–1980 withdrawal period, in accordance with two letter agreements dated April 20, 1977, between Tennessee and Applicant. It is stated that these services by Applicant under one of the agreements consist of a storage service, during each of the aforementioned periods, with a total storage capacity volume of 3,400,000 Mcf and a daily demand volume of 22,800 Mcf, which would enable Applicant to resell a similar service to nine of its New England utility customers, and, under the other agreement, consist of a storage service, during each of the said periods, with a total storage capacity volume of 500,000 Mcf and a daily demand volume of 3,300 Mcf, which would enable Applicant to resell a similar service to East Tennessee Natural Gas Company (East Tennessee).

It is stated that no new facilities would be required to handle the gas under the program covered by the agreements. It is indicated that the natural gas to be delivered to Applicant by Tennessee and the natural gas to be returned by Applicant to Tennessee would be delivered at Tennessee's existing Ellisburg Sales Meter Station Delivery Point to Consolidated located in Potter County, Pennsylvania, or, from time to time when operating conditions require, at such other existing interconnections between the facilities of Tennessee and Consolidated as may be mutually agreed to by their dispatchers.

Applicant states that during each of the 1977, 1978, 1979 injection periods, Tennessee would deliver to Applicant and Applicant would inject into storage such quantities of gas as are mutually agreed to and scheduled, on each day, by the dispatchers of Applicant and Tennessee. Applicant further states that it would use its best efforts to inject into storage the quantities of gas requested by Tennessee. Tennessee's stored inventory (any carried-over inventory and injections) for the account of the New England Companies would not exceed at any time the contracted storage capacity volume of 3,440,000 Mcf, and for the account of East Tennessee would not exceed at any time the contracted storage capacity volume of 500,000 Mcf, it is said.

It is indicated that during each of the 1977–1978, 1978–1979, and 1979–1980 withdrawal periods, Applicant would, on a best efforts basis, deliver to Tennessee the forementioned contracted storage gas, or any lesser portion thereof desired by Tennessee, at reasonably constant daily rates not to exceed 22,800 Mcf for the New England Companies and not to exceed 3,300 Mcf for East Tennessee: *Provided, however,* That such daily volumes may be adjusted as operating conditions permit and as mutually agreed to by dispatchers of Applicant and Tennessee.

Applicant states that under the proposed storage program, it is contemplated that deliveries from storage would occur ordinarily during the winter season next following the summer injection season. However, the customer may defer its withdrawals; and, in such event, the carried-over inventory and succeeding summer injection cannot exceed the contracted storage volume, it is said.

Applicant asserts that the natural gas storage services which it proposes are designed and would enable Tennessee, by its utilization of such services in conjunction with capacity available from its own existing pipeline and storage facilities, to render storage services for nine of its New England wholesale customers for the next three years, and similar service to East Tennessee for three years.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18979 Filed 7-1-77;8:45 am]

[Docket No. CP77-433]

EAST TENNESSEE NATURAL GAS CO.

Application

JUNE 24, 1977.

Take notice that on June 10, 1977, East Tennessee Natural Gas Company (Applicant), 8200 Kingston Pike, Knoxville, Tennessee 37919, filed in Docket No. CP77-433 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a three-year storage service for eleven of its customers, up to 500,000 Mcf; to carry over and apply to its proposed storage service certain volumes of gas remaining in storage for its account; to recover the increased cost of purchased gas which would be incurred as a result of it converting from Tennessee Gas Pipeline Company's, a Division of Tenneco Inc. (Tennessee), Rate Schedule G-1 to its Rate Schedule CD-1; and to effectuate various revisions to its tariff resulting from the proposed Limited

Term Storage Service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant sesks authorization to render Limited Term Storage Service for the three consecutive twelve-month periods of 1977–78, 1978–79 and 1979–80 to eleven of its customers and with their respective Total Storage Volumes as follows:

Customer:	*Total storage volume (thousand cubic feet)*
Chattanooga Gas Co	200,000
Colonial Natural Gas Co	100,000
City of Fayetteville, Tenn	3,000
City of Lewisburg, Tenn	3,000
City of Loudon, Tenn	2,000
Natural Gas Utility District Hawkins County, Tenn	5,000
Roanoke Gas Co	100,000
Sevier County Utility District of Sevier County, Tenn	12,000
City of Sweetwater, Tenn	4,000
United Cities Gas Co	50,000
Volunteer Natural Gas Co	21,000
Total	500,000

It is indicated that the proposed service is virtually the same service and for the same customers as was authorized by the Commission for the current year in Docket No. CP76–393. Applicant states that it has volumes of gas currently remaining in storage under Tennessee's LTSS–1 storage service agreement and such volumes are not needed now but would be urgently needed during the 1977–78 winter. Consequently, Applicant requests that it be authorized to carry such volumes over and apply the volumes to the proposed new limited storage service.

Applicant states that the service proposed herein would be rendered by the customers making available to Applicant from their allocation of gas from Applicant and/or volumes from sources other than Applicant during each summer period.

Such volumes would be made available to Tennessee for storage by Consolidated Gas Supply Corporation (Consolidated), and subsequent redelivery of the stored volumes would be made by Tennessee to Applicant and by Applicant to each customer upon request of such customers, it is said. It is stated that all such deliveries would be made only when the operating conditions of Applicant, Tennessee and Consolidated permit.

Applicant states that the Total Storage Volume of 500,000 Mcf is being made available by Tennessee to Applicant from a total storage capacity of 3,940,000 Mcf Consolidated has made available to Tennessee. Applicant asserts that the storage arrangements proposed would allow its customers to store gas in the summer months for delivery to high priority customers in winter months. The current forecast of winter deliveries indicate curtailment into Priority 2 for each of the three years, and most Priority 2 consumers have no standby or alternate fuel capability, it is said. Consequently, Applicant indicates that its customers, by curtailing lower priority requirements during the summer curtailment period and storing such volumes so curtailed, would be in a position to protect their high Priority 1 and 2 consumers should the winter season be colder than normal, and/or reduce the winter curtailment temperatures be normal.

Applicant states that it proposes to render the storage service for its eleven customers pursuant to a Limited Term Storage Servise, and also pursuant to its proposed Limited Storage Service Rate Schedules (LTSS–1, LTSS–2 and LTSS–3).

Applicant also seeks authorization to recover the increased cost of purchased gas which it would incur as a result of converting from Applicant's Rate Schedule G–1 to its Rate Schedule CD–1. It is indicated that pursuant to the availability Section 1.(c) of Tennessee's Rate Schedule G–1, under which Applicant currently purchases its entire long term gas supply, Applicant is ineligible to receive service from Tennessee under such Rate Schedule G–1 once Applicant has available to it underground natural gas storage and/or natural gas supplies from sources other than Tennessee. Consequently, Applicant states that it has agreed to convert to Tennessee's Rate Schedule CD–1 with a Contract Demand of 325,719 Mcf. Such volume is the sum of Applicant's firm service authorization, it is indicated. It is stated that by using its system flexibility and the new Contract Demand, Applicant's ability to serve its firm service authorization would not be impaired, and the conversion to the Rate Schedule CD–1 results in a substantial increase in the monthly purchase gas costs which Applicant cannot recover under the present provisions of its PGA clause. Consequently, Applicant submits proposed Tariff Sheets, which reflect the revisions to the PGA clause which would enable Applicant to recover these increased costs, it is said. Applicant asserts that the approval of its flow-through of the increased purchased gas costs is an essential prerequisite to its agreement to render the proposed storage service.

Additionally, Applicant seeks authorization to make the necessary revisions resulting from the proposed Limited Term Storage Service to Tariff Sheet Nos. 23, 26, and 64.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18971 Filed 7-1-77;8:45 am]

[Docket No. E–8121]

GULF STATES UTILITIES CO.

Order Approving Settlement

JUNE 27, 1977.

On April 22, 1977, Gulf States Utilities Company (Gulf States) and Sam Rayburn Dam Electric Corporative, Inc. (Sam Rayburn) filed in the docket herein a Joint Motion to Approve Settlement Agreement, which agreement was subsequently filed on April 29, 1977. The Commission finds that the settlement agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Docket No. E–8121 was initiated on April 10, 1973, when Gulf States tendered for filing various revised rate schedules to its wholesale customers, including Sam Rayburn and its member municipals and cooperatives. By order issued on June 14, 1973, the Commission (1) found that certain customers did not have *Sierra*[1]-type fixed rate contracts, thereby permitting the Company's proposed rates to go into effect subject to refund after a one-day suspension; (2) instituted a Section 206 investigation to determine if the rates being charged under the *Sierra*-type fixed-rate contracts were just and reasonable; and (3) for those customers the Commission found having fixed rate contracts with demand ceilings, it accepted Gulf States' proposed rates to be effective as initial rates to apply to those deliveries sold above the demand ceilings. The Commission found the February 13, 1964 contract between Gulf States and Sam Rayburn to be a *Memphis*[2]-type contract,

[1] *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Co.* v. *Mobile Gas Corp.*, 350 U.S. 332 (1956).

[2] *United Gas Co.* v. *Memphis Gas Div.*, 358 U.S. 103 (1958).

permitting unilateral rate increases. By order issued on July 31, 1973, the Commission permitted the various interventions, including that of Sam Rayburn, but excluded from consideration all allegations with respect to anticompetitive activities.

The Commission's determination as to the *Memphis*-type character of the 1964 contract between Gulf States and Sam Rayburn was reversed by the United States Court of Appeals for the District of Columbia Circuit on July 11, 1975[2] and was remanded with instructions to reject the proposed rate increases. Upon remand, by Commission order issued on June 2, 1976, Gulf States was ordered to refund to Sam Rayburn all monies collected from Sam Rayburn under the rate schedules proposed in Docket No. E-8121. A dispute developed between the parties as to the rate of interest on the monies to be refunded[4] and on the amount of refunds to be made because of alleged errors in its billing calculations made by Gulf States. Also, Gulf States had given notice to Sam Rayburn terminating the February 13, 1964 contract between the parties to be effective as of November 1, 1978.

On April 29, 1977 Gulf States and Sam Rayburn filed a Letter Agreement and Escrow Agreement as a proposed resolution of the remaining issue of dispute between the parties, i.e., the additional amount of refund and interest due to Sam Rayburn because of Gulf States' miscalculation of the amount owed. The bilateral settlement agreement also allows Gulf States to effect a rate increase which it otherwise would be barred from proposing on a unilateral basis under the *Sierra*-type 1964 contract, and allows Gulf States to recover fuel costs from Sam Rayburn. Further, the 1964 contract, which was to be terminated on November 1, 1978, would be extended for another two years until October 31, 1980.

Under the proposed settlement, the rates for service provided by Gulf States are distinguished between "base usage" and "growth usage" rates. "Base usage" is the level of service rendered for each billing month from July, 1975 through June, 1976. "Growth usage" is that in excess of "base usage" beginning with the billing month of July, 1976.

The rate to be charged to Sam Rayburn for "base usage" by its member municipals (excluding certain separate industrial type service) and its member cooperatives is the 1964 contract rate determined to be a fixed rate by the D.C. Circuit in its July, 1975, decision, plus a fuel adjustment charge as approved for other wholesale customers by Commission order issued June 4, 1975 in this docket. "Growth usage" of member municipals and its member cooperatives is to be billed at the going wholesale municipal rate and wholesale REA rate of Gulf States in effect from time to time.

Beginning with the billing month of July, 1976, the going rates were those permitted to be charged in this docket, which were initially placed into effect pursuant to the June 14, 1973, order and finally approved by Commission order issued September 22, 1976.[5] Since September 2, 1976, as to member cooperatives, and December 1, 1976, as to member municipals, the going rates were the rates permitted to be placed in effect by the suspension order of this Commission issued August 31, 1976, in Docket No. ER 76-816. Sam Rayburn is an intervening party in that docket, and the final outcome of such rate proceeding, and any further rate proceedings hereafter filed by Gulf States, will be controlling as to the rate charged for "growth usage" and need not be resolved in this docket.

The dispute as to the amount of refund and interest due by Gulf States is resolved by the settlement agreement by allowing Sam Rayburn to apply $208,700, the approximated amount owed by Gulf States as of December 31, 1976, to reduce the sum which Sam Rayburn has agreed to place in escrow, which sum is estimated to be the additional charges permitted under the settlement agreement. Sam Rayburn has agreed to make continuing payments of the additional charge to the escrow account pending Commission approval of the settlement agreement.

Public notice of the proposed settlement was issued on May 5, 1977. On May 20, 1977, Staff filed comments supporting the agreement. No other comments have been received.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and authorized.

The Commission orders: (A) The settlement agreement tendered to the Commission in these proceedings on April 29, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, Gulf States shall file with the Commission revised rate schedules in conformance with the settlement agreement. Such submittal shall include complete monthly billing data for July, 1976, and each month thereafter, including monthly billing determinants and revenues under prior rates and settlement rates; and the monthly increase resulting from the settlement rates. A copy of such report shall be furnished to each State Commission within whose jurisdiction Sam Rayburn distributes and sells electric energy at retail.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Gulf States or any person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18967 Filed 7-1-77;8:45 am]

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[2] *Sam Rayburn Dam Electric Cooperative* v. *FPC*, 515 F2d 998 (D.C. Cir. 1975), *cert. denied sub nom Gulf States Utilities Co.* v. *FPC*, 96 S. Ct. 2229 (1976). Certain factual issues relating to the contract status of delieveries by Gulf States to Mid-South Electrict Cooperative, another wholesale customer of Gulf States, in excess of the stated maximum contract commitment were remanded by the Court to the Commission and will be the subject of a subsequent Commission order. The Court held that the conduct of the parties could effect a modification of the original contract so as to eliminate the demand ceiling contained therein, and the Court remanded the case to the Commission for determination of whether or not the parties' course of conduct had altered the original contract.

[4] The dispute as to the rate of interest was resolved by Commission order of October 15, 1976, as modified by its order of November 26, 1976, that Gulf States was to pay an interest rate of 9% per annum on all excessive rates collected on or after October 10, 1974, and for the period on or after October 10, 1974, for excessive amounts collected prior to October 10, 1974; that Gulf States was to pay 7% interest on the excess rates collected prior to October 10, 1974; and that Gulf States did not have to pay additional interest on a refund check tendered to a Texas bank on July 2, 1976, the last day permitted by the Commission's June 2, 1976 refund order. The check was drawn on a California bank and could not be presented in California for payment until July 6, the first day the banks were open after the July 4 holiday.

[5] The September 22, 1976 Commission order adopted the March 25, 1976 Initial Decision issued by the Presiding Administrative Law Judge in this docket which, inter alia, held that Gulf States' April 10, 1973, proposed rates subject to review under Section 205 of the Federal Power Act were just and reasonable and should be permitted to take effect.

[Docket No. CP77-429]

KENTUCKY WEST VIRGINIA GAS CO.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, Kentucky West Virginia Gas Company (Applicant), Second Nation Bank Building, Ashland, Kentucky 41101, filed in Docket No. CP77-429 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to install and operate certain minor facilities and to make deliveries of natural gas to its corporate parent, Equitable Gas Co. (Equitable), for resale in the state of Kentucky to 36 right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to install and operate minor facilities and to make deliveries of natural gas under its current FPC Gas Tariff, First Revised Volume No. 1 to Equitable, for resale to 36 right-of-way

grantors. Applicant indicates that it has agreed, as consideration or part consideration for certain rights-of-way and leases granted in its operating area in eastern Kentucky, to provide natural gas service for use by the 36 landowners for high priority domestic uses in rural dwellings. Applicant states that it is estimated that the domestic usage by each of these rights-of-way grantors would be approximately 250 Mcf per year on the average. It is indicated that the total cost of the minor facilities proposed to be constructed would be $70.00 per project and would be financed by cash on hand.

Applicant asserts that the service sought to be rendered by it via Equitable to the 36 right-of-way grantors in eastern Kentucky primarily would be for domestic needs. However, the service would benefit all the customers of Applicant since it permits and expedites the construction of facilities necessary for the obtaining and transporting of new supplies of natural gas through easement arrangements.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18975 Filed 7-1-77;8:45 am]

[Docket No. ER77-388]

LAKE SUPERIOR DISTRICT POWER COMPANY

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Late Petition To Intervene, and Establishing Procedures

JUNE 24, 1977.

On May 16, 1977, Lake Superior District Power Company (Lake Superior) submitted for filing proposed contracts for wholesale electric service to Medford Electric Utility [1] and to the City of Wakefield.[2] These contracts are intended to supersede the contracts presently on file with the Commission.[3]

The proposed contracts would increase revenues to Lake Superior by $576,058 for the test period ending December 31, 1976, representing an 81.55% increase to these wholesale customers over the revenues presently being collected. Lake Superior requested an effective date of July 1, 1977.[4]

Public notice of the filing was issued on May 6, 1977 with protests or petitions due on or before June 13, 1977. On June 17, 1977, the City of Medford (Medford), through its utility commission, filed a late Petition to Intervene and Request for Maximum Suspension.

Medford has raised a number of issues concerning the proposed rates. In light of the fact that Medford's petition to intervene will be granted and that, therefore, Medford will be able to discuss the issues in a public hearing which we will hereinafter order, we will not catalogue them here. However, two of Medford's allegations should be discussed at this preliminary stage of the proceeding: (1) that substantial amounts of Construction Work in Progress (CWIP) have been included in the rate base contrary to the rules of the Commission and (2) that Statement N of the Company's filing is misleading because rate base and expenses figures for North Central Power Company (North Central), Lake Superior's only other wholesale customer, have been included in the proposed rates to Medford and Wakefield.

In our preliminary analysis of the proposed rates we noted the inclusion of figures for North Central and consequently eliminated them for the purpose of determining whether or not the proposed rates should be suspended. As to the inclusion of CWIP, review of data from Lake Superior's recent Form 1 filing indicates that no production or transmission CWIP has been included in the rate base, and it appears from Lake Superior's direct assignment of distribution facilities that no CWIP has been included there either.[5] We shall, however, require the Company to furnish to the Commission a statement that it has or has not included CWIP in its rate base, and, if it has, to adjust its proposed rates accordingly.

Each of the proposed contracts contains a tax adjustment clause. Any attempt to implement a tax adjustment clause requires full cost of service support as specified in Section 35.13 of the Commission's regulations. Since Lake Superior has not provided this cost support, it will not be permitted to give effect to the tax adjustment clause in its proposed contracts.

The increased rates proposed by Lake Superior have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Based on a review of all of the pleadings, including the allegations made by Medford, we will accept for filing the proposed increased rates and will suspend their effectiveness for two months, *i.e.*, to September 1, 1977, at which time they will become effective subject to refund.

The Commission finds: (1) Good cause exists to accept for filing Lake Superior's proposed contracts and to suspend the rates contained therein until September 1, 1977, when they shall become effective subject to refund.

(2) Good cause exists to make inoperative the tax adjustment clauses in the proposed contracts.

(3) Good cause exists to grant the late Petition to Intervene of the City of Medford.

(4) Good cause exists to require Lake Superior to provide a statement that it has or has not included Construction Work In Progress in its rate base.

(5) It is necessary and in the public interest that an evidentiary hearing be held in this docket in order for the Commission to discharge its statutory responsibilities under the Federal Power Act.

The Commission orders: (A) Lake Superior's proposed contracts are hereby accepted for filing provided that the tax adjustment clauses contained therein are of no effect and the proposed rates contained therein shall be suspended for two months until September 1, 1977, when they shall become effective subject to refund.

(B) The City of Medford, Wisconsin is 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 matters set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it

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[1] Rate Schedule FPC No. 25.
[2] Rate Schedule FPC No. 26.
[3] F.P.C. No. 15 and No. 16.
[4] Lake Superior failed to include Statement P in its initial filing but subsequently provided it to the Commission May 27, 1977.
[5] However, data on file is insufficient in order to allow the Commission to make a definitive statement concerning distribution facilities.

might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Within 30 days of the issuance of this order, Lake Superior shall submit a statement that it has or has not included Construction Work In Progress in its allocated rate base to the wholesale customers, and, if it has, it shall make the appropriate adjustments to the proposed rates and file new schedules with the Commission.

(D) Pursuant to the authority contained under the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of practice and Procedure and the regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms and condition of service included in the proposed contracts.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 3, 1977. (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 3.5(d)), shall preside at an initial conference in this proceeding to be held on October 11, 1977, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426. The Law Judge is authorized to establish all procedural dates and to rule upon all motions to consolidate and sever and motions to dismiss, as provided for in the 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 Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18974 Filed 7-1-77;8:45 am]

[Docket No. CP77-441]

MISSISSIPPI RIVER TRANSMISSION CORPORATION

Application

JUNE 24, 1977.

Take notice that on June 16, 1977, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP77-441 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional natural gas storage field facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to drill 7 additional wells in its West and East Unionville Storage Fields, Lincoln Parish, Louisiana (Unionville Storage Fields) for completion and use as either injection/withdrawal wells or observation wells, and to install and use measurement and regulation facilities and other miscellaneous and appurtenant facilities related to said wells. Applicant requests authorization to construct and operate up to 2.3 miles of additional 4½-inch O.D. storage field lines, to be used in the event the wells are completed as injection/withdrawal wells.

Applicant indicates that on December 30, 1968, in Docket No. CP69-19, it was authorized to develop and operate the Vaughn Sand Cotton Valley Formation, West Unionville Field, Lincoln Parish, Louisiana, as an underground natural gas storage reservoir, and that on January 28, 1972, in Docket No. CP72-142, it was authorized to construct and operate additional facilities in the West Unionville Storage Field. Applicant states that pursuant to these authorizations, it has constructed a storage field gathering system and has drilled, converted or reworked some 31 wells—24 as injection/withdrawal wells and 7 as observation wells. Two additional wells have been acquired, or drilled, solely as observation wells, it is indicated.

Applicant further indicated that on July 5, 1973, in Docket No. CP73-130, it was granted a certificate authorizing the acquisition, development and operation of the Vaughn Sand Cotton Valley Formation, East Union Field, Lincoln Parish, Louisiana, as an additional underground natural storage reservoir, and that on June 12, 1974, in Docket No. CP74-13 it was granted authorization which permitted, among other things, the drilling and operation of additional injection/withdrawal wells in the East Unionville Storage Field. Applicant states that at the present time 12 of the 20 wells are injection/withdrawal wells and 8 are being used as observation wells.

It is stated that in the course of reviewing its Unionville Storage Fields' operations during the last few years Applicant has determined that additional wells should now be drilled in order to be able to trace better the movement of gas in the Fields. It is further stated that the 0-3 and 0-5 observation wells in the West Field close to the original gas-water contact have pressured up indicating a movement of gas southward into areas not now controlled by wells, and that in the northwestern part of the reservoir it has been found that the pressure remains several hundred pounds higher than in other field areas at the end of the withdrawal season indicating a lack of drainage ability. In the East Field the same condition exists, the EO-2 observation well just above the original gas-water contact has pressured up and gas has moved to the EO-4 observation well. The ES-15 well when drilled encountered no sand and a scheduled ES-14 well was suspended, it is said. Applicant states that it now appears another well is needed to drain this area or to determine more accurately the limits of the field, and that another well is also needed down dip of the structure to monitor the southward movement of gas.

It is indicated that since the sand in both Fields is not homogeneous the drilling of the additional wells in the Unionville Storage Fields would, in Applicant's opinion, provide additional control points for monitoring the gas bubble and would also permit the use and analysis of a variety of injection and withdrawal patterns in order to determine and use the most desirable operating procedures for the Fields, both technologically and economically.

Applicant asserts that the additional observation wells would be used to observe pressure variances in areas of the Field where no observation wells now exist, to determine any shifting of significant volumes of natural gas injected into the Fields and to aid in determining in what areas of the Fields it would be technically and economically preferable to inject or withdraw gas. Applicant also states that the additional injection withdrawal wells would be located in areas of the Storage Fields where there are presently no such wells and consequently, would provide greater flexibility in injecting and withdrawing gas for the Fields.

Applicant indicates that both the additional observation wells and the additional injection/withdrawal wells proposed herein would give Applicant better control over its Unionville Storage Fields by providing a more effective means of monitoring existing storage operations and by enabling Applicant to respond more efficiently and economically to exigencies arising in the daily operations of the Fields.

It is stated that wells drilled pursuant to the requested authorization would be drilled within the boundaries of the existing Fields, and that the exact locations and the number of wells which would be injection/withdrawal or observation wells would be dependent on the data obtained during the drilling of the wells.

The total cost of the proposed facilities is dependent on the number of wells which are completed as injection/withdrawal wells and their distances from the existing Unionville Storage Field's lines, it is said. Applicant states that it estimates the maximum cost of the proposed facilities to be $4,297,500, which would be financed from available funds and/or short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commissio, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to

be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18969 Filed 7-1-77;8:45 am]

[Docket No. ER77-452]

MONONGAHELA POWER COMPANY, THE POTOMAC EDISON COMPANY, WEST PENN POWER COMPANY

Proposed Changes in Power Supply Agreement

JUNE 27, 1977.

Take notice that Allegheny Power Service Corporation (Allegheny) on June 15, 1977 tendered for filing on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Applicants), the electric utilities which make the integrated Allegheny Power System, Amendment No. 3 dated June 1, 1977 to the Power Supply Agreement dated January 1, 1968 between Monongahela Power Company, The Potomac Edison Company and West Penn Power Company, designated Monongahela Rate Schedule FPC No. 27, Potomac Edison Rate Schedule FPC No. 29 and West Penn Rate Schedule FPC No. 25.

Applicants state that since capacity equalization charges depend upon the load capacity situations of each of the parties from time to time it is impossible to estimate the increase in revenue of each of them which would result from Amendment No. 3.

Applicants request waiver of the Commission's notice requirements to allow said proposed agreement to become effective as of July 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-18986 Filed 7-1-77;8:45 am]

[Docket No. CP77-442]

MOUNTAIN FUEL SUPPLY COMPANY

Application

JUNE 24, 1977.

Take notice that on June 16, 1977, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP77-442 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate a permanent pipeline tap on its jurisdictional pipeline for the transportation and exchange of natural gas produced from the Shell Creek area of Moffat County, Colorado initiated under the Emergency Natural Gas Act of 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the Shell Creek Unit Well #2 has been producing gas under temporary authority granted under provisions of the Emergency Natural Gas Act of 1977, and that this authority would expire on or about August 1, 1977. This gas supply was connected to Applicant's pipeline system on February 13, 1977 using temporary production facilities and an existing tap, it is said. It is stated that CIG Exploration Inc. is the producer and Colorado Interstate Gas Company (CIG) is the gas purchaser in the field. Applicant indicates that it would amend its FPC tariff volume 1, page 151 in accordance with an amendatory agreement dated February 11, 1977 between Applicant and CIG to facilitate the transportation and exchange of natural gas from the Shell Creek area.

Applicant seeks authorization herein to continue the operations initiated under the Emergency Natural Gas Act of 1977 and to install a permanent tap on its jurisdictional pipeline to receive gas from the Shell Creek area in accordance with the provisions of the existing gas transportation and exchange agreement with CIG.

It is indicated that the estimated cost of installation of the proposed tap for gas purchases at Shell Creek is $2,575, and that the tap would be constructed using funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18970 Filed 7-1-77;8:45 am]

[Docket No. ER77-459]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Supplement to Interconnection Agreement

JUNE 27, 1977.

Take notice that on June 16, 1977, Public Service Company of New Mexico (PNM) tendered for filing a supplement to an Interconnection Agreement previously designated PNM Rate Schedule FPC No. 8, with Colorado-Ute Electric Association, Inc. (CUEA).

PNM indicates that the letter agreement was executed on April 18, 1977, as it was anticipated that CUEA would require service immediately; however, as of June 14, 1977, no service has been required as CUEA has been able to obtain other resources. The letter agreement terminates December 31, 1977.

PNM states it anticipates that the banking arrangement will be balanced at the end of the agreement (December 31, 1977), and that it expects no revenues to be generated under the agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977.

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-18985 Filed 7-1-77;8:45 am]

[Docket No. CP77-434]

SOUTHWEST GAS CORPORATION

Application

JUNE 24, 1977.

Take notice that on June 10, 1977, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP77-434 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, operation, and maintenance of additional facilities in the nature of loop pipelines and related compressor station modifications on its northern Nevada transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 4.00 miles of 16-inch O.D., loop pipeline, 14.00 miles of 10.75-inch O.D., loop pipeline, 12.00 miles of 8.625-inch O.D., loop pipeline and additional staging in existing centrifugal compressors in compressor stations Nos. 3, 4, and 5. Applicant states that the modifications to the compressor stations would enable Applicant to increase the mechanical efficiency of the compressors which would in turn increase the compressor station capacities. Applicant proposes to install the third heating season facilities which consist of 14.00 miles of 10-inch and 12.00 miles of 8-inch loop pipeline during the 1977 summer construction period inasmuch as over half of the proposed facilities must be installed prior to the 1977-1978 heating season. Applicant asserts that very favorable construction costs can be obtained due to a slow construction period for pipeline contractors, and that materials may be purchased at a lower cost at that time. Applicant also proposes to perform the compressor station modifications during the 1977 summer construction period to take advantage of favorable material pricing and to improve immediately the efficiency of the compressor station, therefore, producing fuel savings, it is said. Applicant indicates that it would install the 4.0 miles of 16-inch loop pipeline during the 1979 summer construction period inasmuch as this facility would not be required until the 1979-1980 heating season.

