Vol.42—No.167
8–29–77
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# federal register

MONDAY, AUGUST 29, 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

Area Code 202 Phone 523-5240

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

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## INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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# Title 3—The President

**Executive Order 12008** • **August 25, 1977**

## Presidential Management Intern Program

By virtue of the authority vested in me by Sections 3301 and 3302 of Title 5 of the United States Code, Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. There is hereby established the Presidential Management Intern Program, hereafter referred to as the Program, the purpose of which is to attract to Federal service men and women of exceptional management potential who have received special training in planning and managing public programs and policies.

SEC. 2. Outstanding individuals who have pursued a course of study oriented toward public management at a graduate-level educational institution and who, at the time of application, have recently received or will shortly receive an appropriate advanced degree, are eligible to apply for participation in the Program.

SEC. 3. The United States Civil Service Commission, hereafter referred to as the Commission, shall develop appropriate procedures for the recruitment, screening, and selection of applicants possessing the qualifications described in Section 2 of this order. In developing these procedures, the Commission shall be guided by the following principles and policies:

(a) The number of interns participating in the Program shall at no time exceed five hundred.

(b) Final selection of interns shall be made by the head of the department, agency, or component within the Executive Office of the President in which the intern is to be employed, or by the designee thereof.

(c) The procedures so developed shall provide for such affirmative actions as the Commission deems appropriate to assure equal employment opportunity.

(d) To the extent permitted by law, the Commission is authorized to enter into appropriate cooperative arrangements with State and local officials and appropriate private institutions for recruitment and screening of candidates for the Program.

SEC. 4. Upon selection, candidates shall be appointed as interns to positions in Schedule A of the excepted service for a period not to exceed two years. Their tenure shall be governed by the following principles and policies:

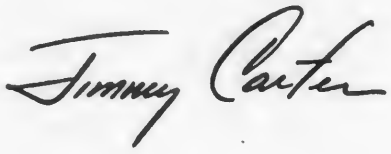
(a) Interns shall be assigned responsibilities consistent with their public management backgrounds and the purposes of this Program.

(b) Continuation in the Program shall be contingent upon satisfactory performance by the interns throughout the internship period.

(c) Except as provided in subsection (d) of this Section, service as interns shall confer no rights to further Federal employment in either the competitive or excepted service upon expiration of the two-year internship period.

(d) Interns may be granted competitive civil service status if they satisfactorily complete their two-year internships and meet all other requirements prescribed by the Commission.

SEC. 5. The Commission shall prescribe such regulations as may be necessary to carry out the purposes of this order.



THE WHITE HOUSE,
*August 25, 1977.*

[FR Doc.77-25148 Filed 8-25-77;3:27 pm]

EDITORIAL NOTE: The President's remarks of Aug. 25, 1977, on signing Executive Order 12008, are printed in the Weekly Compilation of Presidential Documents (vol. 13, no. 35).

Memorandum of August 25, 1977

## Review of the Economic Analysis and Policy Machinery in the Federal Government

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
*Washington, August 25, 1977.*

I have directed my Reorganization Project staff at the Office of Management and Budget to begin a review of the economic policy and analysis machinery of the Federal Government, to look for ways to improve the way economic policy decisions are made and carried out.

This review will focus primarily on the economic policymaking system outside the Executive Office of the President. It will involve 33 agencies employing approximately 5,000 economists.

The review will examine and develop recommendations about the best ways to:

- Eliminate overlapping functions among economic agencies;
- Repair weaknesses or gaps in the Federal Government's capacity to conduct economic analyses of particular industries or regions;
- Link foreign policy with economic decisions; and
- Ensure that economic decisions are carried out.

This effort will require the active participation of Federal departments and agencies. You may be asked to contribute time, resources, and staff assistance. I know that I can count on your support.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-25149 Filed 8-25-77;3:28 pm]

Memorandum of August 25, 1977

## Reorganization Study of Federal Preparedness and Response to Disasters

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
*Washington, August 25, 1977.*

I have directed my Reorganization Project staff at the Office of Management and Budget to carry out a comprehensive study of the Federal Government's role in preparing for and responding to natural, accidental, and wartime civil disasters.