Applicant states that the estimated design day requirements for natural gas by Applicant's Priority 1 and 2 customers in its northern Nevada system for the forthcoming three heating seasons would exceed the maximum daily design capacity of the current facilities to deliver such gas. It is stated that the proposed loop pipelines and modification of compressor stations would increase the daily design capacity of the existing facilities to deliver the estimated design day requirements of natural gas to Applicant's Priority 1 and Priority 2 customers for the 1977-78, 1978-1979 and 1979-1980 heating seasons.

It is indicated that the estimated cost of the construction, operation and maintenance of the proposed facility would be $3,433,000 and would be financed by working funds, supplemented as required by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believe that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwie advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18977 Filed 7-1-77;8:45 am]

[Docket No. CP77-439]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Application

JUNE 24, 1977.

Take notice that on June 14, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP77-439 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that United has contracted with Phillips Petroleum Company (Phillips) for a supply of natural gas from the Waveland Field, Hancock County, Mississippi. It is indicated that United would deliver or cause to be delivered the subject gas up to 20,000 Mcf per day to Applicant at a point in Hancock County, Mississippi.

Applicant requests authorization to transport and redeliver the proposed volumes of gas to United through existing facilities at an existing point of interconnection between the facilities of Applicant and United at Chauncey (Kiln) Hancock County, Mississippi or at any other mutually agreeable existing authorized points of interconnection between Applicant and United pursuant to a gas transportation agreement between the two parties dated June 9, 1977. Applicant also proposes to transport at its sole option, volumes of gas in excess of 20,000 Mcf per day in the event that United has available, from time to time, and tenders to Applicant quantities of gas in excess of 20,000 Mcf per day.

Applicant states that it would charge United a monthly transportation note of 1.0 cent per Mcf redelivered for the proposed transportation service. The service is proposed to be rendered for a term of one year commencing on the date deliveries of gas commence or for such lesser period requested by United to complete the installation of its facilities to attach this gas supply, it is said.

It is indicated that United is presently experiencing a shortage of gas supplies, and that the proposed service would be beneficial to United in that it would make available immediately to its system new supplies of natural gas which are dedicated to it.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18973 Filed 7-1-77;8:45 am]

[Docket No. CP77-430]

TEXAS EASTERN TRANSMISSION CORP.

Application

JUNE 24, 1977.

Take notice that on June 9, 1977, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-430 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 10,000 Dekatherms (dt) equivalent of natural gas per day for Mid Louisiana Gas Company (Mid Louisiant), and the retention in place of certain facilities constructed for the transportation of natural gas under Section 6 of the Emergency Natural Gas Act of 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to retain certain facilities in place after the July 31, 1977 termination date of the Emergency Natural Gas Act of 1977 in order to continue a transportation service for Mid Louisiana through the 360th day following March 27, 1977 pursuant to the proposed Rate Schedule TS-2, of up to 10,000 dt equivalent of natural gas per day. Applicant states that as a result of the continuing gas shortage, it is currently curtailing deliveries to its customers at approximately 420,000 dt per day and there presently exists available capacity on its system.

Applicant indicates that it would render the proposed transportation services pursuant to a service agreement dated May 3, 1977 between Applicant and Mid Louisiana. It is stated that Mid Louisiana has purchased, beginning on March 27, 1977, from South Louisiana Production Company, Inc., CRA Oil Exploration Company, Carpenter Oil & Gas Company, W. A. Moncrief Jr., and Reidy International, Inc. (SLAPCO) up to 10,000 dt per day of emergency gas supplies. It is further stated that Applicant received the stated volumes at points of exchange constructed on its 36-inch Venice/New Roads pipeline located in West Baton Rouge Parish, Louisiana, and is not obligated to receive more than 10,000 dt equivalent of natural gas on any one day. Applicant states that it delivers the subject gas to Transcontinental Gas Pipe Line Corporation (Transco) at an existing point of interconnection near St. Francisville, East Feliciana Parish, Louisiana for ultimate redelivery to Mid Louisana. Mid Louisiana reimbursed Applicant for all costs required, it is said. It is indicated that construction of the facilities required by Applicant cost approximately $10,600.

Applicant states that under the terms of the proposed Rate Schedule TS-2, it would transport, on an interruptible, best efforts basis, a maximum daily transportation quantity (MAXDTQ) to be agreed upon by service agreement, and that the transportation rate which it proposes to charge for transportation service under the TS-2 rate is an amount equal to Applicant's rate for deliveries in the particular zone at which the proposed delivery would be made, based on the 100 percent DCQ load factor level rate, less Applicant's purchased gas costs and fuel cost. The delivery volumes would be reduced 3 percent to offset volumes used by Applicant in the performance of the transportation service, it is said. Applicant indicates that pursuant to the proposed Rate Schedule, Mid Louisiana would reimburse Applicant for any cost of construction that may be required to receive the gas supplies.

Applicant asserts that the filing of Rate Schedule TS-2 would enable it to respond to requests by off-system distribution, pipelines, industrial or commercial users which do not purchase natural gas from Applicant to utilize available capacity on Applicant's system to transport gas which they, through their own negotiations and efforts, have been able to secure.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants patries to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18980 Filed 7-1-77;8:45 am]

[Docket No. E-9583]

TEXAS

Electric Energy Utilization; Natural Gas Consumption for Boiler Fuel

JUNE 27, 1977.

Order granting interventions, dismissing complaint and denying request for section 202(c) interconnection.

This order dismisses a filing, treated as a complaint, requesting interconnection of facilities pursuant to Section 202 (d) of the Federal Power Act, denies requests for emergency interconnection under Section 202(c), and grants intervention. The subject filing resulted from a Commission order of February 4, 1977, in this docket, authorizing electric companies situated in the State of Texas to interconnect with interstate utilities without becoming subject to Commission jurisdiction provided that those companies release to the interstate market natural gas used as boiler fuel.

On March 7, 1977, Central Power & Light Company (CP&L) and West Texas Utilities Company (WTU) (collectively called the "Petitioners") filed a "Petition to Intervene and Request that the order entered in the above-referenced docket by the Commission on February 4, 1977, be modified or supplemented by the issuance of an appropriate order pursuant to Section 202(c) of the Federal Power Act," 16 U.S.C. § 824a(c). Upon review of the "Petition to Intervene and Request for Section 202(c) interconnection," we determine that the issues raised by Petitioners should be treated as a complaint pursuant to Section 306 of the Federal Power Act and Section 1.6 of the Commission's Rules and Regulations thereunder.

A copy of the complaint was served upon each party named therein with answers to be filed with this Commission within thirty days after the date of service. In addition, notice of the complaint was given by publication in the Federal Register on April 4, 1977, (42 F.R. 17901), stating that any person desiring to be heard or to make any protest with reference to the application should on or before April 25, 1977, file with the Federal Power Commission,

Washington, D.C. 20426, petitions or protests.

CP&L is a Texas corporation with its principal place of business at Corpus Christi, Texas. WTU is a Texas corporation with its principal place of business at Abilene, Texas. All of the outstanding shares of common stock of CP&L and WTU are owned by Central and South West Corporation (C&SW), a Delaware corporation with its office in Wilmington, Delaware.

Petitoners assert that they are members of the Electric Reliability Council of Texas (ERCOT) and are interconnected with each other and with certain other members of ERCOT, specifically Lower Colorado River Authority and the Municipal Electric Utility Systems of the City of Austin and the City of San Antonio, Texas (hereinafter referred to as "the South Texas Governmentals"). Petitioners contend that prior to May 4, 1976, they were also interconnected and operated in synchronism with two major members of ERCOT, Houston Light and Power Company (HL&P) and Texas Electric Service Company (TESCO), and through it with the other operating subsidiaries of Texas Utilities Company (TU), *i.e.*, Dallas Power & Light Company (DP&L) and Texas Power & Light Company (TP&L).

WTU states that on May 4, 1976, it commenced sales of electricity to three small communities in Oklahoma from its previously intrastate transmission lines and thereupon TESCO and HL&P responded by opening their interconnections with CP&L, WTU and the South Texas Governmentals. TESCO and HL&P have refused to close those interconnections, despite requests and litigation initiated by Petitioners to require them to do so and despite the entry by the Federal Power Commission on July 21, 1976, of an order in Docket No. E-9558 authorizing emergency interconnection pursuant to Section 202(d) of the Federal Power Act.[1]

Further, Petitioners contend that all of their present electric generating facilities are regularly fueled by natural gas purchased from intrastate sources. Petitioners aver that during the year 1976, 97.5% of their kilowatt hour output was generated using natural gas and the remaining 2.5% using oil and that during 1976, they burned 136 million Mcf of natural gas and 595,000 bbls of oil as boiler fuel.

Moreover, Petitioners aver that in order to compensate for the loss of relibility which was occasioned by the opening of the interconnections by TESCO and HL&P, they have had to increase the margin of spinning reserves maintained by them under various contingencies involving greater probability of unit outages or sudden load increases. The Petitioners also assert that following the entry by this Commission on February 4, 1977, of its order authorizing emergency interconnection to facilitate the reduction of gas consumption by ERCOT members so that gas could be delivered to interstate markets, Petitioners, through C&SW's service company affiliate, wrote a letter to HL&P and TU requesting reinterconnection as a basis for reducing gas used to fuel spinning reserves. Petitioners contend that they have clearly indicated their desire to make gas available to the interstate market and are discussing arrangements with their respective principal gas suppliers, Lo Vaca Gathering Company and Lone Star Gas Company, to transport diverted gas into the interstate pipeline system.

Therefore, Petitioners request that this Commission enter an order under Section 202(c) of the Federal Power Act requiring the immediate resumption and continuation of all interconnected service among all of the members of ERCOT as it was on May 3, 1976, specifically requiring HL&P and TESCO as well as DP&L and TP&L to restore all of the interconnections and services which were opened on May 4, 1976. Petitioners contend that such an order is necessary in addition to, or in substitution for, the order already entered under Section 202(d), since neither TESCO nor HL&P has been willing to act under such order.

On March 14, 1977, HL&P filed a petition to intervene and a response to Petitioners complaint.[2] In its response, HL&P asserts that, pursuant to the Commission's order of Febrrary 4, 1977, it has volunteered to interconnect to free natural gas for the interstate market and, additionally, has made large volumes of gas available for the critical needs of an interstate pipeline system, which deliveries were approved by the Administrator under the Emergency Natural Gas Act of 1977. Further, HL&P questions Petitioners willingness and ability to significantly meet the requirements of our February 4th order and also assert that Petitioners complaint does not present any new facts, since the Commission's order in Docket No. E-9558, that would warrant emergency interconnection pursuant to Section 202(c).

On March 22, 1977, and on April 15, 1977, respectfully, DP&L, TESCO, and TP&L, the operating subsidiaries of TU (hereinafter jointly designated as "TU subs") filed a reply[3] and a joint petition to intervene and protest to Petitioners complaint. In their filings, TU subs assert, inter alia, that Petitioners do not have a plan to provide gas under the Emergency Natural Gas Act and are using the natural gas emergency as an attempt to obtain the relief they sought and was denied by the Commission's July 21, 1976, order in Docket No. E-9558. TU subs also state that they are not adequately represented by existing parties to this proceeding and may be bound or adversely affected by the Commission's actions herein. They, therefore, request intervention to protect their interests.

By order of February 4, 1977, the Commission in the exercise of its statutory responsibilities under Part II of the Federal Power Act, to promote and protect the public interest, authorized any electric generation or transmission company to interconnect its facilities with any other electric utility company in Texas for the purpose of replacing electric energy reductions caused by elimination or reduction of electric energy generated from facilities utilizing natural gas.

In addition, the use and maintenance of the interconnection provided for in the February 4, 1977 order does not subject previously non-jurisdictional companies to the jurisdiction of the Commission as a "public utility" within the meaning of the Federal Power Act. This order was promulgated for the specific purpose of alleviating emergencies which were occasioned by an actual fuel shortage because of released natural gas by electric utilities within the state of Texas to consumers in other areas of the nation suffering from the effects of the severe winter freeze.

A central requirement for interconnection under our order of February 4, 1977, is that a Texas utility must be ready, willing and able to divert a portion of the natural gas used as boiler fuel to the interstate pipeline for distribution to consumers in other areas of the nation hard hit by the severe winter weather and because of the release of such natural gas inventory, the supplying utility has experienced a fuel shortage on its system. Close scrutiny of the pleadings reveal that the Petitioners have yet to demonstrate that they are willing or able to make any appreciable quantities of natural gas available to the interstate pipeline as requested by our order of February 4, 1977. Therefore, without having made natural gas available to the interstate pipeline under the Emergency Natural Gas Act of 1977, there cannot be an emergency created by the diversion of gas which has not

[1] The litigation involves an SEC proceeding under Section 11(b) of the Public Utility Holding Company Act of 1935 to determine whether C&SW is capable of being economically operated as a single integrated and coordinated system (SEC Admin. Proc. File No. 3-4951); the July 21, 1976, order and the order denying reconsideration issued in Docket No. E-9558 (CADC Nos. 76-1995 and 76-2012); NRC proceeding concerning application for construction permits for South Texas Project Unit Nos. 1 and 2 (NRC Docket Nos. 5—498A and 499A); interconnection proceedings before PUC of Texas (Docket No. 14); and proceeding alleging concerted action to restrain trade (*WTU, et al. v. TESCO, et al.* Docket No. CA3-76-0633F, N. Dist. Tex., filed May 3, 1976).

[2] CP&L's and WTU's Petition was noticed as a complaint on March 28, 1977. HL&P response of March 14, 1977 is sufficient as an answer to the complaint. In addition, HL&P filed a protest to the complaint on April 25, 1977.

[3] The reply on March 22, 1977, is deemed sufficient as TU sub's answer to the complaint.

taken place within the meaning of our order of February 4, 1977. Accordingly, it is our view that the Petitioners have not met the prerequisites for interconnection under our February 4, 1977 order.

In addition, Petitioners seek to have our order entered in the above-referenced docket on February 4, 1977, modified or supplemented by the issuance of an appropriate order pursuant to Section 202(c) of the Federal Power Act, 16 U.S.C. § 824a(c). In support of their request for a Section 202(c) interconnection, the Petitioners allege primarily the same facts as were alleged in Docket No. E-9558, prior to the issuance of our order of July 21, 1976. In addition, the Petitioners assert that to compensate for the loss of reliability, they have had to increase the margin of spinning reserves maintained by them under various contingencies involving greater probability of unit outages or sudden load increases. Therefore, Petitioners request that the Commission enter an order under Section 202(c) of the Act requiring the immediate resumption and continuation of all interconnected service among all of the members of ERCOT as it was on May 3, 1976, specifically requiring HL&P and TESCO, as well as DP&L to restore all of the interconnections and services which were opened on May 4, 1976.

The Petitioners request for Section 202(c) interconnection must be denied. The criteria for such interconnection is set forth in Section 32.61 of our Regulations. Petitioners did not comply with that Section; instead they requested waiver, since "* * * substantially all of the information called for by § 32.61 has been supplied or is known to the Commission." Petitioners are necessarily referring to the facts presented to the Commission prior to the issuance of our July 21, 1976, order in Docket No. E-9558. No new facts or reasons have been presented to reflect an emergency within the contemplation of Section 202(c). Therefore, Petitioners filing must be construed as an attempt to reargue our July 21 order, which denied them the Section 202(c) interconnection relief requested therein.

The Commission finds: (1) Participation in this proceeding by Houston Light and Power Company, Dallas Power and Light Company, Texas Electric Service Company, Texas Power and Light Company, Central Power and Light Company and West Texas Utilities Company may be in the public interest.

(2) A hearing on the complaint of Central Power and Light Company and West Texas Utilities Company is not merited.

(3) Good cause exists to deny the complaint of Central Power and Light Company and West Texas Utilities Company.

(4) Good cause exists to deny the request for Section 202(c) interconnection filed by Central Power and Light Company and West Texas Utilities Company.

(5) Good cause exists to deny the request for waiver of Section 32.61 of the Commission's Regulations by Central Power and Light Company and West Texas Utilities Company.

(6) The period of public notice given in this matter was reasonable.

The Commissioner orders: (A) The request for interconnection under Section 202(c) of the Federal Power Act is hereby denied.

(B) The request for waiver of Section 32.61 of the Commission's Regulations is hereby denied.

(C) The pleadings filed by Central Power and Light Company and West Texas Utilities Company on March 7, 1977, treated as a complaint are hereby dismissed.

(D) Houston Lighting and Power Company, Central Power and Light Company, Texas Electric Service Company and Texas Power and Light Company are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petiton to intervene; and *provided further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary is hereby directed to cause this order to be published in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18968 Filed 7-1-77;8:45 am]

[Docket No. CP77-240]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment To Application

JUNE 24, 1977.

Take notice that on June 14, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-240 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Applicant to transport an additional source of gas from production of Northcott Exploration Company, Inc., et al. (Northcott) in the Tigre Lagon Field Area, Vermilion Parish, Louisiana, for Cerro Wire & Cable Co., Division of Cerro-Marmon Corporation; Entenmenn's Inc.; Fabric Leather Corporation, a wholly-owned subsidiary of Borden, Inc.; Global Steel Products Corporation; Kaiser Aluminum and Chemical Corporation; Knickerbocker Partition Corp.; and Lawrence Aviation Industries, Inc. (Buyers), all of which are existing consumers of Long Island Lighting Company (LILCO), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it is presently transporting up to 1,000 Mcf of natural gas per day for the Buyers, which gas has been purchased by Buyers from George C. Ayers, et al. (Ayers), in the Papalote West Field, Bee County, Texas. Such transportation takes place pursuant to an agreement dated February 7, 1977 among Applicant, Buyers, acting severally and not jointly by and through the Stone Energy Corporation (Stone) as duly authorized agent, and LILCO and pursuant to temporary authorization granted by the Commission on March 2, 1977.

Applicant indicates that it and Stone, as agent for Buyers, have entered into an agreement dated June 8, 1977, which amends the February 7, 1977 agreement so as to add an additional source of gas for transportation, being production of Northcott in the Tigre Lagoon Field Area, Vermilion Parish, Louisiana. It is indicated that the Ayers production in the Papalote West Field has proven inadequate to supply the full 1,000 Mcf of natural gas per day which was anticipated and which Applicant is authorized to transport. To remedy this deficiency and to bring transportation volumes up to, but not above the authorized 1,000 Mcf per day, Buyers have contracted to purchase the Northcott Tigre Lagoon Field Area gas and have arranged to have such gas delivered to Applicant's existing South Delcambre Lateral in that area, it is said.

It is stated that Buyers would reimburse Applicant for the cost of a 2-inch tap assembly at that location, estimated to be $5,200.

It is indicated that Buyers would pay Northcott and Samedan Oil Corporation for gas received and purchased by Buyers a price as follows:

From the date of first delivery through the Contract Term—$2.00 per million Btu's.

Any person desiring to be heard or to make any protest with reference to amendment should on or before July 15, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18972 Filed 7-1-77;8:45 am]

[Docket No. CP77-426]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-426 an application pursuant to Section 7 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 up to 2,000 Mcf of natural gas per day on an interruptible basis for Owens-Corning Fiberglas Corporation (Owens-Corning), Applicant's only direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 2,000 Mcf of natural gas per day (at 15.025 psia) on an interruptible basis for Owens-Corning pursuant to a transportation agreement dated May 5, 1977 between Applicant and Owens-Corning. Applicant states that such agreement would continue in effect until August 27, 1978.

It is stated that Owens-Corning has purchased from Kilroy Properties, Inc. (Kilroy) and Dawson Exploration, Inc. (Dawson) the proposed volumes of gas to be produced from the Racca Well, Woodlawn Field, Jefferson Davis Parish, Louisiana. Applicant states that Owens-Corning would arrange to have such quantities delivered to Texas Gas Transmission Corporation (Texas Gas) and Texas Gas, in turn, would deliver the gas to Applicant at mutually agreeable points on Applicant's system. Applicant further states that it would redeliver the transportation quantities to Owens-Corning's Anderson, South Carolina plant. It is stated that this gas is currently being transported by Texas Gas pursuant to authorization issued in Docket No. CP76-403. In Docket No. CP76-403 it is stated that commencing with the initial delivery of natural gas and continuing for an initial term of twelve months, Owens-Corning would pay Kilroy-Dawson $1.35 for each one million Btu's, and at the end of the twelve-month term, the price would be increased 5.0 cents and the price shall be increased 5.0 cents each twelve months thereafter.

Such gas is delivered by Texas Gas to Jackson Utility Division, City of Jackson, Tennessee for redelivery to Owens-Corning's Jackson, Tennessee plant, it is said. Applicant states that it has been advised (1) that the authority under such certificate would expire on August 27, 1978, and therefore Applicant has included the same expiration date in the transportation agreement between it and Owens-Corning; and (2) that Owens-Corning desires the flexibility of Applicant having the authority to transport the subject gas to Owens-Corning's Anderson, South Carolina plant and Texas Gas having the authority to transport such gas to its Jackson, Tennessee plant.

It is stated that the daily quantity to be transported to Owens-Corning (less the quantities retained for compressor fuel and line loss make-up), when combined with the quantities Owens-Corning is scheduling under the September 4, 1954 contract between Applicant and Owens-Corning and other transportation agreements with Applicant, would not exceed the authorized daily entitlement under the September 4, 1954 contract.

Applicant states that it would charge Owens-Corning, initially, 29.8 cents per Dekatherm (dt) for all quantities delivered, and that this rate is applicable to similar transportation services providing for deliveries in its Rate Zone 2. Applicant further states that it would also retain, initially, 3.8 percent of the quantities received for transportation as a make-up for compressor fuel and line loss, and that this percentage is based on Applicant's "company use" factor for pipeline throughout to and within its Rate Zone 2 in which the transportation deliveries proposed would be made.

Applicant indicates that the total end-use requirements of natural gas at the Anderson plant of Owens-Corning would be used for industrial process use, or Priority 2 uses. Owens-Corning needs the proposed transportation of gas in order to replace the gas that the Anderson plant has lost to curtailment, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18982 Filed 7-1-77;8:45 am]

[Docket No. CP77-427]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-427 an application pursuant to Section 7 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 up to 2,000 Mcf of natural gas per day on an interruptible basis for two years for Owens-Corning Fiberglas Corporation (Owens-Corning), Applicant's only direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 2,000 Mcf of natural gas per day (at 14.65 psia) on an interruptible basis for Owens-Corning pursuant to a transportation agreement dated May 5, 1977, between Applicant and Owens-Corning. Applicant states that Owens-Corning has purchased from Alpar Resources, Inc. (Alpar) the proposed volumes of gas to be produced from the Berryman No. 1 Well, Ellis County, Oklahoma, and that Owens-Corning would arrange to have such quantities delivered to Panhandle Eastern Pipe Line Company (Panhandle) which would make the gas available to Trunkline Gas Company (Trunkline) which would deliver the subject gas to Applicant at Mobil Oil Corporation's Cow Island Gas Processing Plant in Vermilion Parish, Louisiana, or at another mutually agreeable existing authorized exchange point between Trunkline and Applicant. Applicant indicates that it would redeliver the transportation quantities to Owens-Corning's Anderson, South Carolina plant.

It is stated that the daily quantity to be transported to Owens-Corning (less quantities retained for compressor fuel and line loss make-up), when combined with the quantities Owens-Corning is scheduling under the September 4, 1954 contract between Applicant and Owens-Corning and other transportation agreements with Applicant would not exceed the authorized entitlement under the September 4, 1954 contract.

Owens-Corning would pay Alpar during the period beginning with the date of initial delivery of gas to it and for one year following a Base Price of $2.15 per Mcf, and such Base Price would be increased 10.0 cents per Mcf at the begin-

ning of the second year, it is said. Applicant indicates that the total end-use requirements of natural gas at the Anderson plant of Owens-Corning would be used for industrial process use, or Priority 2 uses.

It is stated that Applicant would charge Owens-Corning initially, 29.8 cents per Dekatherm (dt) for all quantities delivered, and that this rate is applicable to similar transportation services providing for deliveries in Applicant's Rate Zone 2. Applicant states that it would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss, and that this percentage is based on Applicant's "company use" factor for pipeline through-put to and within its Rate Zone 2 in which the transportation deliveries proposed would be made. Applicant further states that no additional facilities are required to effectuate the deliveries.

It is indicated that other than the daily firm contract demand of 10,000 Mcf per day of natural gas from Applicant, Owens-Corning has no other source of natural gas at its Anderson, South Carolina Plant. Applicant is presently curtailing Owens-Corning's total firm contract demand during the entire winter period and is curtailing the Anderson plant at the rate of 63 percent during the summer season of 1977, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18983 Filed 7-1-77;8:45 am]

[Docket No. ER77-454]

UNION ELECTRIC CO.

Filing

JUNE 27, 1977.

Take notice that on June 16, 1977, Union Electric Company (Union) tendered for filing an Interchange Agreement dated April 11, 1977 between Arkansas-Missouri Power Company, Associated Electric Cooperative, Inc. and Union. Union states that said Agreement provides for the establishment of an EHV interconnection between the parties and for construction of facilities necessary for the establishment of such interconnection.

Union requests a proposed effective date of September 13, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-18984 Filed 7-1-77;8:45 am]

[Docket No. CP77-428]

UNITED GAS PIPE LINE CO.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-428 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 500 Mcf of natural gas per day for Texlan Oil Company, Inc. (Texlan) for the account of Tri-State Brick Tile Company (Tri-State), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement dated May 26, 1977, with Texlan, whereby Applicant would transport up to 500 Mcf of natural gas per day for Texlan. It is stated that the subject gas would be delivered to Applicant by Texlan for the account of Tri-State at a delivery point to be constructed, at the expense of Texlan, on Applicant's pipeline system located in Warren County, Mississippi. Applicant further states that it would redeliver the proposed volumes of gas, less 1½ percent or such percentage as may be determined, of the quantity of gas delivered to Applicant, as a charge for fuel use and company-used gas, to Mississippi Valley Gas Company's (Mississippi Valley) distribution system located in Hinds County, Mississippi, at an existng point of connection between Applicant's facilities and Mississippi Valley's facilities, where Applicant is currently selling natural gas to Mississippi Valley.

It is stated that the transportation agreement between Applicant and Texlan would remain in full force and effect for 10 years beginning on the date deliveries of gas commence and continuing year to year thereafter. For said transportation, Texlan would pay to Applicant the amount of its average jurisdictional transmission cost of service in effect in Applicant's Northern Rate Zone as determined by Applicant based on rate filings made from time to time with the Commission, it is said. Applicant indicates that such payment would not include any amount included in said average jurisdictional cost of service attributable to gas consumed in the operation of Applicant's pipeline system, and that the current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in the operation of Applicant's system, is 20.04 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or

if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18976 Filed 7-1-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Deputy Assistant Secretary of Defense (Regional Programs), DASD (Regional Programs), OASD (Program Analysis and Evaluation), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18950 Filed 7-1-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Information, Office of Public Affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18951 Filed 7-1-77;8:45 am]

Grant of Authority to Make a Noncareer Executive Assignment

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Commissioner of Education, Office of the Commissioner, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18952 Filed 7-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Title Change in Noncareer Executive Assignment

By notice of June 15, 1973, FR Doc. 73-11964, the Civil Service Commission authorized the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Legislative Affairs, Office of Legislative Affairs. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Legislation, Office of the Assistant Secretary for Legislation and Intergovernmental Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18954 Filed 7-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Senate Liaison, Office of Legislative Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18953 Filed 7-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Intergovernmental Relations, Office of Intergovernmental Relations, Office of Assistant Secretary for Legislation and Intergovernmental Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18955 Filed 7-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office for Improvements in the Administration of Justice, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to to the Commissioners.

[FR Doc.77-18957 Filed 7-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Attorney General, Office of the Associate Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18956 Filed 7-1-77;8:45 am]

Revocation of Authority To Make a Noncareer Executive Assignment

DEPARTMENT OF JUSTICE

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Director of Operations, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18959 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Public Affairs), Office of the Under Secretary, Office of the Secretary.
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UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18960 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Public Affairs), Office of the Assistant Secretary (Public Affairs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18958 Filed 7-1-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Extension of Council Meeting

Notice is hereby given of an extension of the meeting of the Mid-Atlantic Fishery Management Council scheduled for July 13 and 14, 1977, from 9:00 a.m. to 4 p.m., and from 8:30 a.m. to 4 p.m., respectively, at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia. The notice of the meeting was published in the FEDERAL REGISTER on June 22, 1977, Volume 42, Number 120 (42 FR 31616).

The Council meeting is now extended to include July 15, 1977, from 8:30 a.m. to 3 p.m., at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia, to review and discuss the Surf Clam/Ocean Quahog Management Plan.