Three different departments have major responsibility for disaster and civil defense preparedness. Many other Federal organizations have some disaster planning, relief, or recovery responsibilities. In national emergencies the resources of the entire Federal Government are on call, but they must be deployed effectively. After local disasters Federal agencies should be effectively coordinated to be able to assist State and local authorities without delay.

A preliminary review indicates that there are opportunities for the Executive Branch to improve its performance in planning for and helping to cope with the effects of major disaster. But this is a shared responsibility. The cooperation of State and local government, Congress, private sector organizations, and individual citizens is essential. Successful completion of this important reorganization study will require their participation as well as the full cooperation of Federal departments and agencies. If you are asked to contribute staff support or other assistance to this effort, I encourage you to do so.

In order to inform all affected parties that the review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-25150 Filed 8-25-77;3:29 pm]

Memorandum of August 25, 1977

## Comprehensive Review of Federal Food and Nutrition Policy

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
*Washington, August 25, 1977.*

I have directed my Reorganization Project staff at the Office of Management and Budget to begin a thorough review of the organization and structure of Federal food and nutrition programs.

The Federal Government is unable to respond as effectively as it should to the important changes taking place in the production, processing, marketing, and consumption of food. As a result, our capability to develop and implement a coherent food and nutrition policy is severely hampered.

This review will focus on seven major areas:

- Production and marketing of food;
- Regulatory activities affecting food which now involve 14 agencies and over 2000 regulations;
- Food research and education which is now conducted by 12 different organizations;
- International activities which involve 12 different organizations;
- Commodity procurement and distribution including the Federal feeding programs;
- Aquaculture activities which are dispersed among three major departments, and
- Conservation activities which affect the availability of good soil and water to grow crops.

The objective of this review is to improve the Government's capability to address the Nation's needs for adequate supplies of reasonably priced, safe, and nutritious foods.

As part of this overall project I have directed OMB's new Regulatory Policy and Reports Management staff to begin a specific review of Federal food inspection, labeling and grading as well as other related food regulatory practices. The comprehensive food and nutrition policy review and the food regulatory policy review will be closely coordinated within the Reorganization Project.

This important effort will need the active participation of the Congress, Federal Departments and Agencies, State and local officials, and the public.

You may be asked to contribute time, resources, and staff assistance to this effort. If so, I hope you will make your best effort to do so.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-25151 Filed 8-25-77;3:30 pm]

Memorandum of August 25, 1977

## Study of Federal Justice System Improvement Activities

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
*Washington, August 25, 1977.*

The weaknesses of our present system of justice are painfully clear to many citizens. Lawyers are often available only to the wealthy or the very poor. There are substantial backlogs in the courts. While many people have proposed plans for resolving disputes outside of the courts, few of these plans are now operating. The Federal Government does not bear full responsibility for correcting these inequities, but it should make its own system a model and encourage State and local governments to improve the quality of their systems of justice.

I have therefore directed my Reorganization Project Staff at the Office of Management and Budget to review all Federal activities designed to improve the system of justice in this country. These include: (1) justice research programs; (2) justice information and statistical services; (3) justice policy and planning offices; (4) financial assistance for State and local systems; and (5) other reform activities such as juvenile justice and delinquency prevention programs.

This review will rely heavily on advice and counsel from Congress, Executive departments and agencies, the Judiciary, State and local officials, and the public.

You may be asked to contribute time, resources, and staff support to this effort. I consider this to be a high priority matter, and I know I can count on your cooperation and assistance.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-25152 Filed 8-25-77;3:31 pm]

Memorandum of August 25, 1977

## Examination of the Federal Government's Legal Representation System

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
*Washington, August 25, 1977.*

I have directed my Reorganization Project Staff at the Office of Management and Budget to review the Federal Government's system for providing legal advice and representation to its departments, agencies, and regulatory commissions.

This study is designed to improve the way governmental units use the legal resources at their disposal, which include their own legal offices and the services of the Department of Justice, including United States Attorneys. Better use of these resources should help prevent unnecessary litigation and administrative delay by enabling the Federal Government to do a better job of complying with its own rules and regulations.

A second objective will be to improve the way litigation is conducted in order to ensure better and more uniform application of the law.

This study will rely heavily on the advice and counsel of the Congress, Federal departments, agencies, and regulatory commissions, State and local officials, private organizations and the public.