Dated: June 29, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19016 Filed 7-1-77;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of meetings of (1) the Pacific Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265); and (2) the Council's Scientific and Statistical Committee, established under section 302(g) of the Act.

The Pacific Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone seaward of the States of California, Oregon, and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce, fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

Meetings of both groups will be held at the Rodeway Inn-Boise, 29th and Chinden Boulevard, Boise, Idaho 83704.

The Pacific Fishery Management Council will convene in Room 704 at 2:00 p.m. and adjourn about 5:00 p.m. on July 25, 1977, and reconvene at 8:00 a.m. and adjourn about 5:00 p.m. on July 26, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.
2. Consideration of development of fishery management plans, including anchovy, groundfish, and comprehensive salmon management plans.
3. Review of communications from other agencies and organizations.
4. Budget and administrative matters.
5. Consideration of report from Council's Subcommittee on Advisory Panels, and its Budget Subcommittee.
6. Other Management Business.

This meeting will be open to the public and there will be seating for approximately 100 public members, available on a first-come, first-served basis.

The Scientific and Statistical Committee will meet in Room 702 at 1:30 p.m. on July 25, 1977, and adjourn about 5:00 p.m. The Committee will tentatively reconvene, dependent upon Council developments, at 8:00 a.m. and adjourn about 5:00 p.m. on July 26, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Consideration of development of fishery management plans, including anchovy, groundfish, and comprehensive salmon management plans.
2. Organization of the Council, including fishery advisory panels and management development teams and operational and procedural matters.
3. Other Management Business.

This meeting will be open to the public and there will be seating for approximately 25 public members, on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are advised that agenda changes are, at times, made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or about July 15, 1977:

Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Portland, Oregon 97201, (503) 221-6352.

At the discretion of the Council and its Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Interested members of the public who may wish to submit written statements should do so by addressing Lorry Nakatsu at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: June 29, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19018 Filed 7-1-77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the South Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The South Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the east coast of Florida, Georgia, North Carolina, and South Carolina. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The Council will meet Tuesday through Thursday, July 26, 27, and 28, 1977, at the South Atlantic Fishery Management Council's headquarters office, 1 Southpark Circle, Charleston, South Carolina. The meeting will convene at 1:30 p.m. on July 26 and adjourn at about noon on July 28. The daily sessions will start at 9:00 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Discussions pertinent to management plan development for billfish, snapper grouper, and king and Spanish mackerel.
2. Consideration of funding requirements.
3. Consideration of administrative and technical matters as deemed necessary.
4. Other management business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes, if any, made to the agenda, interested members of the public should contact, on or about July 18, 1977:

Mr. Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, No. 1 Southpark Circle, Charleston, South Carolina 29407, (803) 571-4366.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the aforementioned address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: June 29, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19017 Filed 7-1-77;8:45 am]

PACIFIC TUNA FISHERIES

Closure of Yellowfin Tuna Season

On June 27, 1977, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all member nation's having vessels operating in the regulatory area defined in 50 CFR 280.1(g) that the yellowfin tuna fishing season be closed at 0001 hours, local time, on July 7, 1977, to assure that the established catch limit of 175,000 short tons for 1977 will not be exceeded.

As authorized by 50 CFR 280.5, notice is hereby given that the 1977 season for taking yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the regulatory area, July 7, 1977.

Issued at Washington, D.C., and dated June 29, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19057 Filed 7-1-77;8:45 am]

ZOOLOGICAL SOCIETY OF SAN DIEGO

Issuance of Permit To Maintain Marine Mammal

On March 4, 1977, notice was published in the FEDERAL REGISTER (42 FR 12455) that an application had been filed with the National Marine Fisheries Service by the Zoological Society of San Diego, P.O. Box 551, San Diego, California 92112, to permanently maintain two (2) Pacific harbor seals (*Phoca vitulina richardii*) for public display.

The animals were acquired as beached and stranded, and transported to the San Diego facility by the Department of Fish and Game, State of Alaska. Under the provisions of the Act, beached and stranded animals may be taken for humane purposes and maintained at designated facilities until such time the animal can be returned to the wild. One of the two harbor seals subsequently died in captivity.

Notice is hereby given that on June 28, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service determined that it would be in the best interest of the remaining animal to remain in captivity, and, therefore, issued a Permit authorizing the Zoological Society of San Diego to maintain the animal, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 28, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19066 Filed 7-1-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY TESTING COMMITTEE

Meeting

This notice is intended to advise all interested persons of the next TSCA Interagency Testing Committee meeting (previously referred to as the Interagency Committee on Priority Chemicals for Testing) established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

The Committee will meet July 7, 1977, at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place, Washington, D.C. The purpose of the meeting is to refine the preliminary chemical substance list for additional testing to adequately evaluate the extent to which such chemicals may pose an unreasonable risk of injury to health or the environment.

All interested persons are invited to attend. Call the Committee Secretary (202-382-2027) for additional information.

Dated: June 29, 1977.

WARREN R. MUIR,
Chairman, TSCA ITC.

[FR Doc.77-19079 Filed 7-1-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 24, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Avionics Acquisition will hold meetings on July 20 and 21, 1977 from 8:30 a.m. to 5:00 p.m. in the Pentagon, Room 4E871.

The Committee will receive classified briefings on the acquisition of avionics for Air Force systems.

The meetings will be open to the public upon vertification of appropriate security clearances.

For those not having clearances the meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-19027 Filed 7-1-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 23, 1977.

The USAF Scientific Advisory Board Ad Hoc Committee on M-X Command, Control, and Communications will hold a meeting from July 25 through August 5, 1977 at the Naval War College, Newport, Rhode Island from 8:30 a.m. to 4:00 p.m. each day.

The Committee will receive classified briefings and conduct classified discussions concerning the command, control, and communications technologies to suport the M-X system.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-19028 Filed 7-1-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 24, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Avionics Acquisition will hold meetings on July 28 and 29, 1977 from 8:30 a.m. to 5:00 p.m. in the Pentagon, Room 5D982.

The Committee will write a classified report on avionics acquisition.

The meetings will be open to the public upon verification of appropriate security clearances.

For those not having clearances the meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202–697–4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–19029 Filed 7–1–77;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No 804; Revocation of FCA Order No. 775]

AUTHORITY OF OFFICERS TO ACT IN GOVERNOR'S ABSENCE

Officers of the Farm Credit Administration

JUNE 28, 1977.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor, Office of Credit and Operations;
(2) Deputy Governor, Office of Administration;
(3) Deputy Governor and Chief Examiner;
(4) Deputy Governor, Office of Finance and Research;
(5) Deputy Governor and General Counsel;
(6) Director, Supervisory Division, Office of Credit and Operations; and
(7) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 775, dated January 3, 1975 (40 FR 1737).

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77–18991 Filed 7–1–77;8:45 am]

[Docket Nos. 20629–20631; Files Nos. BR–2724, BRH–1413, BPH–9253; FCC 77–449]

FEDERAL COMMUNICATIONS COMMISSION

GEORGE E. CAMERON JR. COMMUNICATIONS

Applications; Memorandum Opinion and Order; Enlarging Issues

Adopted: June 22, 1977.

Released: June 24, 1977.

In re applications of George E. Cameron Jr. Communications, for renewal of license of Station KROQ, Burbank, California (Docket No. 20629[1], File No. BR–2724); Burbank Broadcasting Co., for renewal of license of Station KROQ (FM), Pasadena, California (Docket No. 20630[1], File No. BRH–1413); San Marco Broadcasting Company, for construction permit for new FM Broadcast Station, Pasadena, California (Docket No. 20631[1], File No. BPH–9253).

1. When the above-captioned applications of George E. Cameron Jr. Communications and Burbank Broadcasting Co. were designated for hearing by Memorandum Opinion and Order, released November 21, 1975, 56 FCC 2d 752, a number of deficiencies in the applications as filed on August 13, 1974 were specifically pointed out and specific issues were directed to certain of these deficiencies. Before the start of the hearing herein, we revisited the designation order, found that succeeding events indicated "• • • that the underlying basis for designating a hearing in lieu of dismissing the applications as defective, was misplaced, and that the hearings, rather than expediting the reinstitution of service, would only delay it further." We, therefore, vacated the designation order, and dismissed the renewal applications without prejudice to their resubmission within 30 days in compliance with the pertinent rules. "George E. Cameron Jr. Communications, et al.", 58 FCC 2d 622, released March 10, 1976.

2. Renewal applications for KROQ and KROQ(FM) were resubmitted on April 12, 1976, but we found that the response to our request for further information was inadequate and unacceptable. Accordingly, we held no basis existed for ordering the hearing process to be resumed and we concuded that "• • • the operation by those entities licensed by the Commission is permanenty discontinued." Thus, under Rules 73.91 and 73.271, we directed the licensees to forward the instruments of authorization for cancellation, staying the effectiveness of this direction, however, if the licensees requested oral argument on the question whether the licenses should be cancelled under the terms of Rules 73.91 and 73.271 relating to permanent discontinuance. "George E. Cameron Jr. Communications, et al.," 59 FCC 2d 730, released June 4, 1976. Oral argument was requested,[2] and oral argument before the Commission en banc was held on October 12, 1976.

3. At the oral argument, counsel for Cameron and Burbank stated that he was retained as counsel only three weeks prior to the oral argument. He, therefore, requested leave to file an additional pleading within ten days responsive to the Commission's earlier requests for additional information and for further showings, and we granted leave to file this pleading, FCC 76M–1325, released October 15, 1976. On October 18, 1976 Cameron and Burbank file amendments to their application and a petition for leave to amend. On October 26, 1976, Cameron and Burbank filed a "Request for Grant of KROQ Renewal Application, for Rescheduling of KROQ–FM Hearing and for Equitable Relief".[3]

4. *Public Notice of the Filing of Renewal Applications.* With its October 18, 1976 petition to amend Cameron has submitted affidavits proving newspaper publication in Burbank, California on September 17, 18, 21 and 22, 1976 of the fact that Cameron has filed a renewal application for KROQ; and we conclude that the notices as to KROQ's application constituted compliance with Rule 1.580 (c). No proof of newspaper publication was submitted with regard to the KROQ (FM) renewal; however, Burbank filed the affidavit of Gary Bookasta to the effect that, as general manager of KROQ (FM), he broadcast announcements of the April 10 [12], 1976 filing of KROQ (FM)'s renewal for the license period ending December 1, 1974; and that KROQ(FM) aired these broadcasts daily at various times from September 15 through October 10, 1976. We conclude that these over-the-air publications constituted substantial compliance with Rule 1.580(c), with respect to the filing of the KROQ(FM) renewal.

[1] Although the designation order in this proceeding was vacated on March 9, 1976 (58 FCC 2d 622), we have today reinstated the hearing; and these docket and file numbers will be retained. See paragraphs 5 and 6, infra, with regard to the file number for Burbank's application.

[2] Both KROQ and KROQ(FM) had been silent since July 29, 1974. However, before a date for oral argument was set, the Commission was notified by telegrams that KROQ resumed broadcasting in June, 1976 and KROQ(FM) resumed broadcasting in July, 1976. In neither instance were plans for resumption of broadcasting submitted to the Commission in advance, as contemplated in the March 10 and June 4 orders, supra. Nevertheless, these notifications moot any further need to justify such stations remaining silent.

[3] Thus, there are now before us for consideration: (a) the applications of George E. Cameron Jr. Communications for renewal of the license of Station KROQ at Burbank, California, and of Burbank Broadcasting Co. for renewal of the license of Station KROQ (FM) at Pasadena, California; (b) San Marco Broadcasting Company's "Opposition to Acceptance of Applications" filed May 4, 1976 and supplemented May 17, 1976, (held in abeyance pursuant to our order, 59 FCC 2d 730 (1976)); (c) the transcript of oral argument held before the Commission *en banc* on October 12, 1976, as corrected; (d) a petition for leave to amend filed October 18, 1976 by Cameron and Burbank; (e) a petition for leave to amend filed November 11, 1976 by San Marco; (f) a "Request for Grant of KROQ Renewal Application, for Rescheduling of KROQ–FM Hearing and for Equitable Relief" filed by Cameron and Burbank on October 26, 1976, along with requests for late acceptance and for waiver of page limitation rules; (g) the Broadcast Bureau's comments on (d) and (f) filed November 10, 1976; (h) San Marco's comments on petition for leave to amend, filed October 28, 1976; and (i) San Marco's comments on (g) and a motion for leave to file this pleading, both filed November 18, 1976.

5. *Ownership Composition.* At oral argument and in its pleadings, Burbank states that 10 of its 13 original partners have now signed a statement ratifying the renewal application; that those partners' statements which the Commission previously construed as repudiations of the renewal applications were intended to reflect these individuals' legal position that they were limited, not general, partners; that the statements were not, in fact, repudiations of the partnership itself; that Messrs. Prestininzi, Colicigno and Goe are "dissident" partners; and that legal action has been undertaken to remove these three partners. Burbank essentially takes the position that the questions regarding ownership composition have been resolved because "the renewals of KROQ and KROQ-FM have been affirmed by an overwhelming majority of the shareholders and partners of both licensees * * *" and "a majority of the partners are in the process of taking appropriate legal steps to remove Messrs. Goe, Prestininzi and Colicigno (the dissidents) from GEC and BBC (which action will be subject to prior Commission approval, via Form 316)."

6. Under Rule 1.540(b)(6), FCC Form 316 (the Short Form) may be used to report an assignment of less than a controlling interest in a partnership. Notice to the public is not required, in these circumstances, where the change is not a major amendment which would require the assignment of a new file number. "Community Broadcasting Co.," 26 FCC 2d 286 (1970). The tenor of the response of the renewal applicants is, therefore, to the effect that the licensee-partnership continues in existence and is the same legal entity as the renewal applicant for KROQ(FM); and that no event has occurred which would require publication and assignment of a new file number. We deem these representations minimally sufficient to warrant acceptance of the applications and resumption of the hearing process.[4] Further inquiry into the ownership composition will be made in hearing under Issues 1(b) and 1(c). Prompt notification of the Commission is required not only of litigation whose outcome could affect the ownership composition of these applicants, but also of changes in the partners' relationships which by statute alter the composition of the Burbank partners without a court decree.

7. We agree with the Broadcast Bureau that Issue 1(a)[5] may be deleted. Inquiry into the status of those signing the application is unnecessary because as resubmitted on April 12, 1976, there is an adequate showing that the renewal applications are signed by a Burbank partner and by an officer of Cameron. In its Opposition to Acceptance of Applications, San Marco contends, inter alia, that acceptance of these amendments improperly deprives San Marco of an opportunity to challenge these signatures, and that the amendments should be rejected. For the reasons stated in the following paragraphs, we do not agree with San Marco's position; the amendments will be accepted; and Issue 1(a) will be deleted.

8. In our June 4 order, supra, we held in abeyance San Marco's Opposition to Acceptance of Applications filed on May 4 and supplemented on May 17, 1976. We shall consider these contentions now along with San Marco's opposition to grant of the amendments filed October 18, 1976. San Marco first asserts that there is no Rule or precedent which permits acceptance of retendered applications. However, in comparable circumstances, we have reinstated renewal applications which were dismissed for failure to furnish information. See for example "Reginaldo Espinoza II", 20 FCC 2d 1072 (1970); "Metals Broadcasting Co., Inc.," 20 FCC 2d 242 (1969); and "Pick Radio Co.," 26 FCC 2d 356 (1970).[6]

9. San Marco next argues that, because these applications were in hearing status, good cause for allowing amendments, including due diligence, must be shown under Rule 1.522(b) and case precedents;[7] that, otherwise, the procedures followed by the Commission will circumvent these requirements to San Marco's detriment; that the lack of diligence in filing is apparent; and that the amendments should be rejected. There is no merit in these contentions. Rule 1.522(b) and the cases relied upon by San Marco govern an ongoing hearing process but are inapposite to the instant case where hearing processes have been suspended and the designation order vacated until the acceptability of the Burbank and Cameron renewal applications has been resolved. We have now determined (see paragraph 6, supra) to accept the amendments and the KROQ and KROQ(FM) applications nunc pro tunc and to resume the hearing. San Marco will not be unfairly prejudiced by not applying Rule 1.522(b) in this situation because San Marco will be able to prepare for hearing on the basis of these proposals and to avail itself of cross-examination and other procedures for testing their accuracy and feasibility. Were we to adopt San Marco's view, our purpose in requiring the renewal applicants to file additional information would be totally frustrated. Therefore, San Marco's Opposition to Acceptance of Applications will be denied. If the parties believe that the issues are affected by the amendments in respect to matters which we have not considered here, they may of course file appropriate petitions to delete, enlarge or modify the issues before the presiding Judge pursuant to Rule 1.229. The unique posture of this proceeding dictates that the filing periods specified in Rule 1.229 be waived, and that such filing periods shall be computed from the release date of this order.

10. The disputes among the partners which erupted in 1973 appear to have been a significant factor in the total disruption of broadcast service to the public and we are concerned because, even now, they have not been resolved; the partners are still in court litigating their rights as partners; and we have reinstated the hearing on the basis of a minimal showing including representations that effective management procedures and practices have been inaugurated. It is difficult to conceive how licensee responsibility can be properly exercised in these circumstances, and an issue will be specified to determine the facts bearing upon this question and whether Cameron and Burbank should be disqualified or receive a comparative demerit for carelessness, ineptness or inability to exercise effective licensee responsibility in the operation of these stations. The initial burden of going forward with the presentation of evidence of a prima facie showing is placed upon the Broadcast Bureau; and the burden of persuasion is placed upon the respective renewal licensees on this issue. Since Issue 1(a) has been deleted, the new issue will be assigned that number.

11. The KROQ and KROQ(FM) renewal applications filed August 13, 1974, as amended upon resubmission April 12, 1976, and on October 18, 1976, will be accepted nunc pro tunc; and further public notice by the Commission of their acceptance is not required. As modified by this order, the designation order (56 FCC 2d 752) which was vacated pursuant to our Memorandum Opinion and Order, 58 FCC 2d 622, is reinstated except to the extent indicated in paragraph 9 of March 10, order, supra, wherein we stated that preceden-

[4] It appears from copies of court documents filed with San Marco's supplemental pleading on May 17, 1976, that the U.S. District Court, Central District of California, has appointed a temporary receiver in bankruptcy for Robert L. Goe, Sr. The bankruptcy of a partner is an event which causes dissolution of the partnership without a court decree under Section 15031 of the California Corporations Code. It may be observed that the term "dissident" partner is not used in the sections of the California Corporations Code governing partnerships, and Burbank has not made clear what legal ramifications it believes have occurred from the fact that these partners are "dissidents." Further inquiry is necessary; but since Issues 1(b) and 1(c) are sufficiently broad to encompass inquiry into these matters, enlargement of issues is not necessary.

[5] To determine whether the Cameron and Burbank applications for renewal of licence were validly filed in accordance with the rules and regulations of the Federal Communications Commission and are therefore entitled to consideration by the Commission.

[6] Reinstatement of dismissed renewal applications was denied in Washington Broadcasting Co., Inc., 20 FCC 2d 1092 (1970); Timnankin, Inc., 41 FCC 2d 226 (1973); and Unlimited Service Organization, 20 FCC 2d 1089 (1970), because the required information had not been submitted. However, in the above paragraphs, we have ruled that these renewal applicants' responses are sufficient to resume the hearing.

[7] San Marco cites Folkways Broadcasting Co., 57 FCC 2d 609 (1976); Athens Broadcasting Co., Inc., 37 FCC 2d 374 (R.Bd. 1972); Grayson Television Co., Inc., 11 FCC 2d 881 (R.Bd. 1968); Chapman Radio and Television Co., 26 FCC 891 (R.Bd. 1970); Erwin O'Connor Broadcasting Co., 22 FCC 2d 140 (R.Bd. 1970); and ZIA Tele-Communications, Inc., 46 FCC 2d 1203 (1974).

tial guidelines for acting on requests for waiver of the cutoff provisions of Rule 1.516 will be adhered to.[4]

12. San Marco Broadcasting Company has previously demonstrated compliance with Rule 1.594 which requires local notice of designation of an application for hearing, and San Marco need not make further proof of such publication. However, the renewal applicants have not done so, and they are required to submit timely proof of Rule 1.594 notice to the Administrative Law Judge.

13. In addition to the Royce International Broadcasting Company application mentioned below, there are other pending applications which may be mutually exclusive with the KROQ and KROQ(FM) applications if the requests for waiver of § 1.516(e) (1) of the rules are favorably acted upon. Processing of these applications may proceed, and the accompanying requests for waiver will be granted if the applicants make a persuasive showing that the public interest will be served thereby. Where waivers are granted, the applications will be designated for hearing in a proceeding to be consolidated with the hearing which is resumed herein. The Administrative Law Judge designated to preside at the hearing herein may schedule his calendar in such a way as to accommodate expedited processing of pending applications and rulings upon requests for waiver. With respect to any now-pending petitions for waiver of cut-off provisions of the Rules, if consolidation of an application with this proceeding should be ordered the applicant's time for petitioning to add, delete or modify issues shall be computed from the release date of the consolidation order.

14. Cameron's request for grant of the KROQ application without hearing must be denied because serious questions must be resolved with regard to its basic qualifications to remain a licensee of the Commission, and because comparative evaluation of its qualifications with those of Royce International Broadcasting Company is required. See paragraphs 27 through 31 of the designation order, supra. By a subsequent order, Royce's application will be consolidated in this proceeding, with appropriate issues.

15. *Accordingly, it is ordered*, That:

(a) The application for renewal of Station KROQ's license at Burbank, California, filed by George E. Cameron Jr. Communications and the application for renewal of Station KROQ(FM)'s license at Pasadena, California, filed by Burbank Broadcasting Co. are accepted nunc pro tunc;

(b) Amendments to the KROQ and KROQ(FM) renewal applications filed April 12, 1976, and October 18, 1976, are accepted and the applicants' petition for leave to amend filed October 18, 1976 is granted;

(c) Our Memorandum Opinion and Order, 56 FCC 2d 752 (1975), is reinstated and modified by this order;

(d) San Marco Broadcasting Company's "Opposition to Acceptance of Applications", as supplemented, IS DENIED;

(e) San Marco's unopposed November 11, 1976 petition for leave to amend and November 18, 1976 motion for leave to file comments are granted;

(f) George E. Cameron Jr. Communications' and Burbank Broadcasting Co.'s "Request for Grant of KROQ Renewal Application, for Re-scheduling of KROQ-FM Hearing and for Equitable Relief" is granted to the extent indicated herein and is otherwise denied, and their requests for late acceptance and for waiver of page limitation rules are granted;

(g) Issue 1(a) is deleted;

(h) The issues in this proceeding are enlarged to add the following issue, such issue becoming Issue 1(a):

1(a) To determine whether carelessness, ineptness or disputes among the principals evidence an inability on the part of George E. Cameron Jr. Communications and Burbank Broadcasting Company to effectively exercise the responsibilities of a licensee of Station KROQ and KROQ(FM), respectively, affecting their basic and/or comparative qualifications.

(i) The hearings in this proceeding shall resume at a time and place to be specified in a subsequent order of the Chief Administrative Law Judge, in accordance with paragraph 13 above.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19031 Filed 7-1-77;8:45 am]

[4] The Review Board's Memorandum Opinion and Order, FCC 76R-73, released March 5, 1976, continues in force. To avoid confusion with regard to reconsideration and appeal requests, the time limitations as to that order shall be computed from the date of release of this order.

[Docket Nos. 21292-21305, etc.]

TREANOR EQUIPMENT CO., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Treanor Equipment Company, 3601 South Treadaway, Abilene, Texas 79602, Docket No. 21292, File No. 95590-IB-36; Big E. Testors, P.O. Box 6785, Odessa, Texas 79762, Docket No. 21293, File No. 95511-IB-36; Malcom C. Schultz, 309 Hickory, Abilene, Texas 79601, Docket No. 21294, File No. 92405-IB-36; Ryder Truck Rental, Inc., 1004-½ East Highway 80, Abilene, Texas 79601, Docket No. 21295, File No. 92404-IB-36; The Professional Association, 1101 North 19th Street, Abilene, Texas 79601, Docket No. 21296, File No. 92399-IB-36; Claude H. Newberry d/b/a, Newco Truck & Bus Service, 1517 South Treadaway, Abilene, Texas 79601, Docket No. 21297, File No. 92396-IB-36; Heritage Cadillac, Inc., 1399 South Danville Drive, Abilene, Texas 79605, Docket No. 21298, File No. 92368-IB-36; Jorita Nesloney d/b/a Cam Jim Nursing & Employment Agency, 310 N. Willis, Room 109, Abilene, Texas 79601, Docket No. 21299, File No. 92344-IB-36; Grayson Enterprises, Inc., KTXS-TV, (Attention: Mr. R. Jackson), Highway 83 By-Pass, Abilene, Texas 79603, Docket No. 21300, File No. 92364-IB-36; Georgia Tarrant d/b/a West Texas Home-Health Agency, 3814 North First, Abilene, Texas 79601, Docket No. 21301, File No. 92418-IB-36; Dr. R. J. Strader, D.D.S., 1025 Cypress, Abilene, Texas 79604, Docket No. 21302, File No. 92410-IB-36; Dr. Paul Mani, 1101 North 19th, Room 114, Abilene, Texas 79601, Docket No. 21303, File No. 92380-IB-36; Esco Elevators, Inc., P.O. Box 837, Abilene, Texas 79604, Docket No. 21304, File No. 103580-IB-46; Dr. William D. Davis, M.D. and Associates, 1325 Hickory Street, Abilene, Texas 79602, Docket No. 21305, File No. 104721-IB-46.

Adopted: June 16, 1977.

Released: June 30, 1977.

1. The Chief, Safety and Special Radio Services Bureau, has under consideration the above-captioned applications for licenses in the Business Radio Service.

2. The above-listed individuals and entities applied for radio station authorizations in the Business Radio Service and, at various dates between April 6 and 27, 1976, eleven of the applications were granted. These applicants had proposed to share the use of the same radio frequency, 462.125 MHz, and to share the same base station and control point facilities which would be separately licensed to each applicant under the Commission's multiple-licensing practices.[1] The applicants plan to use the services of Randall R. Grant d/b/a TARCO Answering Service (TARCO). TARCO would receive telephone messages and dispatch these messages over the shared radio facilities.

3. On May 6, 1976, Mobile Phone of Texas, Inc. (Mobile Phone)[2] by its attorneys filed a petition for reconsideration directed at our action granting ten (10) of the applications.[3] Mobile Phone alleged, among other things, that the applications may not be granted because TARCO, under the arrangement, would provide the applicants with a "packaged" service, that is, both dispatching and equipment rental and, as such, the applications should be held without action until the Commission concludes the rule making proceeding in Docket 18921. The applicants did not file any opposition to Mobile Phone's reconsideration petition. In view of the seriousness of the allegation and lack of response thereto by the applicants, the Bureau set aside the grants by a "Memorandum Opinion and Order" released June 10, 1976, returned the applications

[1] For a discussion of the Commission's multiple-licensing practices, see generally, Multiple-Licensing—Safety and Special Radio Services, 24 FCC 2d. 510 (1970).

[2] Mobile Phone is a radio common carrier serving the Abilene area and holds licenses KLB-716 and KKX-709 in the Domestic Public Land Mobile Radio Service.

[3] Mobile Phone in its original petition asked for reconsideration of only 10 of the application grants. Then, in a letter dated June 2, 1976, Mobile Phone amended its request to add the applications of Dr. R. J. Strader, Dr. Paul Mani, and Esco Elevators, Inc. On April 27, 1976, the Commission granted a license to Treanor Equipment Company. The other 11 licenses referenced herein, were granted on April 6, 1976. The applications of Esco Elevators and Dr. William D. Davis were held in a pending status and have not been granted.

to pending status, and began an informal investigation into the matter.

4. In Docket 18921, the Commission proposed to adopt a rule to govern shared uses of radio facilities in the Industrial, Public Safety, and Land Transportation Radio Services which reads:

> Dispatch service shall not be provided by any person who furnishes any of the radio equipment, through sale, lease arrangements, or otherwise, used in the jointly used facility.

See proposed § 91.9(a)(4), "Memorandum Opinion and Order and Notice of Proposed Rule Making," Docket 18921, Appendix, 24 FCC 2d. 510, at 524. In that same action, the Commission decided that applications ". . . proposing a cooperative or joint (i.e., multiple licensed) use of facilities under arrangements whereby third parties would provide a 'packaged' service, that is, both dispatching and equipment rental, would be held without action until the proceeding * * * is concluded." See "Memorandum Opinion and Order," Docket 18921, supra, paragraph 44.

5. The proceeding in Docket 18921 has not been concluded and the interim "freeze" on applications not in accordance with proposed § 91.9(a)(4) is still in effect. Thus, the issue raised by Mobile Phone, subsequent correspondence, and filings by counsel for and on behalf of the applicants, is whether the subject application may be granted, or more specifically, whether a "packaged service" is proposed.[4]

6. It is undisputed that initially a "packaged" service was involved in that TARCO would provide both equipment rental and dispatch service. It has been claimed, however, in correspondence filed after the Bureau's June 10, 1976, set-aside action, that the package has been "broken" in that another person, Bobby G. Adams, a relative of Randall R. Grant, would assume the responsibility for and would provide the radio equipment, while TARCO would continue to provide dispatch services. This claim has been supported by the written statements of Grant, Adams, and a J. T. Halligan (an employee of Radio Corporation of America (RCA)), and a copy of an agreement, titled "Agreement for Transfer of Equity," signed by Grant, Adams, and Halligan. This agreement purports to transfer the equity of certain radio equipment from Grant to Adams as well as the liability for the payment of the balance due RCA for the equipment.[5]

7. Further, even assuming that the equity to the equipment as well as the obligation to pay RCA for it has been transferred to Adams, the question still exists whether the "package" has been "broken," within the meaning of the Commission's interim policy. It appears that even though Adams may be the legal owner of the equipment, Grant would in effect be providing the applicants with a "packaged" service in that he would bill and collect for the combination of the equipment and dispatch service. This combination of service, enhanced by Grant's relationship to Adams, would seem to place Grant in a position to "* * * exercise a degree of control * * *" over the proposed radio facility "* * * which * * * is incompatible with the regulatory scheme * * * in * * * the private services." "Memorandum Opinion and Order," Docket 18921, *supra* at p. 519, and may be contrary to the Commission's interim policy on authorizing such arrangements.

8. Finally, the failure of the applicants to disclose fully the nature of the arrangement initially and the apparent contradictory statements with respect to it filed on behalf of the applicants raise qualification questions that should be explored at a hearing.

9. *Accordingly, it is ordered*, Pursuant to § 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's rules, that the captioned applications are designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

(1) To ascertain whether the applicants propose to obtain the radio equipment (transmitting, receiving, and associated equipment) for the proposed radio facilities from the same entity which would also provide the applicants dispatching service (telephone answering and message transmission over the proposed facilities).

(2) To determine, even if Bobby G. Adams has equity in the radio equipment to be used by the applicants, whether the total arrangement nevertheless constitutes a "packaged" service within the meaning of the Commission's interim policy expressed in its "Memorandum Opinion and Order and Notice of Proposed Rule Making," Docket 18921, 24 FCC 2d 510.

(3) To determine whether the applicants were sufficiently candid in disclosing the nature of the arrangement for obtaining equipment and dispatch service, initially in their application and in response to subsequent Commission inquiries; and, if not, whether they possess the character qualifications to become licensees.

(4) To determine in the light of the evidence included in response to issues 1 and 2, whether the applications may be processed in light of the Commission's interim freeze imposed by "Memorandum Opinion and Order", Docket 18291, supra.

(5) To determine, if the application may be processed, whether the public interest, convenience and necessity would be served by granting the applications.

10. *It is further ordered*, That the captioned applications are consolidated for hearing pursuant to the provisions of § 1.227(a)(1) of the Commission's rules.

11. *It is further ordered*, That the burden of proceeding with the evidence and the burden of proof on all of the issues are, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.254 of the Commission's rules, upon the applicants.

12. *It is further ordered*, That pursuant to § 1.221(d) of the Commission's Rules, Mobile Phone of Texas, Inc., P.O. Box 2247, Wichita Falls, Texas 76307 and Randall R. Grant d/b/a TARCO Answering Service, 201 Petroleum Building, Abilene, Texas 79604, and Bobby G. Adams, 201 Petroleum Building, Abilene, Texas 79604, are named as parties to this proceeding, in addition to each of the above-named applicants.

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and each of the parties named herein, pursuant to § 1.221 (c) and (e) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance that he will appear on the date fixed for hearing and present evidence.

14. *It is further ordered*, That the Secretary of the Commission send a copy of this "Memorandum Opinion and Order" by Certified Mail, Return Receipt Requested, to each of the applicants and named parties.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-19022 Filed 7-1-77;8:45 am]

[4] Mobile Phone has made other allegations, one of which is that the entire arrangement between Randall Grant and the applicants would constitute an illegal common carrier service. But arrangements where eligibles plan to share the use of the same facilities under the rules and policies governing the private radio services are permissible. See Memorandum Opinion and Order, Docket 18921, supra. Thus, the broad attack on the proposed arrangement by Mobile Phone does not raise a proper issue as to its overall legality.

[5] The foregoing documents themselves raise a factual issue. Thus, Grant's sworn statement dated September 8, 1976, indicates that he sold equipment to Adams on January 2, 1976. Adams' statement dated August 27, 1976, says that he (Adams) is the sole owner of the equipment; and Halligans' letter of December 2, 1976, purports to say that Adams had assumed the obligation to pay for the equipment before then. Yet the document, Agreement for Transfer of Equity signed on May 2, 1977, by its own terms, transfers equity to the equipment and liability of payment from Grant to Adams on April 29, 1977.

FEDERAL MARITIME COMMISSION

MED-GULF CONFERENCE/MINIBRIDGE CARRIERS

Agreement Filed; Rate Agreement

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 25, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Peter B. Kenney, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 10300 would establish a discussion and rate agreement among the members of the Med-Gulf Conference and American Export Lines, American President Lines and Italia S.p.A.N. relative to all-water transport and joint water-land transport in the Westbound trade from all Italian ports from Ventimiglia to the Yugoslav border including islands, French Mediterranean ports, Spanish ports (excluding those North of Portugal, including the North African Spanish ports and those of the Spanish Mediterranean Islands) and Portuguese ports to the area comprised by and inclusive of Morehead City, North Carolina, South, along the South Atlantic Coast and into the Gulf of Mexico to and inclusive of Brownsville, Texas; and also the Westbound trade from all Italian ports from Ventimiglia to the Yugoslav border including islands, French Mediterranean ports, all Spanish ports (including the North African Spanish ports and those of the Spanish Mediterranean Islands) and Portuguese ports to the Island of Puerto Rico.

By Order of the Federal Maritime Commission.

Dated: June 29, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19001 Filed 7-1-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1977 No. 24]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending June 11, 1977

ACTIONS OF THE BOARD

Statement by Governor J. Charles Partee before the Senate Committee on Banking, Housing and Urban Affairs, answering questions regarding monetary velocity—the intensity with which money is being used.

Letter to Chairman William Proxmire, Senate Committee on Banking, Housing and Urban Affairs on H.R. 5675, which permits the payment of interest on Treasury accounts.

Amendment to Rules Regarding Delegation of Authority to expand the scope of authority previously delegated regarding acquisitions of shares of a bank.

Bank of the Commonwealth, Detroit, Michigan, to make an investment in bank premises in connection with leasehold improvements at the Michigan-Shelby storage facility.

Issuance of subordinated capital notes by Girard Trust Bank, Bala-Cynwyd, Pennsylvania.

Bank of Nova Scotia, Toronto, Canada, a one year extension of time to divest of shares in Bank of Novo Scotia Trust Company of New York, New York.[1]

Mingo Bancshares, Inc., Puxico, Missouri, a proposed one bank holding company, request for an additional 30-day extension of time until July 14, 1977, to acquire shares of Puxico State Bank, Puxico, Missouri.[1]

State Bank of Anoka, Anoka, Minnesota, to make an investment in bank premises.[1]

Deregistration for Allegheny Airlines Federal Credit Union, Pittsburgh, Pennsylavnia.[1]

Deregistration for Bell Accounting Credit Union, Chicago, Illinois; The College Life Insurance of America, Indianapolis, Indiana; Multivest Funding Programs, Inc., Southfield, Michigan; University Life Insurance Company of America, Indianapolis, Indiana, and Storm Lake Production Credit Association, Storm Lake, Iowa.[1]

First National Interim Bank of Brunswick, Brunswick, Georgia, proposed merger with The First National Bank of Brunswick, Brunswick, Georgia, report to the Comptroller of the Currency on competitive factors.[1]

First Security Bank of Bountiful, National Association, Bountiful, Utah, proposed merger with First Security Bank of Utah, National Association, Ogden, Utah, report to the Comptroller of the Currency on competitive factors.[1]

Lauderdale Lakes National Bank, Lauderdale Lakes, Florida, and Broward National Bank of Plantation, Plantation, Florida, proposed acquisition by Century National Bank of Broward, Fort Lauderdale, Florida, report to the Comptroller of the Currency on competitive factors.[1]

Potomac National Bank, Potomac, Maryland, proposed merger with The Commerce Bank and Trust Company of Maryland, Bethesda, Maryland, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Silverlake/Sunset Branch of The Hongkong Bank of California, San Francisco, California, proposed acquisition by Los Angeles National Bank, Los Angeles, California, report to the Comptroller of the Currency on competitive factors.[1]

Uptown National Bank of Moline, Moline, Illinois, proposed acquisition by First National Bank of Moline, Moline, Illinois, report to the Comptroller of the Currency on competitive factors.[1]

To Establish a Domestic Branch pursuant to Section 9 of the Federal Reserve Act.

APPROVED

The Forest Hill State Bank, Forest Hill, Maryland. Branch to be established at 138-42 Main Street, Bel Air, Hartford County.[2]

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Bostor. Overseas Financial Corporation: Investment—indirectly acquire additional shares of Societe Francaise de Factoring and amend Board's 11-12-76 letter re: Alex Lawrie Factors, Limited, United Kingdom.

Boston Overseas Financial Corporation: Remove the standard subsidiary conditions re: Arrendadora Industrial Venezolana C.A., Caracas, Venezuela.

Chalfen-Holiday Inc.: To become a Bank Holding Company and to continue to hold its 20 per cent joint venture interest in International Holiday on Ice Company, London, England.

Bamerical International Financial Corporation: Investment—additional 25 per cent of the shares of B.A. Leasing & Capital (Hong Kong) Limited, thereby increasing its interest to 100 per cent.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

KSB Ltd., Keokuk, Iowa, for approval to acquire 80 per cent or more of the voting shares of Keokuk Savings Bank and Trust Company, Keokuk, Iowa.[2]

Packwood Financial, Inc., Packwood, Iowa, for approval to acquire 73.7 percent or more of the voting shares of Farmers Savings Bank, Packwood, Iowa.[2]

Chalfen-Holiday, Inc., Minneapolis, Minnesota, for approval to acquire 70 per cent or more of the voting shares of First National Bank in Anoka, Anoka, Minnesota.

Industrial Loan and Investment Company, Sedalia, Missouri, for approval to acquire 87.67 per cent of the voting shares of Bank of Ionia, Ionia, Missouri.

Omaha State Corporation, Omaha, Nebraska, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Omaha State Bank, Omaha, Nebraska.

First Northern Bancorporation, Anchorage, Alaska, for approval to acquire 81 per cent of the voting shares of First National Bank of Fairbanks, Fairbanks, Alaska.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(5) of the Bank Holding Company Act of 1956.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

FrostBank Corporation, San Antonio, Texas, for approval to merge with Cullen Bankers, Inc., Houston, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURED

BankOklahoma Corp., Tulsa, Oklahoma, notification of intent to engage in de novo activities (to make, acquire, sell participations, and or service for its own account or for the account of others, loans or other extensions of credit for agricultural and agricuitural related purposes as well as provide other ancillary services) at Highway 54 East, Guymon, Oklahoma, through a subsidiary, Banc-Oklahoma Agri-Service Corp., a wholly-owned subsidiary in a general partnership known as Agbanc of Oklahoma (6/6/77).[1]

WITHDRAWN

Washington Bancshares, Inc. (now Old National Bancorporation), Spokane, Washington, notification of intent to engage in de novo activities (acting as agent or broker for the sale of group life and casualty insurance to be issued in connection with the making or acquiring of loans by Bancshares Mortgage Company) at 717 South Pines Road, Spokane, Washington, through its subsidiary, Bancshares Mortgage Company (6/10/77).[1]

PERMITTED

Citicorp, New York, New York, notification of intent to engage in de novo activities (making consumer installment personal loans, purchasing and servicing for its own account consumer installment sales finance contracts, making loans for the account of others such as one-to-four family unit mortgage loans; and acting as agent or broker for the sale of credit related life/accident and health insurance) at Vista Grande Shopping Center, Colorado Springs, Colorado, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (6/6/77).[1]

Citicorp, New York, New York, notification of intent to engage in de novo activities (making loans for the account of others such as one-to-four family unit mortgage loans) at 2235 East Broadway, Tucson, Arizona; 169 Fry Boulevard, Sierra Vista, Arizona; 250 West 24th Street, Yuma, Arizona; El Con Shopping Center, Tucson, Arizona; 201 Stone Street, Tucson, Arizona; and Park Mall Center, Tucson, Arizona through its subsidiary, Nationwide Financial Corporation of Arizona (6/5/77).[1]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) from 6544 E. 22nd Street, Tucson, Arizona, 4441 North Oracle Ridge, Tucson, Arizona and 4754 East Grant, Tucson, Arizona to El Con Shopping Center, Tucson, Arizona, 201 Stone Street, Tucson, Arizona and Park Mall Center, Tucson, Arizona, respectively, through its subsidiary, Nationwide Financial Corporation of Arizona (6/5/77).[1]

[1] 4(c)(8) and 4(c)(12) notifications processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance, the business of a general insurance agency is not included) from 1465 Cassat Avenue, Jacksonville, Florida to 2415 Blanding Boulevard, Jacksonville, Florida, through its subsidiary, Nationwide Financial Corporation of Florida (6/6/77).[1]

Citicorp, New York, New York, notification of intent to engage in de novo activities (making loans for the account of others such as one-to-four family unit mortgage loans) at 315 South Circle Drive, Colorado Springs, Colorado; 380 Main Street, Security, Colorado; 1150 North 25th Street, Grand Junction, Colorado; Pueblo Mall, 148 West 29th Street, Pueblo, Colorado; and Suite 2304, Janiteil Two Building, Garden Valley Center, 2860 South Circle Drive, Colorado Springs, Colorado, through its subsidiary, Nationwide Financial Corporation of Colorado (6/5/77).[1]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) from 1301 South Pueblo Boulevard, Pueblo, Colorado and Academy Fair Shopping Center, 1518 N. Academy Boulevard, Colorado Springs, Colorado to Pueblo Mall, 148 West 29th Street, Pueblo, Colorado and Suite 2304 Janiteil Two Building, Garden Valley Center, 2860 South Circle Drive, Colorado Springs, Colorado, respectively, through its subsidiary, Nationwide Financial Corporation of Colorado (6/5/77).[1]

Barnett Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (performing or carrying on any one or more of the functions or activtiies that may be performed or carried on by a trust company including activities of a fiduciary, agency or custodial nature in the manner authorized by Federal and State law; provided however, that loans and investments will be made and deposits accepted only in conformity with Regulations of the Board of Governors of the Federal Reserve System) at 60 Cathedral Place, St. Augustine, Florida, through a subsidiary, Barnett Banks Trust Company, N.A. (6/5/77).[1]

First Alabama Bancshares, Inc., Montgomery, Alabama, notification of intent to engage in de novo activities (acting as agent or broker with respect of nonfiling insurance, insurance in lieu of perfecting any security interest on a transaction that is directly related to the extension of credit by a bank; and single interest insurance (vendor's single interest insurance) against loss of or damage to property including coverage for skip, concealment, repossessions, conversion, confiscation and errors and omissions written in connection with a credit transaction) at various offices in the State of Alabama, through a subsidiary, FAB Agency, Inc. (6/5/77).[1]

[1] 4(c)(8) and 4(c)(12) notifications processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

First Bank System, Inc., Minneapolis, Minnesota, notification of intent to engage in de novo activities (mortgage banking business including the brokering, origination, purchase, sale, and servicing of real estate mortgage loans) in the metropolitan areas of Portland, Oregon and Seattle, Washington, through its subsidiary, FBS Financial, Inc. (6/5/77).[1]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit, such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 306E South Ironton Street, Aurora, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado corporation) (6/11/77).[1]

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans or other extensions of credit secured by real estate mortgages or deeds of trust and the servicing of such loans and such other activities as are incidental to the operations of a mortgage company including, but not limited to; acting as agent or broker for the sale of mortgage redemption life and disability insurance to be issued in connection with making or acquiring such loans) at 611 Sherman Avenue, Coeur D'Alene, Idaho; 302 Thain Road, Lewiston, Idaho; and 1452 Hudson Street, Longview, Washington, through its subsidiary Bancshares Mortgage Company (6/9/77.[1]

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (serving as an escrow or closing agent in connection with closing of real estate loans financed by credit extending subsidiaries of Old National Bancorporation) at 611 Sherman Avenue, Coeur D'Alene, Idaho; 302 Thain Road, Lewiston, Idaho; and 1452 Hudson Street, Longview, Washington, through its subsidiary, Cascade Escrow Company (6/9/77).[1]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit related life/accident and health insurance) at 80 South Lake Avenue, Pasadena, California, through its subsidiary, Security Pacific Finance Corp. (6/11/77).[1]

U.S. Bancorp, Portland, Oregon, notification of intent to engage in de novo activities (making, acquiring, and servicing of loans and other forms of credit and financing either secured or unsecured for its own account or for the account of others, including commercial, industrial, agricultural and personal loans of all types, financial leases, sales contracts, accounts receivable and equity loans secured by real

estate, leasing of personal property and equipment and acting as agent, broker, or adviser in the leasing of such property or the making of such loans; and acting as insurance agent or broker with regard to credit life and disability insurance relating only to said extensions of such credit as made by this corporation) at 309 S.W. Sixth Avenue, Portland, Oregon, through its subsidiary, U.S. Commercial Corp. (6/9/77).[3]

APPROVED

Industrial Loan and Investment Company, Sedalia, Missouri, for permission to continue to engage in the activities of an industrial loan company and to continue to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Applicant.

BankAmerica Corporation, San Francisco, California, for approval to continue to engage in data processing activities through its wholly-owned subsidiary, Finance-America Corporation, Allentown, Pennsylvania.

* * * * *

To expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Heights Finance Corporation, Peoria, Illinois, notification of intent to indirectly acquire the assets of Montgomery County Loan Company, Hillsboro, Illinois, through Commerce Loan Corporation (6/5/77).[3]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

First Bank & Trust Company of South Bend, South Bend, Indiana. Branch to be established at 1302 Elwood Avenue (within Martin's Supermarket, Inc.), South Bend, St. Joseph County.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

BANKSTOCK ONE, INC., Ozark, Arkansas, for approval to acquire 12,000 shares of the voting shares of Bank of Ozark, Ozark, Arkansas.

AMERICAN STATE BANCSHARES, INC., Osawatomie, Kansas, for approval to acquire 80 percent or more of the voting shares of The American State Bank, Osawatomie, Kansas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Caprice Corporation, Red Lake Falls, Minnesota, for approval to acquire 93.33 per cent of the voting shares of Plummer State Bank, Plummer, Minnesota.

First Texas Bancorp, Inc., Georgetown, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank, Copperas Cove, Texas, a proposed new bank.

* * * * *

To expand a Bank Holding Company pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

Hartford National Corporation, Hartford, Connecticut, notification of intent to continue to engage in de novo activities (origination, negotiation, making and collection of loans secured by real estate) from an existing office located at 830 Post Road East (formerly known as 830 East State Street), Westport, Connecticut, which was established in June 1970, and will also be conducted from a new location at 777 Main Street, Hartford, Connecticut, through its subsidiary, HNC Realty Company (6/6/77).[3]

Industrial National Corporation, Providence, Rhode Island, notification of intent to form, de novo, a wholly-owned subsidiary under the name of MAI Corporation and to transfer to such subsidiary all of the stock of Mortgage Associates, Inc., therefore continuing to engage in de novo activities (origination and sale of residential and commercial mortgages; origination and sale of loans for the purchase of mobile homes; consumer finance; servicing of mortgage loans and mobile home loans; and insurance agency for any insurance for the holding company and its subsidiaries and for any insurance directly related to an extension of credit or provision of other financial services or otherwise sold as a matter of convenience to the purchaser) through Mortgage Associates, Inc. at the sole office of MAI Corporation, located at the main office of Mortgage Associates, Inc., at 125 East Wells Street, Milwaukee, Wisconsin (6/7/77).[3]

Citicorp, New York, New York, notification of intent to engage in de novo activities (making consumer installment personal loans, purchasing and servicing for its own account consumer installment sales finance contracts; and acting as agent or broker for the sale of credit related life/accident and health insurance) at 714 Lincoln Highway, Fairview Business Campus, Fairview Heights, Illinois, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (6/8/7).[3]

Citicorp, New York, New York, notification of intent to engage in de novo activities (making loans for the account of others such as one-to-four family unit mortgage loans) at Jamestown Executive Center, 3011 NW., 63rd Street, Suite 110, Oklahoma City, Oklahoma and 2507 NW. 23rd Street, Oklahoma City, Oklahoma, through its subsidiary, Nationwide Financial Services Corporation 6/10/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Nationwide Financial Corporation of Oklahoma, Inc.) from 4520 NW. 50th, Oklahoma City, Oklahoma and 1514 North Rockwell, Oklahoma City, Oklahoma to Jamestown Executive Center, 3011 NW. 63rd Street, Suite 110, Oklahoma City, Oklahoma and 2507 NW. 23rd Street, Oklahoma City, Oklahoma, respectively, through its subsidiary, Nationwide Financial Services Corporation (6/10/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) from #3, 28 East 21st Street, Salt Lake City, Utah to 3828 South Main Street, Salt Lake City, Utah, through its subsidiary, Nationwide Financial Services Corporation (6/10/77).[3]

Horizon Bancorp, Morristown, New Jersey, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit as would be made by a mortgage company and servicing loans and other extensions of credit for any person) at Jefferson Office Complex, 7500 West Mississippi, Denver, Colorado, through its subsidiary, Mortgage Investment Securities, Inc. (6/9/77).[3]

Florida National Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (to engage in data processing services to commercial banks and/or other financial institutions and their corporate clients) at 7550 NW. 26th Street, Miami, Florida, through a department of the company known as Miami Computer Services Facility (6/6/77).[3]

Mercantile Bancorporation, Inc., St. Louis, Missouri, notification of intent to relocate de novo activities (operating as an industrial loan company in the manner authorized by the laws of West Virginia and will not both accept deposits and make commercial loans; and insurance agency or brokerage in connection with selling to borrowers credit life insurance and credit accident and health insurance) from 541 9th Street, Huntington, W. Virginia to 3203 U.S. 60 East, Huntington, W. Virginia, through a subsidiary, Bond Industrial Loan Company of Huntington, Inc. with a name change to Franklin Thrift and Loan Company of Huntington, Inc. (6/6/77).[3]

Mercantile Bancorporation, Inc., St. Louis, Missouri, notification of intent to relocate de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance and credit accident and health insurance) from 537 9th Street, Huntington, W. Virginia to 3201 U.S. 60 East, Huntington, W. Virginia, through its subsidiary, Franklin Finance Company with a name change to Franklin Thrift and Loan Company of Huntington, Inc. (6/6/77).[3]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as are normally made by a mortgage company and the servicing of such loan accounts for itself and for others including loans on improved and unimproved residential and commercial properties) at 300 South 4th Street, Las Vegas, Nevada, through its subsidiary, First Security Mortgage Co. (6/2/77).[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as escrow agent for the purchase and sale of real property and the execution of all documents and dispersal of funds relating to loan transactions and all other activities normally engaged in by an escrow company) at 10 South Lake Avenue, Pasadena, California, through its indirect subsidiary, SP Escrow Service, Inc., a subsidiary of Security Pacific Finance Corp. (5/31/77).[3]

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Bank of the Commonwealth, Detroit, Michigan.

Union Bank, Los Angeles, California.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, June 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19024 Filed 7-1-77;8:45 am]

UNITED BANK CORPORATION OF NEW YORK

Acquisition of Bank

United Bank Corporation of New York, Albany, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Hempstead Bank, Hempstead, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 29, 1977.

Board of Governors of the Federal Reserve System. June 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19023 Filed 7-1-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 6, from 9:00 a.m. July 26 thru July 28, 1977, Room 181, Federal Building, 1500 East Bannister Road, Kansas City, Missouri. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following projects:

Restoration/Renovation, U.S. Customhouse (Old Post Office), St. Louis, Missouri.

Building Extension and Architectural, Mechanical, and Electrical Improvements, Harry S. Truman Library, Independence, Missouri.

The meeting will be open to the public.

H. D. HARDELL,
Regional Administrator.

[FR Doc.77-19025 Filed 7-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0156]

ELANCO PRODUCTS CO., ET AL.

Penicillin-Streptomycin Premixes; Opportunity for Hearing

Correction

In FR Doc. 77-16102 appearing in the issue for Friday, June 10, 1977 at page 29999, the issue of the FEDERAL REGISTER referred to in the last paragraph of the document on page 30002 now reading "March 2, 1977" should have read "March 22, 1977".

[Docket No. 77N-0180]

VITARINE CO., INC.; DELCOZINE DROPS

Opportunity for Hearing on Proposal To Refuse To Approve New Drug Application

Correction

In FR Doc. 77-16231 appearing at page 30002 in the issue for Friday, June 10, 1977 make the following corrections:

(1) In the middle column of page 30002, twelve lines from the bottom of the page, "(D.C.C., 1975)" should have read "(D.D.C., 1975)".

(2) In the first column of page 30003, the 8th line of the paragraph numbered "(5)" now reading "dropper and proper labeling as to pre-" should have read "the dropper and proper patient labeling as to pre-".

(3) In the middle column of page 30004 in the last line of the first full paragraph, "21 CFR 314.20" should have read "21 CFR 314.200".

Office of Human Development

WORK INCENTIVE PROGRAM

Distribution of Funds

AGENCY: Office of Human Development (OHD), HEW.

ACTION: Notice.

SUMMARY: On April 28, 1977, the Office of Human Development published in the FEDERAL REGISTER (42 FR 21664) a proposed method for the allocation among the States of fiscal year 1978 funds for child care and other supportive services under the Work Incentive (WIN) program. The proposal is hereby adopted. The method distributes 100 percent of the funds available to State WIN separate administrative units (SAU) for child care and other supportive services of the basis of the Department of Labor allocation to the State WIN sponsors for employment and training.

FOR FURTHER INFORMATION, CONTACT:

Pera Daniels, area code (202) 245-0436.

SUPPLEMENTARY INFORMATION:

REVIEW OF COMMENTS

Comments to the proposed Notice were invited. Several State agencies suggested including a hold harmless provision to assure that the preliminary amount for child care and other supportive service for each State is at least 85 percent of the previous year's limit of entitlement. This proposal is adopted.

The proposed notice provided that, if the unified planning and funding concept was approved by the Congress, each State would determine the most appropriate split of the total funds between the State's employment and training agencies and its child care and other supportive units (with the approval of the Regional Coordination Committee). The amount approved in the State WIN Plan for child care and other supportive services would be the State's limit of entitlement. Several State agencies and others suggested that, in addition to this first determination of the most appropriate split as a part of the development of the fiscal year 1978 WIN plan, each State be permitted to make subsequent modifications to the split and the plan. As the year progresses changes could be desirable because of (1) the first few month's experience operating under the initial plan, (2) changes in the National appropriation level, and (3) changes in closely related Comprehensive Employment and Training Act (CETA) and Title XX operations. This suggestion has been accepted. The procedures to be followed if the unified funding and planning concept is approved by the Congress have been modified accordingly. However OHD believes that there is substantial merit in the concept of making a plan and sticking to it. Accordingly the regional offices will be directed to approve only those WIN plan modifications that have significant program ramifications.

METHOD IF UNIFIED PLANNING AND FUNDING IS APPROVED

Fiscal year 1978 funds for State WIN SAU's for child care and other supportive services will be distributed 100% on the basis of the DOL allocations to the State WIN sponsors for employment and training. The unified planning and funding procedure will allow States the flexibility to transfer funds between State agencies to adjust for individual State needs. If approved by Congress this method will be as follows:

1. In President's budget the WIN program has two subactivities: one for employment and training and another for child care and other supportive services. From the amount for the employment and training subactivity, the Department of Labor will compute a preliminary amount for each State using their allocation formula. Each Regional Coordination Committee (RCC) for WIN will make adjustments to these preliminary amounts among the States in its

region based on its closer, more comprehensive knowledge of the States' WIN plan operations forecasted for fiscal year 1978.

2. From the amount identified in the subactivity for the WIN child care and other supportive services, OHD will compute a preliminary amount for each State in direct proportion to the Department of Labor amounts (as adjusted by the RCC). If the preliminary amount for any State is less than 85% of the fiscal year 1977 limit of entitlement, additional funds will be provided.

3. The RCC will provide each State with the sum of the preliminary amounts determined in steps one and two. Using this total each State will develop during July, August and September, its State WIN plan for fiscal year 1978. The State will decide the most appropriate split of the total funds between the State's employment and training agencies and its child care and other supportive services units. The RCC must approve each State's WIN plan and the State's split of the fiscal year 1978 WIN funds.

4. The amount approved for child care and other supportive services will be the State's limit of entitlement. If an amount for child care and other supportive services is not approved by the RCC for the State by September 30, 1977, the amount computed using the ratio of employment and training funds to child care funds in step two will be the State's limit of entitlement.

5. If a funding adjustment is necessary between the State WIN agencies during the fiscal year, the State must submit a modification of the State WIN plan for approval by the RCC.

6. If the annual appropriation for the WIN program differs from the amount in the President's budget, then the difference will be allocated to each RCC using the WIN allocation formula. The RCC, based on its closer, more comprehensive knowledge of the States' needs, will provide the States with the new amount available to the State for the total WIN program. The State must submit a modified WIN plan showing the new funding split. Limits of entitlement will remain the same until the plan modification and new funding split are approved.

7. The final limit of entitlement for fiscal year 1978 will be the amount shown for child care and other supportive services on the approved State WIN plan of September 30, 1978.

PROCEDURE IF UNIFIED PLANNING AND FUNDING IS NOT APPROVED

If unified planning and funding is not approved by the Congress, then limits of entitlement will be computed using only steps one and two above.

If the annual appropriation for the WIN program differs from the amount in the President's budget, then the limit of entitlement for each State will be increased or descreased proportionately.

A survey will be made during the second half of fiscal year 1978 to determine the validity of the limits of entitlement. If the survey indicates that major variations from initial funding levels have occurred, then the limits will be revised accordingly.

EFFECTS OF LIMITS OF ENTITLEMENT

Expenditures for child care and other supportive services under Section 402(a)(19)(G) of the Social Security Act, 42 U.S.C. 602(a)(19)(G), will not be honored to the extent that they exceed published limits of entitlement.

(Catalog of Federal Domestic Assistance Program No. 13.748 Work Incentive Program—Child Care—Employment Related Supportive Services.)

Dated: June 28, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-19000 Filed 7-1-77;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records and Notices of Proposed Routine Uses Thereof

Correction

In FR Doc. 77-18448 appearing at page 33075 in the issue for Wednesday, June 29, 1977, make the following changes:

1. On page 33076, the first column, the paragraph under the heading "System location" should read:

TB Control Division, 819 27 So. Street, Las Lomas, Rio Piedras, Puerto Rico *and TB Control Division, Research and Development Branch, Bldg. 6-Room 222, CDC, Atlanta, GA 30333.*

2. In the same column under the heading "Categories of individuals covered by the system", the penultimate line, the period should be deleted.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-503; FDAA-3025-EM]

COLORADO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Colorado (FDAA-3025-EM), dated January 29, 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Colorado dated January 29, 1977, and amended on February 15, 1977, March 10, 1977, April 4, 1977, May 18, 1977, and May 27, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 29, 1977:

The Counties of:

Delta	Mesa
Dolores	Montrose
Eagle	Ouray
Garfield	Pitkin
Gunnison	San Miguel

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 14, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19042 Filed 7-1-77;8:45 am]

[Docket No. NFD-508; FDAA-3040-EM]

IDAHO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Idaho (FDAA-3040-EM), dated May 5, 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Idaho dated May 5, 1977, and amended on June 1, 1977, June 2, 1977, and June 3, 1977, is hereby further amended to include the following county among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of May 5, 1977:

The County of:

Elmore

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected area effective June 14, 1977.

In addition, the Notice of emergency for the State of Idaho dated May 5, 1977, is hereby amended to make the following county determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of May 5, 1977, eligible for cattle transportation assistance ef-

fective the date of this amended Notice:
The County of:

Lincoln

The above-listed county was previously declared eligible for emergency livestock feed assistance. This assistance remains available in the designated area.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19043 Filed 7-1-77;8:45 am]

[Doc. No. NFD-507, FDAA-3035-EM]

MICHIGAN

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Michigan (FDAA-3035-EM), dated March 2, 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Michigan dated March 2, 1977, and amended on April 1, 1977 is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 2, 1977:

The Counties of:

Alger	Houghton
Baraga	Iron
Delta	Marquette
Dickinson	Ontonagon

The purpose of this designation is to continue to provide emergency livestock feed assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Admnistration.

[FR Doc.77-19044 Filed 7-1-77;8:45 am]

MICHIGAN AND PUERTO RICO

Designation of Additional Emergency Drought Impact Areas by Interagency Drought Emergency Coordinating Committee

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

Dated: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7845).

Acting upon the request of the respective Governors, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

PUERTO RICO
Entire Commonwealth designated.

MICHIGAN

Benzie	Oceana
Clare	Osceola
Gladwin	Ogemaw
Iosco	Oscoda
Lake	Wexford

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19040 Filed 7-1-77;8:45 am]

[Docket No. NFD-502; FDAA-3041-EM]

NEVADA

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Nevada (FDAA-3041-EM), dated June 11, 1977, and related determinations.

DATED: June 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7824).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 11, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Nevada is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Nevada.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, FDAA Region IX, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The counties of

Elko	Humboldt

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 11, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19045 Filed 7-1-77;8:45 am]

[Docket No. NFD-504; FDAA-3016-EM]

NORTH DAKOTA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of North Dakota (FDAA-3016-EM), dated July 21, 1976.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202-634-7825).

NOTICE: The Notice of emergency for the State of North Dakota dated July 21, 1976, and amended on December 30, 1976, March 1, 1977, and April 26, 1977, is hereby further amended to extend the

termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 21, 1976:

The counties of:

Dickey	La Moure
Emmons	McIntosh
Logan	

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 16, 1977.

The county of Kidder.

The purpose of this designation is to continue to provide emergency livestock feed assistance only on the aforementioned affected area effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19046 Filed 7-1-77;8:45 am]

[Doc. No. NFD-505; FDAA-3015-EM]

SOUTH DAKOTA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of South Dakota (FDAA-3015-EM), dated June 17, 1976.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7825).

NOTICE: The Notice of emergency for the State of South Dakota dated June 17, 1976, and amended on July 8, 1976, October 18, 1976, January 27, 1977, and February 15, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Brown	Potter
Campbell	Roberts
Corson	Spink
Day	Sully
Dewey	Walworth
McPherson	Ziebach
Marshall	

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19047 Filed 7-1-77;8:45 am]

[Docket No. NFO-506; FDAA-3042-EM]

VIRGIN ISLANDS

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the Territory of the Virgin Islands (FDAA-3042-EM), dated June 14, 1977, and related determinations.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled Disaster Relief Act of 1974 (88 Stat. 143); notice is hereby given that on June 14, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the Territory of the Virgin Islands is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the Territory of the Virgin Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, FDAA Region II, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The Islands of:

St. Croix	St. John
St. Thomas	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective June 14, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19048 Filed 7-1-77;8:45 am]

[Docket No. NFD 499]

VIRGIN ISLANDS

Designation of Additional Emergency Drought Impact Areas by Interagency Drought Emergency Coordinating Committee

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the designation of an additional area as an Emergency Drought Impact Area by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7845).

Acting upon the request of the Governor, the Interagency Drought Emergency Coordinating Committee designated the Territory of the Virgin Islands as an Emergency Drought Impact Area.

The designation of an area as an Emergency Drought Impact Area does not confer entitlement to drought assistance.

Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to me as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19041 Filed 7-1-77;8:45 am]

[Docket No. NFD-501; FDAA-3037-EM]

WASHINGTON

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Washington (FDAA-3037-EM) dated March 31, 1977.

DATED: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of Washington dated March 31, 1977, and amended on April 4, 1977, May 6, 1977, May 10, 1977, May 18, 1977, and June 6, 1977, is hereby further amended to include the following county among those areas determined to have been adversely effected by the catastrophe declared an emergency by the President on March 31, 1977:

The county of Spokane.

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected area effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–19049 Filed 7–1–77;8:45 am]

[Docket No. NFD–509; FDAA–3043–EM]

WYOMING

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Wyoming (FDAA–3043–EM), dated June 15, 1977, and related determinations.

DATED: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development. Washington, D.C. 20410 (202–634–7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 15, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Wyoming is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93–288. I therefore declare that such an emergency exists in the State of Wyoming.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Donald G. Eddy, FDAA Region VIII, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The counties of:
Sublette Uinta

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned areas effective June 15, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–19050 Filed 7–1–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

BURNS CREEK—THIRTEENMILE CREEK, MONT.

Known Recoverable Coal Resource Area; Revision

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Department Manual 1, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94–377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Revised Burns Creek—Thirteenmile Creek (Montana) Known Recoverable Coal Resource Area (KRCRA); February 19, 1976, 2,638 acres previously within the KRCRA were deleted, and 44,489 acres were added. Total area now classified for leasing is 239,206 acres.

A diagram showing the revised boundary and acreage has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: June 28, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77–19026 Filed 7–1–77;8:45 am]

National Park Service

CONGAREE NATIONAL MONUMENT

Pre-Planning Public Meeting

The National Park Service of the Department of the Interior will hold a pre-planning public meeting in South Carolina during July 1977. The Service seeks suggestions and information prior to the inception of formal planning for management, protection and development of Congaree National Monument.

The meeting will be held July 13, 1977, at 7:30 p.m. at Lower Richland High School, which is located on S.C. 76–378 and Lower Richland Boulevard, approximately 12 miles southeast of Columbia.

Anyone needing more information on the public meeting and the National Park Service planning process, or who wishes to submit comments or suggestions on Congaree National Monument, may contact Paul Swartz, Chief, Cooperative Services Division, Southeast Region, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, telephone 404/996–2520, extension 253.

Dated: June 1, 1977.

DAVID G. WRIGHT,
Acting Regional Director, Southeast Region, National Park Service.

[FR Doc.77–18948 Filed 7–1–77;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., CDT, on Friday, July 15, 1977, at the Indiana Dunes National Lakeshore Tremont/Furnessville Visitor Center, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Public Law 89–761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Harry W. Frey (Chairman)
Mrs. Anna R. Carlson
Mr. John A. Hillenbrand II
Mr. William L. Lieber
Mr. Lawrence Miller
Mr. John R. Schnurlein
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Report of fly ash subcommittee.
2. Report on law enforcement plans for summer activity.
3. State coordination on management of Hoosier Prairie.
4. Land Acquisition Report.
5. Review of Northwestern Indiana Regional Planning Commission's adopted regional goals, objectives and policies.
6. Report on Lakeshore Interpretive and Youth Summer Programs.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to commission members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Indiana 46304, telephone area code 219, 926-7561.

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: June 10, 1977.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.77-18949 Filed 7-1-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 1, 1977, Part IX, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

CHARLES A. HERRINGTON,
for
WILLIAM J. MURTAGH,
Acting Keeper of the
National Register.

The following properties have been added to the National Register since June 7, 1977. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

CALIFORNIA

Amador County

Ione, *Ione City Centenary Church*, 150 W. Marlette St. (5-26-77).

San Francisco County

San Francisco, *International Hotel*, 848 Kearny St. (6-15-77).

Solano County

Suisun vicinity, *Martin, Samuel, House*, 293 Suisun Valley Rd. (5-26-77).

COLORADO

Denver County

Denver, *Ideal Building*, 821 17th St. (6-9-77).

Garfield County

Glenwood Springs, *Hotel Colorado*, 526 Pine St. (5-26-77).

Larimer County

Estes Park, *Stanley Hotel*, 333 Wonder View Ave. (5-26-77).

GEORGIA

Oglethorpe County

Crawford, *Crawford Depot*, U.S. 78 (5-27-77).

IOWA

Muscatine County

Muscatine, *Ogilvie-Asthalter Building*, 221-223 Iowa Ave. (5-26-77).

LOUISIANA

Caddo Parish

Shreveport, *Strand Theatre*, 630 Crockett (5-26-77).

Pointe Coupee Parish

Simmesport vicinity, *White Hall Plantation House*, E of Simmesport on LA 418 (5-26-77).

St. Landry Parish

Sunset vicinly, *Chretien Point Plantation*, 2 mi. SW of Sunset on Blue Spring Rd. (5-26-7) HABS.

MAINE

Androscoggin County

Lisbon Falls, *St. Cyril and St. Methodius Church*, Main and High Sts. (5-26-77).

York County

Kittery, *Gerrish Warehouse*, Pepperrell Cove off ME 103 (5-26-77) HABS.

MASSACHUSETTS

Hampden County

Chicopee, *Dwight Manufacturing Company Housing District*, Front, Depot, Dwight, Exchange, Chestnut Sts. (6-3-77).

MISSISSIPPI

Clay County

West Point vicinity, *Colbert and Barton Townsites*, 15 mi. E of West Point off MS 50 (6-20-77).

Warren County

Vicksburg, *Bonham, Isaac, House*, 601 Klein St. (5-26-77).

NEW YORK

Chemung County

Elmira, *Park Church*, 208 W. Gray St. (5-25-77).

OHIO

Sandusky County

Fremont, *St. Paul's Episcopal Church*, 200 N. Park Ave. (6-9-77).

PENNSYLVANIA

Berks County

Leesport, *Leesport Lock House*, Wall St. (6-9-77).

RHODE ISLAND

Providence County

Providence, *Providence-Biltmore Hotel*, 11 Dorrance St. (5-27-77).

SOUTH DAKOTA

Hughes County

Pierre, *Stephens-Lucas House*, 123 N. Nicollette (5-26-77).

VIRGIN ISLANDS

St. Thomas Island

Charlotte, Amalie, *Fort Christian*, at St. Thomas Harbor (5-5-77) NHL.

VIRGINIA

Warren County

Limeton vicinity, *Thunderbird Archeological District*, VA 623 (5-5-77). NHL

WASHINGTON

Chelan County

Wenatchee, *U.S. Post Office and Annex*, Mission and Yakima Sts. (5-27-77)

King County

Seattle, *Pioneer Building, Pergola, and Totem Pole*, 5th Ave. and Yesler Way (5-5-77). NHL

Pierce County

Tacoma, *Stadium-Seminary Historic District*, roughly bounded by 1st, I, 10th Sts., and shoreline (5-26-77).

Whitman County

Elberton, *Elberton Historic District*, off WA 272 at Palouse River (5-26-77)

* * * * * *

The following is a list of corrections to properties previously listed in the FEDERAL REGISTER:

CALIFORNIA

Alameda County

Oakland, *Paramount Theatre*, 2025 Broadway (8-14-73) NHL; HABS

Los Angeles County

Los Angeles, *Bradbury Building*, 304 S. Broadway (7-14-71) NHL; HABS

Riverside County

Riverside, *Mission Inn*, 3649 7th St. (5-14-71) NHL

San Diego County

Coronado, *Hotel del Coronado*, 1500 Orange Ave. (10-14-71) NHL; HABS

GEORGIA

Fulton County

Atlanta, *Martin Luther King, Jr., Historic District*, roughly bounded by Irwin, Randolph, Edgewood, Jackson, and Auburn Ave. (5-2-74) NHL.

MISSISSIPPI

Hinds County

Bolton vicinity, *Champion Hill Battlefield*, 4 mi. SW of Bolton (10-7-71) NHL.

OHIO

Franklin County

Columbus, *Ohio Theatre*, 39 E. State St. (4-11-73) NHL; G.

Hamilton County

Cincinnati, *Cincinnati Union Terminal*, 1301 Western Ave. (10-31-72) NHL.
Glendale, *Glendale Historic District*, OH 747 (7-20-76) NHL.

OREGON

Lane County

Eugene, *Deady Hall*, University of Oregon campus (4-11-72) NHL; HABS.
Eugene, *Villard Hall*, University of Oregon campus (4-11-72) NHL; HABS.

Multnomah County

Portland, *Pioneer Courthouse (U.S. Courthouse and Customhouse)*, 520 SW Morrison St. (3-20-73) NHL.
Portland, *Portland Skidmore-Old Town Historic District*, roughly bounded by Harbor Dr., Everett, 3rd, and Oak St. (12-6-75) NHL.

SOUTH DAKOTA

Lawrence County

Spearfish vicinity. *Frawley Ranch*, 6 mi. E of Spearfish on U.S. 14/85 (12-31-74) NHL.

WASHINGTON

Jefferson County

Port Townsend, *Port Townsend Historic District*, roughly bounded by Scott, Walker, Taft, and Blaine Sts., and water front (5-17-76) NHL; G.

Stevens County

Ford vicinity, *Long Lake Pictographs*, 5.5 mi. SE of Ford (5-24-76) (formerly listed as Indian Painted Rocks).

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity. *Archeological Sites in Gainesville Project*. Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36. Project I-459-4(4).

Lowndes County

Jones Bluff Park Site (1 Au 139). Jones Bluff Lake Project.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Montgomery County

Gunter Hill Park Site (1 MT 134). Jones Bluff Lake Project.

Washington County

Sunflower vicinity, *Dr. Williams Home*. AL project RF-98(7).

ALASKA

Fairbanks Division

Davidson Ditch, Steese Hwy.

Nome Division

Little Diomede Island, *Iyapana, John House*.

Sitka Division

Crab Bay, *Crab Bay Petroglyph*.

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office*.

Apache County

Painted Cliffs Archeological District (Arizona K:12:3, K:12:87, K:12:238, K:12:239), Lupton Interchange of I-40.

Conconino County

Gray Mountain Site, (AR-02-020-946).
House Rock Springs, Upper Houserock Valley.
Paria Plateau Archeological District.

Graham County

Foote Wash—No name Wash Archeological District.

Maricopa County

Beth Israel Synagogue, 120 E. Culver.
Cave Creek Archeological District.
Glendale vicinity, *Cave Creek Dam*.
New River Dams Archeological District.
Phoenix, *Brooks, M. B., House*, 334B 75th Ave.
Phoenix, *Ellis-Shackleford House*, 1242 N. Central.
Phoenix, *Evans Barn*, 67th Ave., between Van Buren and McDowell.
Phoenix, *Fennemore House*, 501 E. Moreland.
Phoenix, *Hidden-Porcher House*, 763 E. Moreland.
Phoenix, *Ivy House*, 111 W. Monroe St.
Phoenix, *Kenilworth Elementary School*, 1210 N. 5th Ave.
Phoenix, *La Ciudad Archeological Site*.
Phoenix, *Las Colinas (Arizona T:12810)*, 1200 block of N. 27th Ave.
Phoenix, *Stewart House*, 1115 N. Central.
Site T:4:6.
Site U:1:30 (A.S.U.).
Site U:1:31 (A.S.U.).
Skunk Creek Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir States NA 13,257 and NA 13,258*.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site*.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Craighead County

Mangrum Site (State Site Number 3CG636).

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49-3VB51, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Lonoke County

Scott vicinity, *William S. Pemberton House*.

Ouachita County

Camden, Old Post Office, Washington St.

Poinsett County

Riverside Site (State Site Number 3P0395).

CALIFORNIA

Archeological Sites, Buchanan Dam at Chowchilla River.

Alpine County

Woodsford vicinity, *Archeological Site 4-Alp-105*.

Amador County

Amador City, 35 mi. SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calavras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld-58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.
Home Camp T.S. (6 archeological sites) in Sierra National Forest.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction Project.

Humboldt County

Eureka, Eureka Historic District.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.
The Twenty Mule Team Borax Wagon Road (also in Kern and San Bernardino counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ-1 and HJ-5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26,* 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites
CA-MAD 176-185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, P. E. Booth Company Pier, Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring,* about 30 mi. N of Alturas in Modoc National Forest.
Johnson Slough Site (Site 1).
Tulelake vicinity, *Lava Bed National Monument Archeological District,* S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA-MNO-684.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261. Napa River Flood Control Project.

Plumas County

Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Sifford Family) Guest House,* Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station,* Lassen Volcanic National Park.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs),* Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine,* Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir
Sacramento, *Tower Bridge,* M St. over Sacramento River (also in Yolo County).

San Bernardino County

Squaw Spring Well Archeological District.
Steam Well Petroglyph Archeological District.
Trona Pinnacles Railroad Camp.
Twentynine Palms, *Keys, Bill, Ranch,* Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis,* Joshua Tree National Monument.

San Diego County

North Inland, *Camp Howard, U.S. Marine Corps,* Naval Air Station.
North Island, *Rockwell Field,* Naval Air Station.
San Diego, *Marine Corps Recruit Depot,* Barnett Ave.

San Francisco County

San Francisco, *Twin Peaks Tunnel.*

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower,* 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa-1330,* Santa Monica Creek.
Site CA-Sba-1325.

Santa Clara County

Sunnyvale, *Theuerkauf House,* Naval Air Station, Moffett Field.

Shasta County

Mineral, *Comfort Station,* Lassen Volcanic National Park.
Mineral, *Park Entrance Station and Residence,* Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence,* Lassen Volcanic National Park.
Mineral, *Warner Valley Ranger Station,* Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site,* NE of Redding.
Whiskeytown, *Irrigation System (165 and 166),* Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Ferrell Home,* 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp),* E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.
Quinn Ranger Station.

Ventura County

Simi Valley, *Archeological Site Ven-341.*

Yuba County

Site 4-Yub-S27 (Marysville Riverfront Park Project), along the Feather River, City of Marysville.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel,* Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel,* corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail,* corner of Vermijo and Cascade Ave.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area,* Rocky Mountain National Park utility area.
Sites 5-LR-257 and 5-LR-263, Boxelder Watershed Project.

Pueblo County

Pueblo, *Pueblo Federal Building (U.S. Post Office),* 5th and Main Sts.

CONNECTICUT

Fairfield County

Bridgeport Harbor, *Bridgeport Canal Barges.*
Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead,* Rte. 4, Farmington Ave.
Hartford, *Christ Church Cathedral and Cathedral House,* 955 Main St. and 45 Church St.
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue,* between Morris and Wyllys Sts., particularly Nos. 97-81, 65.
Southington, *Lewis, Sally, House,* 500 N. Main St.

Middlesex County

Middletown, *Cookson, John, House,* S. Main St.
Middletown, *Fuller, Caleb, House,* Upper Williams St.
Middletown, *Main Street Firehouse,* 533 Main St.
Middletown, *Southmayd, William, House,* Lower Williams St.

New London County

New London, *Buckingham Memorial Building,* 307 Main St.
New London, *Williams Memorial Institute Building,* 110 Broad St.
Norwich, *Washington Street Historic District,* Project 103-159.

New Haven County

Ansonia Opera House, 100 Main St.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SE between 4th and 6th Sts SE
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center,* Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Carroll County

Jordan-Hampton House, Route 1.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street*.
Savannah, *908 Wheaton Street*.
Savannah, *914 Wheaton Street*.
Savannah, *920 Wheaton Street*.
Savannah, *828 Wheaton Street*.
Savannah, *930 Wheaton Street*.
Skidaway Island, *Priest's Landing Mounds*.

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

Cobb County

Bostwick, Charles C., House, 325 Atlanta St.
Brumby, Arnoldus, House, 472 Powder Springs St.
Clay, Alexander Stephens, House, 353 Atlanta St.
McCullock-Wellons House, 348 Powder Springs Rd.
Slaughter, M. G., Cottage, 216 Fraser St.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area*.

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Greene County

Wallace Reservoir Archeological District, (also in Hancock, Morgan, and Putnam counties).

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Archeological Sites Project F-117-1 (7).
Augusta, *Blanche Mill*.
Augusta, *Enterprise Mill*.
Augusta, *Green Street*.

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail*.
Kwalakakwa Bay, *Kona Field System*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Barber's Point Harbor.
Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah*—Suite 15, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail Pattee Creek Camp*.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding*.
Lewiston, *Fix Building*, 211-213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

ILLINOIS

Bureau County

I & M Canal (also in Henry, Rock Island, and Whiteside counties).

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126-146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Henry County

Genesco, *Ristau Brewery*.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.

Madison County

American Botroms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Rock Island County

Archeological Site 11-Ri-337, East Moline Mississippi and Rock Rivers.

Scott County

Naples vicinity, *Naples-Castle Site*, SW of Naples.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Lawrence County

Bedford, *Main Post Office*, 1324 K St.
Mitchell, *Riley School*.

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.
Indianapolis vicinity, *Garfield Park Pagoda*, 2 mi S of Indianapolis in Garfield Park.

Monroe County

Bloomington, *Carnegie Library*.

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.
Jackson, *Ten Prehistoric Sites in the Patoka Lake*.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House*.

Vanderburgh County

Evansville, *Alhambra Theater*, 50 Adams St.
Evansville, *Riverside Neighborhood*.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Ida County

Muri Brown Site (13-IA-4), County Courthouse.

Johnson County

Indian Lookout.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

KENTUCKY

Jefferson County

Archeological Sites: Section 2, SW Jefferson County Local Protection Project.

Johnson County

Fishtrap United Methodist Church.
Volga, *McKenzie Log Cabin*, McKenzie Branch.

Laurence County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Orleans Parish

New Orleans, *Casey, Kate, House*, 932-934 Howard.
New Orleans, *Central City District*.
New Orleans, *Cordes, John, House*, 3027-3029 Royal St., Square 170.
New Orleans, *Deyron, Dr. J. A., House*, 3037 Royal St., Square 170.
New Orleans, *Dunn, Andrew Jackson, House*, 928-930 Calliope St., Square 119.
New Orleans, *Duyer, James, House*, 933-935 Galenne St., Square 119.

New Orleans, *Gasquet, William, Houses*, 1128–1130 Constance St., Square 119.
New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.
New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.
New Orleans, *Jahucke Building*, 814 Howard Ave., Square 237.
New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.
New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.
New Orleans, *McDowall, Robert, House*, 1119–1121 Constance St., Square 130.
New Orleans, *McLaughlin, M. A., House*, 1122–1126 Constance St., Square 119.
New Orleans, *McLeod, Euphenia Napir House*, 1523–1525 Calliope St., Square 183.
New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.
New Orleans, *Old Firehouse*, 1045 Magazne St., Square 158.
New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.
New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.
New Orleans, *St. John the Baptist Church*, 1139 Dryedes St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218–1222 Annunciation St., Square 100.
New Orleans, *Schwegmaun, G. A., House* 3044 Royal St., Square 142.
New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.
New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.
New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.
New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.
New Orleans, *Verret, Theodore, House*, 1216 Annunciation St., Square 109.
New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.
New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

Red River County

Hanna Site (16RR4).

St. Martins Parish

Site 16, Sm—45, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18.*

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (independent city)

Baltimore Belt (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).
Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.
Eastern Avenue Sewage Pumping Station, SW corner of Eastern Ave. and President St.
Fayette Street Methodist Episcopal Church, 745 West Fayette St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.

Baltimore County

Federal Hill-Riverside Park Historic District, Federal Hill and Riverside Park areas.
Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender; unit block of Parkin St.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Old Western Police Station (Old Pine Street Station).
Reistertown Historic District, Butler and Walston Rds.
Ridgely's Delight Historic District.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.
St. Paul's Cemetery, Union Block, Fremont Ave.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Frederick County

Fort Detrick, *Horton Test Sphere (One-Million-Liter Test Sphere).*

Montgomery County

Rockville, *Third Addition to Rockville and Old St. Mary's Church and Cemetery.*

St. Marys County

St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light, area.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.
Holyoke, *Steamer Company No. 3.*

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 217, 1.5 m. NW of Rte. 126 Jct.

Suffolk County

Northern Avenue Bridge, Fort Point Channel.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.

MICHIGAN

Kalamazoo County

Masonic Temple, corner Rose and Eleanor Sts.
Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological Site, Columbus lock and dam project.

Tishomingo County

Tennessee—Tombigbee Waterway.

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W., Robidoux on S., 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 East Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

Monroe County

Violette, Alexander House.

MONTANA

Cascade County

Great Falls, *Building at 108 Central Avenue.* 108 Central Ave.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

Knox County

Niobrara Historic Properties.

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas Vinicity, *Las Vegas Wash Archeological District.*
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669, 26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

Washoe County

Site 26Wa2065.

NEW HAMPSHIRE

Hillsborough County

Amoskaag Millyard Complex.
Smyth Tower.

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Strafford County

Odd Fellow's Hall (Morning Star Block).
O'Neill House (Cocheco Co. Housing).
Public Market (Morrill Block).
Trella House (Dover Manufacturing Co. Housing).
Veteran's Building (Central Fire House).
Western Auto Block (Merchants Row).

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*
Trenton, *Lamberton Interceptor.*
West Windsor Township Wastewater Facilities (Archeological Site 3313.14)—Extended.

Middlesex County

Cranbury Historic District.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Morris County

Morristown, *Abbett Avenue Bridge.*

Ocean County

Joseph Holmes Mill (The Mill Site), SW corner of intersection of Mill and Parker Sts.

Passaic County

Forsberg House, 3 Edgemont Crescent.
Sears House, 958 NJ 23.

Warren County

Oxford Industrial District, Oxford Township.

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Guadalupe County

Los Esteros Lake Archeological Site.

Lee County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Mill Site at Site 7-A, Manticoke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Kings County

Steeplechase Parachute Jump.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.
Long Island, *Seafood Park Archeological Site.*

New York County

New York, *Colonial Park Pool Complex*, Bradhurst Ave.
New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Oswego County

Gustin-Earle Factory Site, village of Mexico.
Musico Motors Building, W. First and W Seneca Sts.

Otsego County

Swart-Wilcox House

Queens County

Fort Totten Officers' Club.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St. George.*

Saratoga County

Saratoga Springs, *Yaddo House and Gardens, District.*
Satatoga Springs, *Yaddo House and Gardens*, Saratoga Springs Historic District.
Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere and Cliffhouse Resort Hotels (Minnewaska Acquisition Project), towns of Gardiner and Rochester.

Warren County

Lake George, *Boyau*, portion of Montcalm St.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yonkers, *Women's Institute Building.*
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Caswell County

Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Forsyth County

Winston-Salem, *Atkins, Dr. Simon Green, House*, 346 Atkins St.
Winston-Salem, *Hill, James S., House*, 914 Stadium Dr.
Winston-Salem, *Paisley, J. W., House*, 934 Stadium Dr.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Adams County

Wrightsville vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.
Wrightsville vicinity, *Killen Bridge Site, (33 AD 36), Killen Electric Generating Station.*

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Crawford County

Calvary Reformed Church, First United Methodist Church, Crestline Shunk Museum.

Darke County

DAR-S.R.-571-0.00.

Montgomery County

Columbia Bridge Works.
Lower Cratis Road Bridge.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

United Way Building, Perkins St.

Tuscarawas County

Conotton Creek Bridge, CR 90 in Warren Township, over Conotton Creek.

Warren County

Corwin, *Shaffer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1576 Beall Ave.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Archeological Sites (Ghost Camp Reservoir).

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Coburg vicinity, *McKenzie River Railroad Bridge.*
Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901-1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Kuhn's Fording Bridge, spans Conewago Creek.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.
McJunkin Site, New Texas Rd.

Berks County

Brownsville vicinity, *Lauer/Gerhart Farm.*
Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.
Reading vicinity, *Blue Marsh Archeological District.*

Butler County

Butler, *Bonnie Brook Archeological Site.*

Chester County

Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Delaware County

I 476 Historic Sites (20 Historic Sites), Mid-County Expwy. (also in Montgomery County).
Minshall House, Media Borough.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank Bldg.*, 13 N. Main St.

Lancaster County

Bainbridge Township, *Haldeman Mansion*

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I-78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I-78.
Site 4: Farmhouse, barn, and outbuildings, I-78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Courthouse and Post Office*, 9th St., between Chestnut and Market Sts.
Philadelphia, *New Forest Theatre*, 1108 1114 Walnut St.
Philadelphia, *Poth, Frederick, House*, 216 N. 33rd St.
Philadelphia, *Tremont Mills*, Wigonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Cross Creek Village (36 Wh 293) (Cross Creek Watershed).
Somerset Township, *Wright No. 22 Covered Bridge.*

York County

Wellsville Historic District.

RHODE ISLAND

Providence County

Providence, *Woonesquatucket Bridge.*
Woonsocket, *Club Marquette Building (St. Anne's Gymnasium)*, Cumberland St.

Washington County

Narragansett, *Sprague, Gov., Bridge*, Boston Neck Rd.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

Florence County

Florence, *United States Post Office-Florence*, South Carolina, corner of Irby St. and Evan St.

SOUTH DAKOTA

Minnehaha County

Orpheum Theater, 315 N. Phillips Ave.

Pennington County

Rapid City, *612-632 Main St.*

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George House, between Sangers and Pilot Point.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed, Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Truk District

Sapore Village, *Aikei/Winas*, Fefen Island.

UTAH

Emery County

Site ML-2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Chittenden County

Clark Memorial Building.

Windham County

Rockingham, *Bellow Falls Armory*, 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Accomack County

Captain's Cove Dev., Archeological Sites (Chincoteague Bay).

Allegheny County

Gathright Lake Project (Archeological sites), (also in Bath County).

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site, S o, Cape Alava.*
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Seglum, *New Dungeness Light Station.*

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *Home of the Good Shepherd.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukiltea Light Station.*

Wahkiakum County

Skamokawa village, *Archeological site 45-WK-5.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, Old Bank Building, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Pendleton County

Wayside Inn (Site's Inn), Monongahela National Forest.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

Rock County

Portion of Evansville Historic District.

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch*, WY 10.

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Johnson County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.77-18804 Filed 7-1-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 5, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 15, 1977.

CHARLES HERRINGTON,
Acting Keeper of the National Register.

ARKANSAS

Drew County

Monticello, *McCloy House*, 509 N. Main St.

CALIFORNIA

Mariposa County

Wawona, *Acting Superintendents Headquarters*, Pioneer Yosemite History Center.

DISTRICT OF COLUMBIA

Washington

American Institute of Pharmacy Building, 2215 Constitution Ave., NW.
Rock Creek Church Yard and Cemetary, Webster St. and Rock Creek Church Rd. NW.
2000 Block of Eye Street, NW. (south side), 2004–2040 Eye St., 832 20th St., and 825 21st St.

GEORGIA

Bryan County

Ellabelle vicinity, *Glen Echo*, 2 mi. E of Ellabelle on GA 204.

Oglethorpe County

Lexington vicinity, *Bridges, J. L., Home Place*, N of Lexington on GA 22.

KANSAS

Montgomery County

Elk City vicinity, *Elk River Archeological District* (also in Elk County).

KENTUCKY

Ballard County

Lovelaceville vicinity, *Lovelace, Andrew Jr., House,* W of Lovelaceville off U.S. 62.

Fayette County

Lexington, *Watt, Henry, House,* 703 W. High St.

Mason County

Maysville, *Lee House,* Front and Sutton Sts.

Pulaski County

Somerset, *Fox, William, House,* 206 W. Columbia St.

Taylor County

Campbellsville, *Taylor County Clerk's Office,* Courthouse Sq.

Whitley County

Williamsburg, *Gatliff, J. B., House,* 10th and Main Sts.

MARYLAND

Charles County

Port Tobacco vicinity, *Linden,* N of Port Tobacco on Mitchell Rd.

Prince Georges County

Upper Marlboro, *Buck House,* off MD 4.

Washington County

Keedysville vicinity, *Geeting Farm,* S of Keedysville at Geeting and Dog Street Rds.

Wicomico County

Salisbury, *Perry-Cooper House,* 200 E. William St.

Whitehaven vicinity, *Yellow Brick House,* NW of Whitehaven off MD 349.

MASSACHUSETTS

Essex County

Ipswich vicinity, *Castle Hill,* E of Ipswich on Argilla Rd.

Middlesex County

Bedford, *Bedford Center Historic District,* irregular pattern along Great Rd. from Bacon to Concord and North Rds.

NEBRASKA

Scotts Bluff County

Scottsbluff vicinity, *Fort Mitchell,* W of Scottsbluff on NE 29

NEW JERSEY

Atlantic County

Atlantic City, *Blenheim Hotel,* Boardwalk and Ohio Aves.

Burlington County

Moorestown, *Breidenhart,* 255 E. Main St.

Morris County

Livingston vicinity, *First Presbyterian Church of Hanover,* W of Livingston at Mt. Pleasant and Hanover Aves.

Passaic County

Paterson, *Cathedral of St. John the Baptist,* Main and Grand Sts.

NEW MEXICO

Bernalillo County

Albuquerque, *Spitz, Berthold, House,* 323 N. 10th St.

NEW YORK

Livingston County

Dansville, *Dansville Library,* 200 Main St.

OHIO

Greene County

Jamestown vicinity, *Dean Family Farm,* 5 mi. W of Jamestown on Ballard Rd. (boundary revision).

PENNSYLVANIA

Berks County

Albany vicinity, *Berk, Daniel, Log House,* S of Albany on Maiden Creek.

Bucks County

Fairless Hills, *Sotcher Farmhouse,* 335 Trenton Rd.

Langhorne vicinity, *Edgemont (Jenks Homestead),* N of Langhorne on Bridgetown Rd.

New Britain vicinity, *James, Morgan, Homestead,* NW of New Britain on Ferry Rd.

New Hope vicinity, *Smith Family Farmstead,* S of New Hope on River Rd.

Chester County

Phoenixville vicinity, *Pennypacker, Matthias, Farm,* S of Phoenixville on White Horse Rd.

Phoenixville vicinity, *St. Peter's Church in the Great Valley,* S of Phoenixville off PA 423.

Delaware County

Bryn Mawr, Glenays, 926 Cooperstown Rd.

Media vicinity, *Chamberlain-Pennell House,* W. of Media off U.S. 1 at Valley Brook Rd.

Franklin County

St. Thomas vicinity, *Chambersburg and Bedford Turnpike Road Company Toll House,* W of St. Thomas on U.S. 30.

Lancaster County

Mount Joy vicinity, *Donegal Mills Plantation,* SW of Mt. Joy on Trout Run Rd.

Lehigh County

Fullerton vicinity, *Helfrich Springs Grist Mill,* W. of Fullerton on Mickley Rd.

Philadelphia County

Philadelphia, *Portico Row,* 900-930 Spruce St.

Philadelphia, *Sansom Row,* 3402-3436 Sansom St.

Philadelphia, *Sims, Joseph, House,* 228 S. 9th St.

Schuylkill County

Rock vicinity, *Schuylkill County Bridge No. 113,* E of Rock off PA 895.

Rock vicinity, *Schuylkill County Bridge No. 114,* W of Rock off PA 895.

Tioga County

Lawrenceville, *Ryon, Judge John, House,* Main St.

Wayne County

Starrucca, *Stone Arch Bridge,* spans Starrucca Creek.

York County

Felton vicinity, *Wallace-Cross Mill,* S of Felton.

York, *Farmers Market,* 380 W. Market St.

York, *Forry House,* 149 N. Newberry St.

TENNESSEE

Dickson County

Charlotte, *Charlotte Courthouse Square Historic District,* Public Sq. and environs.

Fayette County

Brownsville vicinity, *Lucerne.* 20 mi. S of Brownsville on TN 76.

WASHINGTON

King County

Seattle, *Duwamish Number 1 Site.*

WISCONSIN

Ozaukee County

Port Washington, *St. Mary's Roman Catholic Church,* 430 N. Johnson St.

[FR Doc.77-18853 Filed 7-1-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-168]

PRESSURE SENSITIVE PLASTIC TAPE FROM WEST GERMANY

Investigation and Hearing

Having received advice from the Department of the Treasury on June 14, 1977, that pressure sensitive plastic tape of more than one and 3/8's inches in width and not exceeding 4 mils in thickness from West Germany is being, or is likely to be, sold at less thn fair value, the United States International Trade Commission on June 27, 1977, instituted investigtaion No. AA1921-168 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The Commission has determined that this investigation will be conducted concurrently with investigation No. AA1921-167, which concerns pressure sensitive plastic tape of more than one and 3/8's inches in width and not exceeding 4 mils in thickness from Italy. Notice of that investigation was issued by the Commission on June 6, 1977 (42 FR 29568).

Hearing. A public hearing in connection with both investigations will be held in Washington, D.C., at a place to be announced later, beginning at 10 a.m., e.d.t., on Tuesday, July 26, 1977. Such hearing was previously announced for investigation No. AA1921-167 in the notice cited in the preceding paragraph. All parties shall there and then have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921 (19 U.S.C. 160(d)), shall be filed with the Secretary of the Commission, in writing, not later than noon, Thursday July 21, 1977.

Issued: June 29, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-19078 Filed 7-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTERS OF CONTROLLED SUBSTANCES

Registration

By Notice dated April 29, 1977, and published in the FEDERAL REGISTER on May 5, 1977; (42 FR 22951), U.S. Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug:	Schedule
Tetrahydrocannabinols	I
4-methyl-2,5-dimethoxyamphetamine	I
3,4-methylenedioxy amphetamine	I
Psilocyn	I
Psilocybin	I

No comments or objections have been received. Additionally, there are currently no registered domestic bulk manufacturers or applicants therefor, of the substances listed. The substances, if imported will be supplied exclusively for authorized research or as chemical analysis standards. Therefore, in accordance with 21 U.S.C. 952(a)(2)(B) and 21 CFR 1311.42, and pursuant to Section 1008(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 the above firm is granted registration as an importer of the basic class of controlled substances listed above.

Dated: June 28, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-19005 Filed 7-1-77;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes.

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on June 6, 1977, Abbott Laboratories, 14th and Sheridan Road, Attn: Customer Service D-345, N. Chicago, Illinois 60064, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pentobarbital, a basic class of controlled substance in schedule II.

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of pentobarbital, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than August 5, 1977.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: June 28, 1977.

DONALD E. MILLER,
Acting DeputyAdministrator,
Drug Enforcement Administration.

[FR Doc.77-19004 Filed 7-1-77;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By notice dated May 13, 1977, and published in the Federal Register on May 23, 1977; (42 FR 26255), Regis Chemical Company, 8210 N. Austin Avenue, Morton Grove, Illinois 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class of controlled substance listed in Schedule I.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of mescaline is granted.

Dated: June 28, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-19003 Filed 7-1-77;8:45 am]

[Docket No. 76-32]

WILLIAM RUSSELL GREENFIELD, JR., M.D.

Final Order

On July 15, 1976, the Administrator of the Drug Enforcement Administration [DEA] directed to William Russell Greenfield, Jr., M.D. [Respondent], of Dothan, Alabama, an Order to Show Cause proposing to revoke the Respondent's DEA Certificate of Registration pursuant to Title 21, United States Code, Section 824, for reason that on May 19, 1976, in the United States District Court for the Middle District of Alabama, Respondent was convicted of three counts of unlawfully distributing controlled substances in violation of Title 21, United States Code, Section 841(a)(1), felony violations of the Controlled Substances Act.

On August 19, 1976, the Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. Subsequently, on October 21, 1976, a hearing was held in New Orleans, Louisiana, the Honorable Francis L. Young, Administrative Law Judge, presiding. On February 25, 1977, Judge Young certified to the Administrator the record of these proceedings including the Administrative Law Judge's opinion, findings of fact, conclusions of law and a recommended decision.

The Administrator has devoted a great deal of time to his consideration of all of the facts and circumstances involved in this case. In the interim, Respondent has remained registered on a day-to-day basis pursuant to the provisions of Title 21, Code of Federal Regulations, Section 1301.47. On June 16, 1977, the United States Court of Appeals for the Fifth Circuit, in No. 76-2604, reversed Dr. Greenfield's conviction and remanded the case to the United States District Court. Thus, it appearing that there is no longer a lawful basis for the revocation of Respondent's registration, it is the Administrator's decision that this matter has become moot.

Therefore, it is ordered that the Order to Show Cause previously directed to William Russell Greenfield, Jr., M.D., be, and it hereby is, withdrawn and it is further ordered that the Respondent's pending application for registration be processed and a current certificate of registration be issued.

Dated: June 27, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-19006 Filed 7-1-77; 8:45 am]

[Docket No. 76-41]

WINSTON PHARMACAL CORP.

Denial of Application for Registration to Distribute Controlled Substances

On August 25, 1976, the Administrator of the Drug Enforcement Administration issued to Winston Pharmacal Cor-

poration, Mount Vernon, New York, an Order to Show Cause as to why its application for registration to manufacture (repackage-relabel) controlled substances listed in Schedules III and IV, executed April 22, 1976, should not be denied as being inconsistent with the public interest. The corporation, by its counsel, requested a hearing in this matter.

Thereafter, the factual findings of the Administrative Law Judge and a complete examination of this record reflect a continuing failure on the part of the Respondent corporation or its counsel to participate in any meaningful substantive manner within the structure of the hearing process. While Government counsel complied with Administrative Law Judge Francis L. Young's order for prehearing statements, Respondent's counsel did not. At the hearing of this matter on February 17, 1977, before Administrative Law Judge Young, the Government presented the testimony of two witnesses, as well as various exhibits, which constituted the evidence in support of the specified charges made within the Order to Show Cause. Although Respondent's counsel had received notice of the scheduling of this proceeding almost two months (by order of the Administrative Law Judge dated December 14, 1976) before it took place, neither Respondent's counsel nor anyone else associated with the Respondent corporation attended the hearing. Finally, upon completion of the hearing and pursuant to a letter from the Administrative Law Judge directed to both parties, Government counsel filed with the Administrative Law Judge proposed findings of fact and conclusions of law. Resopondent's counsel, although he had received the letter affording him the opportunity to file proposed findings of fact and conclusions of law, failed to do so.

The Administrative Law Judge concluded that, consistent with the foregoing facts and with the language of 21 CFR § 1301.54(d), this Respondent effectively had waived its right to a hearing in this matter. Further, the Administrative Law Judge concluded that Respondent's application should be denied for the reasons stated within the Order to Show Cause. The Administrator adopts completely these recommended findings of fact and conclusions of law as set forth by the Administrative Law Judge.

Therefore, pursuant to the authority vested in the Attorney General pursuant to 21 U.S.C. § 824, and delegated to the Administrator by the regulations of the Department of Justice, it is ordered that the application for registration of Winston Pharmacal Corporation to manufacture (repackage-relabel) controlled substances listed in Schedules III and IV, executed on April 22, 1976, be denied for the reason that such registration would be inconsistent with the public interest.

This order is effective July 5, 1977.

Dated: June 27, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-19002 Filed 7-1-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Idaho

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Idaho, effective July 2, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Idaho on February 27, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Idaho has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 11, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Idaho for the week ending June 11, 1977, and that the Federal Supplemental Benefit Period in that State terminates on July 2, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Idaho Department of Employment of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Idaho should contact the nearest State Employment Office of the Idaho Department of Employment in their locality.

Signed at Washington, D.C., on June 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-19063 Filed 7-1-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Montana

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Montana, effective July 2, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Montana on August 29, 1976.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Montana has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 11, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Montana for the week ending June 11, 1977, and that the Federal Supplemental Benefit Period in that State terminates on July 2, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Montana Employment Security Division of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Montana should contact the nearest Employment Service Office of the Montana Employment Security Division in their locality.

Signed at Washington, D.C., on June 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.19064 Filed 7-1-77;8:45 am]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS

Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 15, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 15, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
Malan Dyeing & Finishing (company).	Paterson, N.J.....	June 21, 1977	June 13, 1977	TA-W-2,163	Dyeing and finishing of all types of woven goods.
Young Viewpoint Knits (workers).	New York, N.Y..	June 20, 1977	June 2, 1977	TA-W-2,164	Ladies dress and sportswear.

[FR Doc.77-18862 Filed 7-1-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY PANEL FOR THE VERY LARGE ARRAY

Open Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Panel for the Very Large Array.
Date: July 20, 1977.
Time: 9:30 a.m.
Place: Room 628, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Mr. Claud M. Kellett, Executive Secretary, Ad Hoc Advisory Panel for the Very Large Array, Room 618, National Science Foundation, Washington, D.C. 20550, Telephone 202-632-7340. Anyone who plans to attend should notify Mr. Kellett prior to the meeting.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory panel: To advise the Director of the National Science Foundation concerning the management and future planning of the Very Large Array (VLA) Program of the National Radio Astronomy Observatory.
Summary agenda: 9:30 a.m.—Discussion of VLA Program Management. 10:30 a.m.—Break. 10:45 a.m.—Discussion of VLA Technical Plans, Activities, and Achievements. Noon—Recess. 1:00 p.m.—Discussion of VLA Operations and Long-Range Plans. 2:30 p.m.—Break. 2:45 p.m.—Report Planning and Scheduling and Assignment of Tasks. 4:00 p.m.—Adjourn.

Dated: June 29, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-19015 Filed 7-1-77;8:45 am]

COMMITTEE CHAIRPERSONS OF SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Science Information Activities Task Force.
Date: July 22, 1977.
Time: 9:00 a.m. thru 4:30 p.m.
Place: Ramada Inn (O'Hare Airport), 600 No. Mannheim Road, Des Plains, Illinois.
Type of Meeting: Open.
Contact: Mr. Robert S. Cutler, Executive Officer, Room 1237-G, National Science Foundation, Washington, D.C. 20550, Telephone: 202-632-7810. Persons planning to attend should notify Mr. Cutler prior to the meeting.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550. Purpose of the Task Force: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information.
Friday, July 22, 1977 (Ramada Inn): 9:00 a.m.—Welcome and Introductory Remarks, Chairman. 9:15 a.m.—Review of Draft Report. 10:30 a.m.—Coffee Break. 10:45 a.m.—Continued Discussion. Noon—Recess. 1:00 p.m.—Open Public Participation. 2:00 p.m.—Coordination with Science Applications Task Force. 3:00 p.m.—Discussion of Position Papers and Recommendations. 4:30 p.m.—Adjournment.

Dated: June 27, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc 77-19013 Filed 7-1-77;8:45 am]

SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Science Information Activities Task Force.
Date: July 28 and 29, 1977.
Time: 9:00 a.m. thru 4:00 p.m., both days.
Place: Room 543/540 National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of Meeting: Open.
Contact: Mr. Robert S. Cutler, Executive Officer, Room 1237, National Science Foundation, Washington, D.C. 20550, Telephone: 202-632-7810. Persons planning to attend should notify Mr. Cutler prior to the meeting.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550. Purpose of the Task Force: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information.
Thursday, July 28, 1977 (Room 543): 9:00 a.m.—Welcome and Introductory Remarks, Assistant Director, Scientific, Technological and International Affairs. 9:15 a.m.—Introductory Remarks, Mr. Joe B. Wyatt, Chairman. 9:30 a.m.—Review Draft of Final Report, Chairman and Staff Consultant. 10:30 a.m.—Coffee Break. 10:45 a.m.—Review Draft of Final Report (continued), Chairman. Noon—Recess. 1:00 p.m.—Open Public Participation, Chairman. 2:00 p.m.—Coordination with NSF Science Applications Task Force, Chairman. 3:00 p.m.—Review and Formulation of Recommendations, Chairman. 4:00 p.m.—Adjournment.
Friday, July 29, 1977 (Room 540): 9:00 a.m.—Introductory Remarks, Chairman. 9:15 a.m.—Discussion of Final Report, Task Force Members. 10:30 a.m.—Coffee Break. 10:45 a.m.—Continued Discussion, Chairman. Noon—Recess. 1:00 p.m.—Position Papers and Recommendations, Chairman. 2:45 p.m.—Coffee Break. 3:00 p.m.—Discussion of Final Report, Chairman. 4:00 p.m.—Adjournment.

Dated: June 27, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-19014 Filed 7-1-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Baltimore Gas and Electric Company. The relief relates to the inservice inspection (testing) program for the Calvert Cliffs Nuclear Power Plant, Unit 1 (the facility) located in Calvert County, Maryland. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of allowing alternate methods of determining the hydraulic characteristics of pumps provided with emergency power sources.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and en-

vironmnetal impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated May 24, 1977 and (2) the Commission's letter to the licensee dated June 17, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of June, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-18810 Filed 7-1-77;8:45 am]

[Docket Nos. 50-329 and 50-330]

CONSUMERS POWER CO.

Availability of Final Supplement to Final Environmental Statement for Midland Plant, Unit Nos. 1 and 2

Notice is hereby given that a Final Supplement to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the continuance of construction of the Midland Plant, Unit Nos. 1 and 2, in Midland County, Michigan, by the Consumers Power Company, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, Michigan. The final supplemental statement is also being made available at the Office of Intergovernmental Relations, Department of Management and Budget, 2nd Floor, Lewis Cass Building, Lansing, Michigan 58909.

In March 1972, the Atomic Energy Commission (now the Nuclear Regulatory Commission) issued a Final Environmental Statement for the Midland Plant, Unit Nos. 1 and 2 (37 FR 7012). On January 24, 1977, the NRC issued a Draft Supplement to the Final Environmental Statement (42 FR 4224), the purpose of which was to respond to the July 21, 1976 rulings of the U.S. Court of Appeals for the District of Columbia reamending to the NRC for further proceedings the Commission's orders granting construction permits for the Midland Plant, Unit Nos. 1 and 2. This supplement to the FES was prepared to assess energy conservation as an alternative to plant construction, to reevaluate the need for power in light of any changed circumstances concerning Dow Chemical Company's need for process steam, and to restrike the cost/benefit balance in light of these matters and the incremental environmental effects of nuclear waste disposal and waste reprocessing attributable to Midland. In addition, the staff considered whether any unanticipated significant adverse effects have occurred to date as a result of construction activities thus far. The comments received from Federal, State and local agencies and interested members of the public have been included as an appendix to the Final Supplement.

Copies of the Final Supplement to the Final Environmental Statement (NUREG-0275) may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at a cost of $5.00 for printed copies and $3.00 for microfiche. Copies of the Final Environmental Statement (NUREG-0149) may also be purchased from NTIS (price $10.75 for printed copy).

Dated at Rockville, Md., this 21st day of June 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-18813 Filed 7-1-77;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility), located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment extends the steam generator tube inspection interval by five months, from August 1977 to January 1978.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on May 5, 1977 (42 FR 22966). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment. For further details with respect to this action, see (1) the application for amendment dated April 1, 1977. (2) Amendment No. 28 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon requested addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of June 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-18814 Filed 7-1-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by Member Countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-05, "Operational Aspects of Radiological Protection," has been developed. An IAEA Working Group, consisting of Mr. E. Hladky, Czechoslovakia; Mr. P.

Jeanson, France; and Mr. L. Lewis (Duke Power Company), United States of America developed this draft from an IAEA collation during a meeting on May 16–27, 1977, and we are soliciting public comment on it. Comments on this draft received by August 19, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-18811 Filed 7-1-77;8:45 am]

[Docket No. PRM-50-18]

NATURAL RESOURCES DEFENSE COUNCIL

Denial of Petition for Rulemaking

Notice is hereby given that the Nuclear Regulatory Commission (hereinafter "NRC" or "Commission") has denied a petition for rulemaking submitted by letter dated November 8, 1976 by the Natural Resources Defense Council, Inc., 917 15th Street, NW., Washington, D.C.

A notice of the filing of the petition, Docket No. PRM-50-18, was published in the FEDERAL REGISTER on January 13, 1977 (42 FR 2730) and interested persons were invited to comment on the petition by February 14, 1977. The comment period was subsequently extended to February 22, 1977 (42 FR 9735, February 17, 1977). Eighteen letters were received which recommended denial of the petition while two letters supported the petition. Copies of the comments are available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Natural Resources Defense Council (hereinafter "NRDC") petitioned the Nuclear Regulatory Commission (1) to conduct a rulemaking proceeding to determine "whether radioactive wastes can be generated in nuclear power reactors and subsequently disposed of without undue risk to the public health and safety, and (2) to refrain from acting finally to grant pending or future requests for operating licenses until such time as this definitive finding of safety can be and is made." (NRDC Petition, at 15). NRDC argued that the Commission is required by the Atomic Energy Act (42 U.S.C. 2011 et seq. (1972)) and the Energy Reorganization Act (42 U.S.C. 5801(a) (1972) to ensure that the public health and safety are protected. The petitioner cited the requirements found in the Commission's regulations that the Commission must make a finding that "there is reasonable assurance that the activities authorized by the operating license can be conducted without endangering the health and safety of the public" and that "the issuance of the license will not be inimical to the health and safety of the public" (§ 50.57(a)(3) and (a)(6)) and from these requirements argued that the NRC must make a finding, prior to issuing an operating license for a reactor, that permanent disposal of high-level radioactive wastes [1] generated by that reactor can be accomplished safely.

In contrast, those comments which favored denial of the petition argued that long-term storage or disposal of high-level wastes is beyond the scope of licenses for reactors and, therefore, that no finding need be made regarding safe disposal of high-level wastes until the NRC licenses an actual facility to handle such disposal. The two comments supporting the petition stated that such wastes could not be disposed of safely but gave no evidence to support this conclusion.

After thorough study of the petition and exhibits submitted therewith and analysis of the comments, the Commission has concluded that it is not obligated to make a "definitive" finding, nor is it appropriate to make the "definitive" finding requested by NRDC, the safe methods of high-level waste disposal are now available prior to the licensing of a reactor. Because the petition seeks a finding that safe waste disposal can be accomplished immediately, the Commission has determined that the rulemaking petition should be denied. The Commission notes that prior to any licensing of high-level waste disposal facilities, a detailed finding concerning the safety of the proposed facilities will be made. There is, we believe, a clear distinction between permanent disposal of wastes and their interim storage. The Commission must be assured that wastes generated by licensed power reactors can be safely handled and stored as they are generated. As part of the licensing process for an individual power reactor facility, the Commission does review the facility in question in order to assure that the design provides for safe methods for interim storage of spent nuclear fuel. But it is neither necessary nor reasonable for the Commission to insist on proof that a means of permanent waste disposal is on hand at the time reactor operation begins, so long as the Commission can be reasonably confident that permanent disposal (as distinguished from continued storage under surveillance) can be accomplished safely when it is likely to become necessary. Reasonable progress towards the development of permanent disposal facilities is presently being accomplished. Under these circumstances a halt in licensing of nuclear power plants is not required to protect public health and safety.

[1] The Commission's definition of high-level wastes for purposes of this notice, is the same as petitioner's definition which includes high-level wastes as defined in 10 CFR Part 50, App. F, spent fuel rods, and transuranic-contaminated wastes. (Petition, at 2).

STATUTORY REQUIREMENTS

As petitioner states, the Atomic Energy Act clearly requires that some kind of safety finding be made prior to issuance of an operating license for a nuclear power reactor. (NRDC Petition, at 4–9). Section 103d of the Act provides that no license for a production or utilization facility may be issued if, in the opinion of the Commission, the issuance of the license would be inimical to the health and safety of the public. It seems clear, however, that the statutory findings required by section 103 apply specifically to the "proposed activities" and "activities under such licenses." (42 U.S.C. 2133). These activities include some interim storage activities for spent fuel. They do not include the permanent disposal of high-level wastes though wastes are, in fact, generated by operation of the reactor.

That detailed questions regarding the safety of permanent disposal of these wastes are to be addressed in connection with the licensing of an actual high-level waste disposal facility, rather than in connection with licensing of reactor operation, is clear from the stautory treatment of radioactive wastes.[2] Historically, the Atomic Energy Act has provided that nuclear materials licensing proceedings involving possession or use of nuclear materials off-site from the facility, which include high-level radioactive waste disposal proceedings, are to be treated as separate and distinct from the facility licensing proceeding itself.[3] The Act provides for two-step facility licensing proceedings in sections 101–106, and 185 of the Act in sharp contrast to the one-step licensing provisions relating to byproduct, source, and special nuclear material covered by sections 53, 54, 57, 62, 63, 81, and 82. (42 U.S.C. 2131–2136; 2235; 2073–74; 2077; 2092–93; 2111–12).

Section 182 of the Atomic Energy Act, which sets forth the information which must be supplied by an applicant for a facility license gives further support to the proposition that on safety finding regarding ultimate disposal of high-level wastes is required in a reactor operating license proceeding. (42 U.S.C. 2232). This section sets forth in some detail what an applicant for a license to operate a

[2] This point was raised in several of the comments. See comments of LeBoeuf, Lamb, Leiby & MacRae, at 6–7; Shaw, Pittman, Potts & Trowbridge, at 4–6, and 23–25; and Westinghouse, at 2–3.

[3] "Nuclear materials" include special nuclear materials defined in section 11aa of the Act (42 U.S.C. 2014aa) and covered in sections 51–58 of the Act (42 U.S.C. 2071–2078), source material which is defined in 11z of the Act (42 U.S.C. 2014z) and covered in sections 61–69 of the Act (42 U.S.C. 2091–2099), and byproduct material which is defined in section 11e of the Act (42 U.S.C. 2014e) and covered in 81–82 of the Act (42 U.S.C. 2111–2112).

production or utilization facility must supply to enable the Commission to make the required safety finding. This information includes "the place of use (of special nuclear material), (and) the specific characteristics of the facility" as well as information regarding the technical and financial qualifications of the applicant.

The emphasis on information pertaining to the facility and applicant to be licensed is especially significant. No such information is required regarding high-level waste disposal facilities. Such information would be necessary were the Commission to make the detailed safety finding regarding high-level waste disposal activities requested by petitioner. Indeed, an applicant for a reactor operating license will have no responsibility for permanent disposal of high-level waste. (Appendix F, 10 CFR Part 50). This responsibility has been assumed by the Federal government, which, through ERDA, will research, design, build and operate high-level waste disposal facilities.

The statutory provisions cited above make it clear that no statutory requirement exists that the Commission determine the safety of ultimate high-level waste disposal activities in connection with licensing of individual reactors.

Regultory Requirements

With regard to the petitioner's contention that the Commission's regulations require a finding regarding the safety of ultimate disposal of high-level wastes, while the Commission's regulations do deal with the handling of spent fuel and other high-level wastes, they do so only to the extent that such activities are related to on-site activities carried on by the licensee as an integral part of operation of the reactor. This scheme of regulations has been in effect for some time, and the Commission's findings have been limited to those findings required by the Act and the Commission's regulations—"that there is reasonable assurance that the activities authorized by the operating license (the operation of the reactor) can be conducted without endangering the health and safety of the public" and "the issuance of the license will not be inimical * * * to the health and safety of the public." (10 CFR 50.57(a)(3) and (a)(6)). These findings have not included findings with regard to safe permanent disposal of high-level radioactive wastes [4] and, as is pointed out below, have been implicitly approved by Congress.

Congressional Ratification of NRC Action

The scope of the Commission's safety findings is well known to Congress, as is the extent of the development of systems for high-level radioactive waste disposal. Congress has permitted continued licensing of reactors and the Commission has been given broad discretion in developing criteria for licensees. Such conduct constitutes implicit ratification of the Commission's handling of the high-level waste disposal question.[5]

As early as 1959, Congress held hearings on waste disposal problems.[6] Six days of hearings were held and the printed hearing materials totaled over 3,000 pages. The hearings were followed by a detailed Joint Committee survey analysis. At that time, development of a permanent high-level waste repository was further from completion than it is today. Congress was made aware of the fact that the problem of permanent disposal of high-level waste had not been solved and that several years of research and testing would be required before engineering practicality could be demonstrated.

During the hearing, the AEC described generally its regulatory program for radioactive waste disposal.[7] Comments regarding regulatory aspects of the high-level radioactive waste disposal problem were confined to the brief statement that "for the foreseeable future, all high-level wastes resulting from processing of spent fuel elements from licensed reactors will be returned to the Commission for processing and handling." [8]

Witnesses who testified in 1959 commented upon the Commission's handling of waste disposal problems, and one witness was questioned about whether he felt that the Commission had been meeting its responsibilities in the area of high-level waste disposal. He stated in response that the Commission had handled the problem quite well, but pointed out that temporary containment and custody was the only presently available method of handling high-level wastes and that a final and permanent solution to the problem might not ever be devised.[9]

In later hearings, in 1973 and 74, some witnesses urged that a moratorium on licensing be imposed until a solution to the high-level waste disposal question was reached.[10] One witness cited the high-level waste disposal problem as one of several problems which in his opinion warranted a moratorium on continued construction of nuclear power reactors,[11] and another witness stated that "many people have come to believe that present nuclear power plant construction plans which imply accumulations of more radioactive wastes, should be halted until a proven method for safely storing radioactive wastes is available." [12] The AEC in response described the existing proposals for long-term waste management and disposal, but made no claim that methods for permanent disposal had been developed.[13] Instead of ordering a moratorium on licensing, the Congress provided for NRC licensing of ERDA facilities for waste disposal in sections 202 (3) and (4) of the Energy Reorganization Act.

Thus, almost from the beginning of the reactor licensing program the basic issue presented by the NRDC petition—whether nuclear power reactors should be licensed in the absence of some "definitive" finding or conclusion that high-level wastes can be safely disposed of—was also presented to the Congress. Congress is and has been aware of the high-level waste disposal problem, aware of its connection to reactor operations, and aware that the Commission does not plan to defer licensing until the problem is resolved.

The question of continued licensing in the face of continued uncertainty respecting ultimate disposal technology is certainly a legitimate one to present to the Congress. It must make its judgments, as we do, with an eye to known prospects for the future, programs for implementing them, and current assessments of the risk that what is thought likely to succeed will in fact succeed. This Commission recognizes its responsibility to keep the Congress aware of its information and projections on these matters and has done so in the past. The Commission has confidence, given the on-going federal programs, that the problem of permanent disposal will be solved. This confidence was supported by the Congress when it passed major legislation dividing the Atomic Energy Commission into separate agencies and provided for NRC licensing of ERDA waste management facilities. At that time, it did not order a moratorium on reactor licensing and did not require that the Commission make specific findings with regard to high-level waste disposal in reactor licensing proceedings. As the Supreme Court said in *Power Reactor Development Corp.* v. *Electrical Union*

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[4] See General Criteria for Nuclear Power Plants, Appendix A, 10 CFR Part 50. See also comments by LeBoeuf, Lamb, Leiby, and MacRae, at 10–12; and Shaw, Pittman, Potts, and Trowbridge, at 7–9.

[5] This point was made repeatedly in the comments. See comments by LeBoeuf, Lamb, Leiby and MacRae, at 7–8; Shaw, Pittman, Potts, and Trowbridge, 6–7, 15–28; and Troy B. Conner, at 3–4.

[6] "Industrial Radioactive Waste Disposal, "Hearings before the JCAE Special Subcommittee on Radiation, Jan. 28–30, Feb. 2–3, and July 29, 1959, 86th Cong., 1st Sess., (1959).

[7] Id. at 9–10.

[8] Id. at 2515.

[9] Id. at 11–13.

[10] Hearing on S. 2744 before the Senate Subcomm. on Reorg., Research and Int'l Org. of the Senate Comm. on Government Operations, 93rd Cong., 1st Sess., (1973), see particularly the prepared statement of Daniel F. Ford, Union of Concerned Scientists, at 210–215; Hearings on S. 2135 and S. 2744 before the Subcomm. on Reorg., Research, and Int'l Org. of the Senate Comm. on Government Operations, 93rd Cong., 2d Sess., (1974), testimony of Dr. Edward P. Radford, Johns Hopkins University, at 139, and prepared statements submitted by Sam Love, Environmental Action Foundation, at 141 and Anthony Roisman, at 212.

[11] Id., testimony of Sam Love, at 141.

[12] Hearings on S. 2135 and 2744, supra note 7, testimony of Daniel F. Ford, at 213.

[13] Hearings on S. 2135 and S. 2744, supra note 7, at 336–47.

with regard to Congress' failure to act regarding the Commission's safety findings at the construction permit and operating license stages:

> It may often be shaky business to attribute significance to the inaction of Congress, but under these circumstances, and considering especially the peculiar responsibility and place of the Joint Committee on Atomic Energy in the Statutory scheme, we think it fair to read this history as a de facto acquiescence in and ratification of the Commission's licensing procedure by Congress.[14]

In the instant case, Congress was clearly aware of the Commission's actions and the high-level waste disposal question, yet though major revisions of the legislation relating to the Commission's authority were made Congress neither amended the statutes to require such a finding nor did it direct the Commission to stop licensing reactors pending resolution of the waste disposal problem. Such a course of conduct reinforces the conclusion reached above, based on the clear language of the statute, that the Commission is not required to make a finding that radioactive wastes can be disposed of safely prior to the issuance of an operating license for a reactor. It presupposes, as well, a continuing dialogue between the Congress and the responsible federal agencies—a dialogue which has in fact been vigorous over the past months and promises to remain so. The Congress is entitled to the Commission's continuing assessment of this issue, and will have it.

Conclusion

NRDC cites several court cases in its petition in support of the proposition that the Commission must make a full safety finding prior to reactor licensing.[15] The Commission agrees with NRDC that these cases interpreting the statute indicate that a definitive safety finding regarding operation of the facility must be made prior to licensing a reactor. However, NRDC gives no support for its conclusion that this finding must extend to safe permanent disposal of high-level wastes, as activity not performed by the facility. To the contrary, the previous discussion demonstrates that there is no statutory requirement that the Commission determine that high-level radioactive wastes can be permanently disposed of safely prior to the issuance of an operating license for a reactor. The legislative materials cited above support the view that Congress did not and does not require that the Commission make the finding requested by NRDC. Accordingly, the Commission has decided to deny NRDC's petition for rulemaking.

Policy Considerations—Scope of a Reasonable Safety Finding

The Commission believes that the direction and progress of the present overall high-level waste management program is satisfactory and provides a reasonable basis for continued licensing of facilities whose operation will produce nuclear wastes. Even if, contrary to the Commission's view, some kind of prior finding on waste disposal safety were required under the statutory scheme, such a finding would not have to be a definitive conclusion that permanent disposal of high-level wastes can be accomplished safely at the present time. There is no question that prior to authorizing operation of a reactor the Commission must find pursuant to section 182 that hazards which become fully mature with start-up will be dealt with safely from the beginning. But the quality of this reactor safety finding can be readily distinguished from the quality of findings regarding impacts on public health and safety which will not mature until much later, if ever. The hazards associated with permanent disposal will become acute only at some relatively distant time when it might be no longer feasible to store radioactive wastes in facilities subject to surveillance. The Commission would not continue to license reactors if it did not have reasonable confidence that the wastes can and will in due course be disposed of safely. The accumulating evidence as discussed below continues to support the Commission's implicit finding of reasonable assurance that methods of safe permanent disposal of high-level wastes can be available when they are needed. Given this, and the fact that at present-safe storage methods are presently available and highly likely to remain so until a permanent disposal system can be demonstrated and licensed, the Commission sees no reason to cease licensing reactors.

The technology for disposal is reasonably available, and the studies done to date, while not conclusive, are nevertheless promising for timely and safe implementation of the technology. Most importantly, ERDA has dramatically expanded the U.S. program for development of a permanent high-level waste repository. ERDA has issued a report on technology for high-level waste repositories (ERDA–76–43), and has a programmatic EIS on high-level waste management in preparation. ERDA has greatly expanded its program for selection of sites for geologic disposal and is expected to apply to the NRC for a license for such a facility in early 1980 or before. In addition, ERDA is involved in programs to consider the effects on disposal of emplacement of spent fuel rods in a repository. Furthermore, it is involved in extensive program to develop methods of stabilizing (e.g., solidifying) high-level wastes to provide for optimum safety during transportation, storage and disposal should reprocessing be commenced sometime in the future. Finally, ERDA is engaged in developing interim storage sites in case federal custody of wastes becomes necessary before a working repository is available. Thus, there is now a coordinated Federal program to develop an actual disposal facility. Similarly, the NRC is expanding its own program to set the regulatory requirements for such an operation. The NRC is presently developing a set of regulations to govern licensing of federal repositories to insure that permanent disposal of high-level radioactive wastes will be accomplished safely.

The NRC is also involved in several waste management related programs. The Commission recently completed an "Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle", NUREG–0116, which was published in October 1976, and a companion document NUREG–0216, published in March 1977. In the survey the light water power reactor uranium fuel cycle was taken as including alternatively (1) no reprocessing of spent fuel and follow-on interim and or long-term storage or disposal of spent fuel or (2) reprocessing spent fuel for purposes other than recycle of plutonium, with follow-on interim and/or long-term storage or disposal of plutonium and wastes from reprocessing, with plutonium either separated from or included with the wastes. This survey served as the basis for an interim rule (hereinafter "S–3") promulgated on March 14, 1977 (42 FR 13803) which quantified the environmental impacts from the reprocessing and radioactive waste management portions of the nuclear fuel cycle alternatives described above. The survey generally concluded that these impacts were not significant. A final rulemaking proceeding will be held shortly.

In addition, the Commission has been involved in a rulemaking proceeding on its final Generic Environmental Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in Light Water Cooled Reactors, NUREG–0002 (hereinafter "GESMO"). While the Commission has recognized that President Carter's statement of April 7, 1977 regarding reprocessing raises significant issues requiring a reassessment of the course of the GESMO proceedings (42 FR 22964, May 5, 1977), these proceedings to date have furnished the Commission with information on waste management sufficient to convince the Commission that the technology for disposal does exist. More detailed information on NRC and ERDA programs is available in Appendices B and C of the S–3 Survey (NUREG–0116). It suffices to state here that these programs are designed to permit the NRC to meet its regulatory responsibilities in the field of waste management to protect the health and safety of the public. Of course, the additional work that is underway will produce more information on the technology and risks of high-level waste disposal and the momentum of the Federal program may change.

Beyond this, the selection and demonstration of an actual disposal site will likely be highly controversial, and a strong and continued national commitment to "get the job done" will likely be necessary. We see in the recent statements and actions of the Executive Branch regarding nuclear power and national energy policy, a firm commitment to carry through to completion a com-

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[14] 367 U.S. 396, 409 (1961).

[15] *Power Reactor Development Corp.* v. *Electrical Union, supra* note 13; *Nader* v. *NRC*, 513 F.2d 1045 (D.C. Cir. 1975) and *Citizens for Safe Power* v. *NRC*, 524 F. 2d 1291 (D.C. Cir. 1975).

prehensive high-level waste management program. Further, the Commission fully intends to press for vigorous pursuit of programs aimed at developing and implementing sound and timely arrangements for high-level waste disposal.

Dated at Washington, D.C., this 27th day of June, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-18816 Filed 7-1-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its view of applications for permits and licenses.

Regulatory Guide 3.27, Revision 1, "Nondestructive Examination of Welds in the Liners of Concrete Barriers in Fuel Reprocessing Plants," describes methods acceptable to the NRC staff for nondestructive examination to establish the leaktight integrity of welds in the metal liners of concrete confinement barriers in fuel reprocessing plants. This guide was revised following public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 23d day of June 1977.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director,
Office of Standards Development.

[FR Doc.77-18812 Filed 7-1-77;8:45 am]

[Docket No. 50-485]

ROCHESTER GAS AND ELECTRIC CORP., (STERLING POWER PROJECT, NUCLEAR UNIT NO. 1)

Order Regarding Evidentiary Hearing

The evidentiary hearing in this matter will resume on Saturday, July 16, 1977, at 9:00 a.m., at The Education Center, Room No. 19, 233 West Utica Street, Oswego, New York.

Dated at Bethesda, Md., this 27th day of June 1977.

So ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.77-18815 Filed 7-1-77;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-6, issued to the Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment authorized modification of the facility's liquid radioactive waste collection system in that it permits replacement of the presently installed liquid radwaste concentrator, feed pump, consenser, and associated piping and instrumentation with two cartridge filter units. The amendment also revised the Technical Specifications to delete reference to the components that will be removed during the modification of the waste collection system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 25, 1977, as supplemented by letter dated June 14, 1977, (2) Amendment No. 13 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of June 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-19069 Filed 7-1-77;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as the date of issuance.

The amendment will provide (1) a modification of the action required to be taken, as stated in Technical Specification 3.1.1.5, in the event that the Reactor Coolant System (RCS) temperature becomes less than 515° F, and (2) a change in the limits of RCS pressure as a function of temperature as given in Technical Specification 3.4.9.1.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license

amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or a negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 11, 1977, and March 25, 1977, (2) Amendment No. 29 to License No. DPR–65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19070 Filed 7-1-77;8:45 am]

STANDARDIZATION OF NUCLEAR POWER PLANTS

General Statement of Policy

The initial policy statement on standardization of nuclear power plants was issued by the Atomic Energy Commission (AEC) in April 1972. In March 1973, the AEC announced the regulatory staff's readiness to implement the standardization policy utilizing three distinct concepts; namely, the manufacturing license concept, the duplicate plant concept, and the reference system concept. In August 1974, the AEC announced that the concept of replication would be acceptable as a transitional step toward standardization. The AEC was abolished and its regulatory responsibilities assigned to the newly formed Nuclear Regulatory Commission (NRC) on January 19, 1975. Currently, available guidance on standardization is contained in WASH–1341, "Programmatic Information for the Licensing of Standardized Nuclear Plants," dated August 1974, and supplementary documents, and in published speeches given by AEC and NRC Commissioners and senior management representatives.

The record shows that the standardization program has progressed in a meaningful way. Since the standardization policy was announced:

1. Seventeen applications for preliminary design approvals under the reference system concept have been received. Ten preliminary design approvals for reference system designs have been issued to date and decisions are expected to be reached on three others this year and two others in 1978. The review of the remaining two applications has been deferred or terminated at the request of the applicants.

2. Ten construction permit applications for a total of 25 units referencing five of the reference system designs have been received. Construction permits for nine of the units have been issued. Decisions for 12 others are expected to be reached this year and the remaining four in 1978.

3. One application for a manufacturing license for eight floating nuclear plants has been received. A decision on issuance of the manufacturing license is expected later this year or early next year.

4. Eight applications for construction perimts, for a total of 15 units, have been received under the duplicate plant concent. Construction permits for seven of the units have been issued and the decisions on the remaining eight units are expected later this year.

5. Three applications for construction permits, for a total of six units, have been received under the replication concept. Decisions on construction permits for four of the units are expected to be reached this year and for the remaining two units in 1978.

The Nuclear Regulatory Commission continues to believe that the advantages of standardization are significant enough to warrant its continuation and extension. An important advantage is the enhancement of public health and safety due to the concentration of staff and industry efforts on the in-depth review of standard designs. As a companion result, there is a reduction in the time and resources needed for the licensing review of a utility power reactor application which is based on a standard design, with the extent of the reduction dependent upon the degree to which the plant is standardized. In addition, construction benefits can be realized through earlier availability of final design documents and through construction experience. We firmly believe that standardization of the design of nuclear power plants continues to be in the interest of public health and safety, and of effective and efficient regulation, and we reaffirm our strong support for its continued and expanded use within the Commission's regulatory activities. However, the full benefits of standardization will only be realized if both government and industry management are firm in their commitment to limit changes to an approved standard design to those clearly needed for public health and safety reasons.

In a related matter, the Commission has adopted and published effective rules establishing procedures for the early review of site suitability issues associated with sites that are under consideration for location of nuclear power plants. This review could be conducted prior to and separate from the detailed review of the design features for the facility. We believe the early site review process could contribute significantly to cutting down the time needed to plan and construct a nuclear power plant when combined with the use of standardized plants.

The Commission staff has completed a preliminary assessment of the standardization program[1] to determine what further definition and support of the program is needed on the basis of the accumulated experience to date. In addition, the staff is planning to conduct a more detailed study for presentation to the Commission and the near future. The purpose of this detailed study is to examine and recommend to the Commission various administrative steps, including possible changes in NRC regulations, for encouraging continued and expanded industry support for and participation in the standardization program for nuclear power plants. The staff will consider and evaluate public comments and suggestions in the development of this more detailed study. The Commission has previously recommended and is also now considering possible legislative changes which would encourage and allow fuller benefit to be realized from the concept of pre-approved sites and standardized facility designs.

Based on its preliminary assessment of the standardization program, the staff has concluded:

1. The reference system concept of standardization is the most widely used of the concepts. The present guidance is directed mainly to the preliminary design approval phase and has been shown to be effective. However, further definition of the concept is needed with respect to the final design approval phase. Two alternative final design approvals for the reference system concept are being contemplated.

A. A final design approval (Alternate 1), designated FDA/1, which would be:

(1) Based on the preliminary design on which the preliminary design approval (PDA) was based except for those necessary changes incident to converting a preliminary design to a final design.

(2) Subject to the Regulatory Guides in effect as of the time the staff positions were issued in connection with the review of the PDA. However, this cutoff date will not apply in the case of new significant safety issues.

(3) Acceptable for referencing by operating license applicants who have previously referenced the PDA on which the FDA/1 is based, and remain in effect until those referencing applications have resulted in the granting of operating licenses or have been disqualified for good cause as reference applications. An FDA/1 may not be referenced by construction permit applicants after the PDA on which it is based has expired.

B. A final design approval (Alternate 2), designated FDA/2, which would be:

(1) Based on the preliminary design on which the PDA was based, except that

[1] Copies of the report may be obtained from the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

the applicant may make a limited number of changes which it considers to be desirable beyond those incident to converting a preliminary design to a final design.

(2) Subject to all Regulatory Guides in effect at the time the FDA/2 application is accepted for docketing.

(3) Acceptable for referencing by applicants for combined construction permits and final design approvals for purposes of issuance of operating licenses[1] from the time of docketing until five years after issuance of the FDA/2.

(4) Acceptable for referencing by applicants for operating licenses who have previously referenced the PDA on which it is based, and have conformed their designs to the design for which the FDA/2 has been issued.

It is the staff's view that the FDA/1 can be a useful mechanism to permit a single review at the OL stage for those facility applications that referenced the PDA on which the FDA/1 was based and thus serve to reduce the duplication of licensing efforts. The staff believes that more significant benefits can be derived from the FDA/2 in that it will permit maximum utilization of FDAs in both CP and OL applications and advance toward the goal of a single review by the staff of a facility application.

2. The experience with the duplicate plant concept of standardization has been favorable and no changes in the definition or use of this concept appear to be needed.

3. The experience with the manufacturing license concept of standardization has been acceptable and no changes in the definition or use of this concept appear to be needed at this time.

4. The replication concept was developed to serve during the transition phase of standardization and can continue to play a useful role in that regard. The concept has been utilized but not to the extent expected and its need appears to be diminishing. No changes in the definition or use of the concept appear to be needed at this time; however, it is expected that this concept will eventually be discontinued, and the staff plans to evaluate this concept further to determine when this should be accomplished.

The Commission would appreciate receiving comments and suggestions by August 4, 1977, on (1) the proposed changes and additional definition of the Commission's standardization program developed by the staff and discussed herein, (2) other matters that might be considered and implemented in order to provide further needed definition to the Commission's standardization program, and (3) other steps that the Commission might undertake to further encourage standardization.

Comments and suggestions should be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, in order that they may be considered and evaluated in the staff's detailed study of the standardization program for nuclear power plants. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 29th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-19068 Filed 7-1-77;8:45 am]

[1] Under 10 CFR 2.105(c), 50.35 Note, and 50.52, the Commission may issue a combined construction permit and final design approval for purposes of issuance of an operating license. Legislation to specifically authorize issuance of combined construction permits and operating licenses has been proposed by the Commission in the 94th Congress.

[Docket Nos. STN 50-566 and STN 50-567]

TENNESSEE VALLEY AUTHORITY

Availability of Draft Environmental Statement for Yellow Creek Nuclear Plant, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0269) prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of the Yellow Creek Nuclear Plant, Unit Nos. 1 and 2, by the Tennessee Valley Authority to be located in Tishomingo County, Mississippi, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Corinth Public Library, 1023 Fillmore Street, Corinth, Mississippi. The Draft Statement is also being made available at the Mississippi Clearinghouse, Planning and Coordination, 503 Walter Sellers Building, 510 George Street, Jackson, Mississippi, and at the Northeast Mississippi Planning and Development District, P.O. Drawer 6-D, Booneville, Mississippi. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Document Control.

The Applicant's Environmental Report, as supplemented, submitted by the Tennessee Valley Authority is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on January 6, 1977 (42 FR 1322).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by August 15, 1977. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Corinth Public Library, 1023 Fillmore Street, Corinth, Mississippi. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 24th day of June 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-19071 Filed 7-1-77;8:45 am]

[Docket Nos. STN 50-546 and STN 50-547]

PUBLIC SERVICE CO. OF INDIANA, INC., AND WABASH VALLEY POWER ASSOCIATION

Availability of Safety Evaluation Report for Marble Hill Nuclear Generating Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Marble Hill Nuclear Generating Station, Units 1 and 2, to be located in Jefferson County, Indiana. Notice of receipt of an application to construct and operate the Marble Hill Nuclear Generating Station was published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45482).

The report is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana 47250, for inspection and copying. The report (Document No. NUREG-0115) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 27th day of June 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc.77-19072 Filed 7-1-77;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment consists of a change to the License Restriction and will modify the Technical Specifications to permit operation of the facility with 160 General Electric (GE) 8 x 8 reload fuel bundles and to require the use of the rod worth minimizer for power levels below 20 percent of rated thermal power.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 7, 1976 (supplemented by letter dated March 14, 1977) and March 24, 1977, (2) Amendment No. 16 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19074 Filed 7-1-77;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) for operation of the Nine Mile Point Nuclear Station, Unit 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

This amendment identifies the currently approved industrial security plan.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

Pursuant to 10 CFR 2.790(d), the licensee's letters dated January 26, 1977, and March 11, 1977, and the security plan are being withheld from public disclosure because they are deemed to be commercial or financial information within the meaning of 10 CFR 9.5(a)(4). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 17 to License No. DPR-63 and (2) the Commission's related letter to the licensee dated June 28, 1977. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 28th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19076 Filed 7-1-77;8:45 am]

[Docket Nos. STN 50-556 and STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA; BLACK FOX STATION, UNITS 1 AND 2

Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Black Fox Station, to be located in Rodgers County, Oklahoma. Notice of receipt of Public Service Company of Oklahoma's application to construct and operate the Black Fox Station, Units 1 and 2, was published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3517).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Tulsa City-County Library, 400 Civic Center, Tulsa, Oklahoma 74102, for inspection and copying. The report (Document No. NUREG-0190) can also be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 27th day of June 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc.77-19073 Filed 7-1-77;8:45 am]

[Docket No. 50-57]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. R-77, issued to the State University of New York at Buffalo, which revised the license and Technical Specifications for operation of the Nuclear Science and Technology Facility (the facility) located in Buffalo, New York. The amendment is effective as of its date of issuance.

This amendment consists of changes to the Technical Specifications which will reflect (1) the installation of a 24 element capacity fuel storage tank in the facility hot cell and (2) expansion of the existing vault storage capacity from 8 to 30 elements. To accommodate the additional storage of fuel, the possession limit of U-235 will increase from 32 kg to 55 kg.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings

as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on December 9, 1976 (41 FR 53870). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 10, 1976 (as supplemented by letter dated March 3, 1977) and August 5, 1976, (2) Amendment No. 14 to License No. R-77, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Public Health Library, New York City Department of Health, 125 Worth Street, New York, New York 10013. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19075 Filed 7-1-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 24, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received: the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

REVISIONS

VETERANS ADMINISTRATION

Funeral Arrangements, 10-2065, on occasion, legal next-of-kin or authorized representative, Tracey Cole, 395-5870.

Notice of Change in Student Status—Institutional Course Only, 22-1999B, annually, certifying officials of schools, Tracey Cole, 395-5870.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Sunflower Seed Inquiry, semiannually, sunflower buyers and contractors, Gaylord Worden, 395-4730.

DEPARTMENT OF TRANPORTATION

National Highway Traffic Safety Administration:

National Accident Sampling System Occupant Interview Form, HS-367, on occasion, occupant of motor vehicle in accident, Strasser, A., 395-5867.

National Accident Alert Form, HS 389, on occasion, police agencies, insurance companies, Strasser, A., 395-5867.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Statement Regarding Student Age 18-21 (for Determination of Benefits Due Full-Time Student), G-320, on occasion, employee annuitant, Human Resources Division, 395-3532.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Annual Commercial Fish and Mussel Dealers Survey, TVA 5596, Quarterly commercial fisherman in Tennessee Valley, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Poultry Slaughter and Processing Report (Nonfederally inspected Plants), annually, poultry slaughter plants, Marsha Traynham, 395-4529.

Animal and Plant Health Inspection Service, Regulations—Horse Protection, on occasion, show veterinarians and horse show stewards, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration:

Annual Landings of Fishery Products by American-Flag Vessels, in Foreign Countries, 88-32, annually, U.S. fishing vessel owners, Marsha Traynham, 395-4529.

NODC Index Form for Instrument-Measured Subsurface Current Observations NIMSCO), on occasion, educational institutions, marine research scientists, Marsha Trynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, Insurance Policies, Applications for Insurance, Notice and Proof of Loss, HUD-1621, on occasion, crime insurance, Housing, Veterans, and Labor Division, 395-3532.

DEPARTMENT OF TRANPORTATION

Federal Highway Administration, Annual Report of Travel and Accidents, annually, 50 State highway departments, District of Columbia, and Puerto Rico, Strasser, A., 395-5867.

Coast Guard, Oil Record Books for Tankers and Non-Tankers, CG4601, on occasion, masters or operators of vessels over 500 gross tons, Marsha Traynham, 395-4529.

Federal Highway Administration, Pavement Marking Program, annually, State Highway agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-19035 Filed 7-1-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 29, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agriculture research service, questionnaire "Hydrologic Data for Experimental Agricultural Watersheds in the United States" publication NER-454-A&B, single-time, Hydrologists-Engineers, Natural Resources Division, Raynsford, R. 395-6827.

DEPARTMENT OF LABOR

Employment and Training Administration, study of FSB recipients under Public Law 95-19, ETA-7, single time, Federal supplemental benefit recipients, housing, Veterans and Labor Division, C. Louis Kincannon, 395-3532.

REVISIONS

DETARTMENT OF COMMERCE

Bureau of Census, survey of registration and voting questionnaire, RAV 1, 2, 3, RAV 10, single time, Voting jurisdiction official in 12 offices, Maria Gonzalez, 395-6132.

REVISIONS

DEPARTMENT OF LABOR

Employment and Training Administration, report of claims-taking activities, ES 210, weekly, State ES offices, Strasser, A., 395-5867.

EXTENSIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Contractor's certificate and agreement with AID, contractor's invoice and contract abstract, AID-1440-3, on occasion, contractors, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Department of the Air Force, uniform tender of rates and/or charges for transportation services-tenders of service for through-bill transportation, on occasion, household goods carrier industry, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Employment and Training Administration annual distribution of claimants by earnings, ES-206, annually, State ES agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-19166 Filed 7-1-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 28, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

State salary survey, annually, State Government agencies, Caywood, D.P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

State water supply program recordkeeping and reporting, on occasion, State public water supply program agencies, natural resources division, Ellett, C. A., 395-6827.

NATIONAL SCIENCE FOUNDATION

Minority institutions science improvement program survey, one occasion, university and colleges, Kathy Wallman, 395-6140.

DEPARTMENT OF AGRICULTURE

Extension service, survey of operators of large commercial family farms, single time, farms with sales of over $40,000 per year, Gaylord Worden, 395-4730.

DEPARTMENT OF COMMERCE

Bureau of Census, exit interview report, DH-398, single time, former Oakland, Calif. census pretest enumerators, Maria Gonzalez, 395-6132.

National Oceanic and Atmospheric Administration, survey of fish processors in New England, single time, New England fish processors, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, a study of the use of education and training funds in the private sector (worker form and topic guide for interview disc.), NIE-180 A-B, single time, workers, company officials, labor officials, Kathy Wallman, 395-6140.

Social Security Administration, quarterly contact tally form, estimate of quarterly wages, (quarterly contact study), SSA-8981, SSA-8982, single time, SSI recipients, Human Resources Division, 395-3532.

Office of Education, field test of the parent education television pilot programs, OE-577, on occasion, individuals and parent groups in six locations, Kathy Wallman, 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, regulations for assistance to States under section 5 of the DOT Act, annually, State agencies, Economics and General Government Division, Lowry, R. L., 395-3451.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Racial/Ethnic Group Participation (WIC Program), FNS 191, quarterly, local agencies (health clinics), Human Resources Division, Warren Topelius, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, Applicant Information, Selection Aid Validation Study, D-426, single time, job applicants, Maria Gonzalez, Kathy Wallman, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Lender's Report on Guaranteed Student Loan, OE-1070, on occasion, participating lenders and student applicants, Tracey Cole, 395-5870.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Merit System Agency—Review of Personnel Operation, CSC 1128, annually, State and local government agencies, Marsha Traynham, 395-4529.

RENEGOTIATION BOARD

Contractors Information Work Sheet, RB-2, on occasion, defense and aerospace contractors, Caywood, D. P., 395-3443.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA Patent License Report (Commercial Use Made of Invention S Licensed), NASA 1427, annually, licensees under NASA patent license regulations, Marsha Traynham, 395-4529.

Report of NASA and Aerospace Related Employment as Required by Public Law 91-303, annually, individuals, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Cleaners Report of seed cleaned, annually, seed cleaners, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Boating Accident Report, CG-3865, on occasion, operators of boats involved in accidents, Tracey Cole, 395-5870.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-19167 Filed 7-1-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Defense.

DATE: July 21 & 22, 1977.

TIME: 9:00 a.m. to 4:00 p.m.

PLACE: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOD is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9:00 a.m. to 4:00 p.m. Planning meeting to discuss detailed objectives of the study, methods of approach, and work schedule and assignments.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc.77-18966 Filed 7-1-77;8:45 am]

PRESIDENT'S COMMISSION ON MENTAL HEALTH

TWO DAY MEETING

In accordance with section 10(A)(2) of the Federal Advisory Committee Act (5 USC Appendix I), announcement is made of the following Presidential Committee meetings scheduled to assemble during the month of July, 1977.

The President's Commission on Mental Health.—July 11, 1977; 9:30 a.m. to 5 p.m., July 12, 1977; 9:30 a.m. to 5 p.m., National Science Foundation Building, 1800 G Street NW., Washington, D.C.

OPEN MEETING:

Contact: Mary Ann Orlando, Special Assistant to the Chairperson, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.—Tel. 202-456-7100.

Purpose: The President's Commission on Mental Health is a policy recom-

mendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order # 11973 and was directed to identify the mental health needs of the nation. In particular, the Commission shall seek to identify: how the mentally ill, emotionally disturbed and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next twenty-five years; ways the President, the Congress and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent and how the financing should be divided among Federal, State and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

Agenda: This meeting will be open to the public. Agenda items include briefings on working areas of the Commission as well as work sessions on these subjects.

This notice is short because of a decision to add this meeting to the Commission schedule necessitated by increased work load.

Substantive program information may be obtained from: Mary Ann Orlando, Special Assistant to the Chairperson, The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500. Tel.: 202-456-7100.

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

BENEDICT LATTERI,
Administrative Officer, President's Commission on Mental Health.

JULY 1, 1977

[FR Doc.77-19228 Filed 7-1-77;11:05 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20093; 70-6028]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Sale of Utility Assets

JUNE 28, 1977.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission designating section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M proposes to sell to Radio Corporation of America ("RCA"), which is not affiliated with either I&M or AEP, certain substation facilities which are located in place on the premises of RCA at Marion, Indiana, and certain real property, consisting of approximately .8 acre, upon which the substation facilities are situated. The substation facilities were constructed by I&M for the sole purpose of serving RCA. Under the present service contract RCA has the right to select a tariff other than that specified in the contract, Tariff Q.P., if RCA deems an alternate tariff to be more favorable. RCA has selected a tariff, Tariff I.P., the application of which depends upon RCA having its own substation.

The substation facilities to be sold include a 35.5 KV/4KV step-down transformer installation (composed primarily of two 12/16/20 MVA 34.5/12/4KV transformers and associated lighting and fuse protection), five 4KV circuit breakers, and the substation structure and fencing. The proposed sales price for the substation facilities is $254,634, which is equal to current reproduction cost less depreciation. The original cost of the substation facilities was $136,050, and the original cost less book depreciation is $92,201. The proposed sales price of the land underlying the substation facilities is $1,188. Such land had an original cost of $1,169.

The fees and expenses to be incurred by I&M in connection with the transaction are estimated not to exceed $300. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 21, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective pursuant to Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19011 Filed 7-1-77;8:45 am]

[Release No. 13691; SR-MSE-77-13]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 28, 1977.

On April 27, 1977, the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, IL 60603, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change requires that certain market orders be given priority over limit orders on the MSE Order Book Official's Book to standardize opening rotation procedures.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13563, (May 23, 1977)) and by publication in the FEDERAL REGISTER (42 FR 27356 (May 27, 1977)).

The Commission finds that the proposed rule change is consistent with the

requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 27, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19009 Filed 7-1-77;8:45 am]

[Release No. 13690; SR-MSE-77-12]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 28, 1977.

On April 27, 1977, the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change permits an MSE market maker to adjust his option quotations to reflect more accurately price changes in the underlying issue.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13562, May 23, 1977) and by publication in the FEDERAL REGISTER (42 FR 27355, May 27, 1977).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 27, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19010 Filed 7-1-77;8:45 am]

[Release No. 34-13687; File No. SR-NASD-77-2]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on June 14, 1977 the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change represents the fifth amendment to the original NASD proposal to allow standardized option transactions in the over-the-counter market (File No. SR-NASD-77-2) which was published for comment at 42 FR 8244, February 9, 1977 (Release No. 34-13230, February 1, 1977). The amendment consists of (1) a number of largely technical alterations to the original filing, (2) copies of NASD "Notice to Members" Nos. 77-5 (January 28, 1977), 77-7 February 8, 1977), 77-14 (April 22, 1977), and 77-19 (June 3, 1977), which describe the proposal to the NASD membership, and (3) other changes as follows:

(a) To add American Express Company to its list of proposed underlying securities,

(b) To fix exercise price intervals at two and one-half points for underlying securities with less than a $25 outstanding bid,

(c) To provide definitions for the terms, "Covered," "Beneficial Owner," "In Concert with Others," "Aggregate Long and Aggregate Short," "Representative Bid and Ask," "Current Prospectus," and "Common Control",

(d) An amended position limit rule conforming in substance to the position limit rule of the options exchanges,

(e) An exemption for market makers transactions in "out-of-the-money" options,

(f) Rules describing the rights and obligations of holders and writers, and describing option contract adjustments to open orders on "ex-date",

(g) A provision describing the responsibilities of members for the delivery of current prospectuses to customers,

(h) To outline responsibilities regarding member inquiries to be made in connection with the opening of customer option accounts at the members' firms,

(i) A provision allowing qualified employees at member branch offices to engage in the supervision of option accounts while under main-office Registered Option Principal overall scrutiny,

(j) A provision regarding member responsibility for state stock transfer taxes,

(k) Requirements for those market makers who desire to engage in market making simultaneously on both an option and its underlying security,

(l) A provision requiring times of order entry and execution to appear on trade tickets for underlying security and option transactions,

(m) A provision for suspension of a member's ability to receive any level of NASDAQ service upon failure to pay fees, fines or assessments,

(n) To set forth NASD procedures and member responsibility for trade comparison of NASDAQ option transactions,

(o) To set forth NASD procedures and member responsibility for the clearance and settlement of NASDAQ option transactions, and

(p) To describe tendering procedures for the exercise of NASDAQ options transactions.

STATEMENT OF BASIS AND PURPOSE

The purposes of the proposed amendment are as follows: (1) Alterations largely technical in the nature have been made to the original filing to correct and clarify the original 19b-4 submission; (2) provisions have been added to the original filing to provide a more complete proposal for the trading of standardized options in the over-the-counter market; (3) and the Notices to Members describing the proposed NASD program have been submitted to inform the Commission of the content of the materials distributed to the NASD membership for comment.

The statutory basis for the proposed amendment is contained in section 15A of the Act.

Comments on the proposed amendment have not been solicited nor received from the members.

The NASD believes that the proposed amendment does not impose any burden on competition that is not necessary and in furtherance of the purposes of the Act.

On or before August 9, 1977, or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, the Commission will:

(A) By order approve such proposed rule changes; or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

In any event, the above-mentioned Commission action will not occur on or before August 9, 1977.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing, of all amendments, and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in caption above and should be submitted on or before August 4, 1977.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1977.

[FR Doc.77-19012 Filed 7-1-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND DEPUTY DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT, BUREAU FOR NEAR EAST

Amendment to Redelegation of Authority No. 162–5

Pursuant to the Authority delegated to me by A.I.D. Delegation of Authority No. 38, dated June 3, 1977 (42 FR 31511) with respect to Grant Agreements, I hereby amend Redelegation of Authority No. 162–5, dated November 30, 1976 (41 FR 55959) by deleting in the first sentence of paragraph 2 the words "for capital projects."

This Amendment is effective immediately.

Dated: June 13, 1977.

NORMAN L. SWEET,
Acting Deputy Assistant Administrator, Bureau for Near East.

[FR Doc.77-18947 Filed 7-1-77;8:45 am]

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Amended Notice of Meeting

In 42 FR 31664 June 22, 1977, AID announced a meeting of the Board for International Food and Agricultural Development to be held on July 11, 1977. The purpose of this notice is to indicate that the place of the meeting has been changed to Room 1110 in the State Department Building, C and 22nd Streets NW., Washington, D.C.

Dated June 27, 1977.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.77-19065 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION FROM YUGOSLAVIA OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Issuance by the Government of the Socialist Federal Republic of Yugoslavia of Special Certificates Verifying Non-Rhodesian Origin of Chromium Content

Special certificates of origin issued by the Yugoslav Chamber of Economy of the Government of The Socialist Federal Republic of Yugoslavia are now available for imports of ferrochromium and specialty steel products from Yugoslavia. These certificates are issued pursuant to a formal certification agreement between the Government of The Socialist Federal Republic of Yugoslavia and the Government of the United States. They will serve to establish that Yugoslavian materials exported to the United States do not contain any chromium of Rhodesian origin. The agreement replaces the interim arrangements which have been in effect since March 18, 1977, to permit inportation of specialty steel products from Yugoslavia. After July 18, 1977, only materials certified under this agreement may be imported under Section 530.503 of the Rhodesian Sanctions Regulations (31 CFR 530.503). However, until July 18, 1977, importation of materials certified pursuant to the interim arrangements will continue to be authorized.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-19056 Filed 7-1-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

1

[M–27]

JUNE 28, 1977.

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10:00 a.m.–July 5, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of Items Adopted by Notation.[1]

2. Docket 27891, EDR–301, Advance Notice of Proposed Rulemaking to amend Part 234 to establish mandatory on-time arrival standards for certificated route air carriers (petition for rulemaking instituted by Aviation Consumer Action Project).

3. Docket 23315, "Delta-Northeast Merger Case" (petition of Juanita Wells to compel arbitration on labor dispute) and Docket 22690 "Caribbean-Atlantic Airlines, Inc., Eastern Airlines, Inc., Acquisition Case" (petition of Jose Dones to compel arbitration of labor dispute).

4. Docket 30240, Petition of Aviation Consumer Action Project for Rulemaking to Amend Part 241 to require the airlines to report and to classify as nonoperating expenses all expenditures for lobbying and institutional advertising.

5. Docket 30704, Application of Trans World Airlines, Inc. for approval under section 412 of the Federal Aviation Act of 1958 of an agreement between it and British Airways dated March 31, 1977 regarding new contract cargo rates, bulk specific commodity rates and container specific commodity rates, in U.K.–U.S. directional markets.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S–797–77 Filed 6–29–77;4:41 pm]

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428) following the meeting.

2

AGENCY HOLDING THE MEETING: Commission on Civil Rights.

DATE AND TIME: July 8, 1977, 7–10 p.m.; July 9, 9 a.m.–5:00 p.m.; July 10, 9 a.m.–5 p.m.; July 11, 9 a.m. to conclusion.

PLACE: July 8–10, The Kalorama Room, Washington Hilton Hotel, 1919 Connecticut Avenue NW., Washington, D.C., July 11, Room 508, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: All sessions open to public.

AGENDA: July 8–10: Program Planning. July 11:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Director's Report
A. Status of Funds
B. Personnel Report
C. Correspondence
IV. Discussion of Administration of Justice Issues
V. Discussion on Comments re Proposed Criminal Reform Act of 1977
VI. Decision on Hearing re the Civil Rights Aspects of Foreign Boycotts
VII. Decision on Letter to Federal Reserve Board, Equal Credit Opportunity Act Regulations
VIII. Discussion of the Denver Age Study Hearing
IX. Decision on Texas SAC Recommendations re School Desegregation in Corpus Christi
X. Interim Appointment to Wyoming and New Jersey Advisory Committees
XI. Discussion regarding National SAC Chairpersons Conference
XII. Rechartering of Tennessee Advisory Committee

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202–254–6697.

[S–796–77 Filed 6–29–77;3:46 pm]

3

AGENCY HOLDING MEETING: Civil Service Commission.

TIME AND DATE OF MEETING: 9 a.m., July 12, 1977.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street, NW., Washington, D.C.

STATUS: Open—Closed.

MATTERS TO BE DISCUSSED IN OPEN SESSION: (1) Shifting Resources in the Recruiting and Examining Program. (2) Continuation of discussion of Recommendations of the Task Force on Merit Staffing Review Recommendations.

MATTERS TO BE DISCUSSED IN CLOSED SESSION: (Internal Personnel Matters) (3) Filling Senior Level Positions in CSC. (4) Pre-employment Requirements for Assistant Appeals Officer Positions in the FEAA.

CONTACT PERSON FOR MORE INFORMATION:

Georgia Metropulos, Office of the Executive Assistant to the Commissioners (202–632–5556)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[S–803–77 Filed 6–30–77;10:16 am]

4

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 11:50 a.m. on Wednesday, June 29, 1977, by telephone conference call, to consider a matter in the liquidation of assets acquired from the Farmers Bank of the State of Delaware, Dover, Delaware (Case No. 43,106).

In scheduling the meeting, the Board determined by recorded vote that Corporation business required consideration of this matter on less than seven days' notice to the public and that no earlier announcement of the meeting was possible.

The Board voted to close the meeting to public observation pursuant to subsections (d)(1) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(d)(1) and (c)(6)).

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 289-4446.

Dated: June 29, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-800-77 Filed 6-30-77;9:25 am]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., July 6, 1977

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Closed Meeting

CONTACT PERSON FOR MORE INFORMATION: Mr. Robert Marshall (202-376-3012)

MATTERS TO BE CONSIDERED: Consideration of Appointment of Director—Federal Home Loan Bank of Topeka No. 42, June 29, 1977

[S-798-77 Filed 6-29-77;4:41 pm]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., July 6, 1977.

PLACE: 320 First Street. NW., Room 630, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

MATTERS TO BE CONSIDERED: Application for Change of Office Location—Financial Federal Savings and Loan Association, Miami Beach, Florida. Consideration of Proposal to Establish a Price List for Copies of FOIA Data. Application for Bank Membership and Insurance of Accounts—Liberty Savings and Loan Association, Warrenton, Virginia, No. 41, June 29, 1977.

[S-799-77 Filed 6-29-77;4:41 pm]

7

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: July 6, 1977—10 a.m.

PLACE: Room 12126—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public.

The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of Actions taken by Managing Director Pursuant to Delegated Authority.

2. Agreement No. DC-83-2: Between Puerto Rico Maritime Shipping Authority, Trailer Marine Transport Corporation, Seatrain Gitmo, Inc., and Sea-Land Service, Inc.: Modification to include Sea-Land as a party to discussion agreement.

3. Identification of Apparent Inactive NVOCC Tariffs—Possible Cancellations of Tariffs in Domestic Trades.

4. Cancellation of Inactive Tariffs filed by Independent Carriers in the Foreign Commerce of the United States.

5. Docket No. 71-75—Rules Governing the Filing of Agreements Between Common Carriers by Water and/or "Other Persons" Subject to the Shipping Act, 1916; Discontinuance of Proceeding.

6. Docket No. 75-53—*Refrigerated Express Lines (A/Asia) Pty., Ltd., Et al.* v. *Columbus Lines, Inc., Et al.*—Possible Violations of the Shipping Act.

7. Special Docket No. 500—*Sadageh Trading Inc.* v. *Sea-Land Service, Inc.*—Review of Initial Decision.

8. Special Docket No. 501—*U.S. Despatch Agency* v. *Sea-Land Service, Inc.*—Review of Initial Decision.

9. Special Docket No. 509—*Van Munching & Company, Inc.* v. *Sea-Land Service, Inc.*—Review of Initial Decision.

10. Special Docket No. 510—*Ideco Rigs and Equipment Operations* v. *Lykes Bros. Steamship Company, Inc.*—Review of Initial Decision.

11. Special Docket No. 520—*Riviana Int'l., Inc.* v. *Lykes Bros. Steamship Co., Inc.*—Review of Initial Decision.

12. Agreement No. 10038-2, between Moore-McCormack Lines, Inc. and Empresa Lineas Maritimas Argentinas; modification of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement—Petition for reconsideration.

13. Agreement No. 10039-3, between Delta Steamship Lines, Inc. and Empresa Lineas Maritimas Argentinas; modification of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement—Petition for reconsideration. Portions closed to the public:

1. Motion to Quash Subpena—Fact Finding Investigation No. 9.

2. Docket No. 74-27—*Carton-Print, Inc.* v. *The Austasia Container Express Steamship Company*—Review of Order of Dismissal.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary. (202-523-5727)

[S-791-77 Filed 6-29-77;12:46 pm]

8

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 32614, June 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF METING: June 29, 1977. 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No:	*Docket No. and Company*
P-37	ER77-242, Public Service Co. of Oklahoma.
P-38	E-9595, The Cincinnati Gas & Electric Co. and The Union Light, Heat & Power Co.
P-39	E-6684, Virginia Electric and Power Co., Dan River, Inc.
P-40	DA-616—Idaho, U.S. Forest Service.
P-41	Project No. 2761, El Dorado County Water Agency.
P-42	Project No. 710, Wisconsin Power and Light Co.
P-43	E-6730, Georgia Power Co.
P-44	E-6893, Alabama Power Co.
M-2	RM77-18, Change in procedure concerning applications under Part I of the Federal Power Act.

KENNETH F. PLUMB,
Secretary.

[S-792-77 Filed 6-29-77;1:35 pm]

9

AGENCY HOLDING THE MEETING: Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, June 29, 1977. The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was possible.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Purchase of computer equipment by the Federal Reserve Board.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: June 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-802-77 Filed 6-30-77;9:22 am]

10

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

TIME AND DATE: 9:30 a.m., Wednesday, July 6, 1977.

PLACE: Commission's Offices, 12th and Constitution Avenue, N.W. Washington, D.C., Room 4225.

STATUS: Special Open Conference.

MATTER TO BE CONSIDERED: 1. Recodification of the Interstate Commerce Act—First Draft (House Judiciary Committee Print) PAP 4-76—Law Revision. 2. Oral presentation of the Entry Task Force Proposals.

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202–275–7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S–801–77 Filed 6–30–77;9:25 am]

11

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Tuesday, July 12, 1977, 10:00 a.m.

PLACE: Conference Room, 4th Floor 2000 M St., NW., Washington, D.C. 20446

STATUS: Matters 1 through 4 will be open to public. Status is not applicable to matters 5 and 6.

MATTERS TO BE CONSIDERED:

1. Approval of Mintues of meeting held July 6, 1977, and other Board meetings, if any.

2. Recommended Clearances Without Assignment (List #1878):

a. Nolex Corporation, fiscal year ending December 31, 1975.

b. ITE Imperial Corporation, fiscal years ending December 31, 1973 and 1974.

b–1 Chase Shawmut Company, fiscal years ending December 31, 1973 and 1974.

b–2 Componetrol Incorporated, fiscal years ending December 31, 1973 and 1974.

b–3 Airmatic Beckett Harcum, fiscal years ending December 31, 1973 and 1974.

b–4 Bruning Company, fiscal years ending December 31, 1973 and 1974.

b–5 Imperial Eastman Corporation, fiscal years ending December 31, 1973 and 1974.

b–6. Datametrics Incorporated, fiscal year ending December 31, 1974.

c. Seatrain Lines, Inc., fiscal year ended June 30, 1973.

d. Analytic Science Corporation, fiscal year ended May 31, 1976.

e. Caterpillar Tractor Company, fiscal year ended December 31, 1975.

e–1. Towmotor Corporation, fiscal year ended December 31, 1975.

e–2. Caterpillar of Delaware, Inc., fiscal year ended December 31, 1975.

3. Recommended finding or determination of excessive profits: U.S. Plastic Molding Corp., fiscal year ended May 31, 1968.

4. Report of the Chairman Concerning: a. Budget; b. Personnel Actions; c. Reorganization of the Staff; d. Rulemaking and Regulations.

5. Approval of Agenda for meeting to be held July 26, 1977.

6. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

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

Dated: June 29, 1977.

GOODWIN CHASE,
Chairman.

[S–794–77 Filed 6–30–77;8:45 am]

12

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Tuesday, June 28, 1977, 10:00 a.m.

PLACE: Conference Room, 4th Floor 2000 M St., NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 will be open to public. Matters 4 and 5 will be closed to public. Status is not applicable to matters 6 and 7.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held June 20, 1977, and other Board meetings, if any.

2. Recommended Clearances Without Assignment: a. American Manufacturing Company of Texas, fiscal years ended December 31, 1972 and 1973.

b. General Industrial Corporation, fiscal years ended March 31, 1973 and April 1 to December 31, 1973.

c. Industrial Park Supply Company, fiscal years ended June 30, 1973 and July 1 to December 31, 1973.

3. Recommended Clearance or Determination of Excessive Profits: Esso Philippines, Inc., fiscal year ended December 21, 1973.

4. Recommended Determinations of Excessive Profits and Clearances:

a. American Manufacturing Company of Texas, fiscal years ended December 31, 1966–1971.

b. General Industrial Corporation, fiscal years ended February 29, 1968 and February 28, 1969, March 31, 1969–1972.

c. Industrial Park Supply Company, fiscal years ended June 30, 1968–1972.

5. Court of Claims Case: *Commander Industries, Inc.* v. *United States Court of Claims* Nos. 288–75, 289–75 and 290–75.

6. Approval of Agenda for meeting to be held July 12, 1977.

7. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

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

Dated: June 21, 1977.

GOODWIN CHASE,
Chairman.

[S–795–77 Filed 6–30–77;8:45 am]

13

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: July 5, 1977, 10 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed Meeting.

SUBJECT: Potential enforcement matter.

Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 29, 1977.

[S–793–77 Filed 6–30–77;8:45 am]

14

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commisison.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Volume 42, page 32616.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 3 p.m., Wednesday, June 29.

CHANGES IN THE MEETING:

1. By unanimous vote on June 29, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that these agenda items be held on less than one week's notice to the public.

Affirmation of these items on June 29, 1977:

Petition for Rulemaking from the Public Interest Research Group, et al (Docket No. PRM–50–16), and Pennsylvania Public Utility Commission (Docket No. PRM–50–16A) Regarding Physical Security at Multi-Unit Reactor Plants.

Report of the NRC Task Force on Naturally Occurring and Accelerator-Produced Radioactive Materials (NARM).

Petition for Rulemaking by the State of Alaska Concerning Labels on Empty Containers, PRM 20–8.

2. The Commission also approved affirmation of the following items on June 30, 1977 at 10 a.m. (Public Meeting).

Effective Amendments to 10 CFR Part 35, "Human Uses By-Product Material": Specific Licenses to Individual Physicians and Institutions (postponed from June 29, 1977).

Petition by Central Maine Power Company (CMP) for a Rulemaking Concerning the Definition of a Capable Fault (PRM–1003).

Publication of Effective Amendments to 10 CFR Part 71 to Establish More Stringent Quality Assurance Requirements for Transport Packages and to Phase Out a Grandfather Clause for Irradiated Nuclear Fuel Casks.

3. The Commission also approved review of the status of Commissioner Ac-

tion papers and correspondence on Thursday, June 30, 1977 at 10 a.m.

4. The affirmation of "Freedom of Information Act (FOIA) Disclosure Policy Exemption 5", schedule for June 29, 1977, is postponed indefinitely.

5. Schedule for Thursday, June 30, 1977: 10 a.m. (1) Affirmation Items (Public Meeting). (2) Review of the status of Commissioner Action papers and correspondence (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202–634–1410).

Dated: June 29, 1977.

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

[S–810–77 Filed 7–1–77;9:29 am]

15

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Thursday, June 30, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 11 a.m.—Personnel Matter (Exemption 6). 3 p.m.—Discussion of Tarapur Export License (Exemption 10).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202–634–1410).

Dated: June 30, 1977.

WALTER MAGEE,
Office of the Secretary.

[S–811–77 Filed 7–1–77;9:29 am]