I consider the effective use of legal resources to be a vital part of my Administration's effort to improve the performance of the Federal government; accordingly, I ask for your cooperation in providing staff assistance and other resources to assure the success of this review.

In order to inform all interested parties that this study is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-25153 Filed 8-25-77;3:32 pm]

# rules and regulations



## Title 10—Energy

## CHAPTER I—NUCLEAR REGULATORY COMMISSION

## PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

## PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

### Revocation or Modification of Certain Reporting Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulation "Licensing of Production and Utilization Facilities" to revoke the requirement that if the construction or modification of a facility is completed before the earliest date specified in the construction permit the holder of the construction permit shall promptly notify the Commisston for the purpose of accelerating the final inspection. The Commission also is amending its regulation "Financial Protection Requirements and Indemnity Agreements" to modify the repetitive reporting requirements set out in special provisions applicable to licensees furnishing financial protection in whole or in part in the form of adequate resources. These amendments reduce the reporting burden on NRC licensees.

EFFECTIVE DATE: August 29, 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. Tel. 301–492–7211.

SUPPLEMENTARY INFORMATION: Section 50.55(a) of 10 CFR Part 50 requires that if the construction or modification of a facility is completed before the earliest date specified in the construction permit, the holder of the construction permit shall promptly notify the Commission for the purpose of accelerating the final inspection. A separate report for this event is not necessary and this reporting requirement is being revoked.

Section 140.18 of 10 CFR Part 140 requires that in any case where a licensee undertakes to maintain financial protection in the form specified in § 140.14(a)(2) for all or part of the financial protection required by Part 140, the licensee shall file with the Commission a balance sheet and operating statement prepared and certified by a certified public accountant. This section is being revised so that it no longer requires repetitive reports, but states that the Commission may require the licensee to file with the Commission such financial information as the Commission determines to be appropriate for the purpose of determining whether the licensee is maintaining financial protection as required by Part 140.

Since the amendments set forth below relate to minor matters and are intended to provide relief from, rather than to impose, restrictions under regulations currently in effect, the Commission has found that good cause exists for omitting general notice of proposed rule making and public procedure thereon as unnecessary and for making the rule effective on August 29, 1977, without the customary 30 day waiting period.

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, Parts 50 and 140 are published as a document subject to codification.

§ 50.55 [Amended]

1. Section 50.55 of 10 CFR Part 50 is amended by deleting the second sentence of paragraph (a).

2. Section 140.18 of 10 CFR Part 140 is revised to read as follows:

**§ 140.18 Special provisions applicable to licensees furnishing financial protection in whole or in part in the form of adequate resources.**

In any case where a licensee undertakes to maintain financial protection in the form specified in § 140.14(a)(2) for all or part of the financial protection required by this part, the Commission may require such licensee to file with the Commission such financial information as the Commission determines to be appropriate for the purpose of determining whether the licensee is maintaining financial protection as required by this part.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201 Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 17th day of August 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
*Executive Director for Operations.*

[FR Doc.77–24967 Filed 8–26–77;8:45 am]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77–NW–21–AD, Amdt. 39–3025]

## PART 39—AIRWORTHINESS DIRECTIVES

### Boeing Models B–17 F and G

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This AD is being issued to require inspection of the wing rear spar lower cap on the wing center section. There has been one reported instance of complete spar cap failure.

EFFECTIVE DATE: September 6, 1977.

ADDRESSES: Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Iven Connally, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108. Telephone 206–767–2516.

SUPPLEMENTARY INFORMATION: There has been a complete failure of the rear spar lower cap on the wing center section of a Boeing B–17G that resulted in partial wing failure. A fatigue crack initiated in the spar chord at a ⅜'' dia bolt hole common to the terminal plate. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require inspection of the rear repair as necessary on all B–17 F and G airplanes.

DRAFTING INFORMATION

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

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

ADOPTION OF THE AMENDMENT

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

BOEING. Applies to all B–17 F and G airplanes certified in all categories.

Compliance required within the next 25 hours' time-in-service or within 6 months after the effective date of this AD, whichever comes first, unless already accomplished within the last 25 hours time in service or 6 months, and thereafter at intervals not to exceed 50 hours time in service or 12 months, whichever comes first (from the last inspection).

To detect cracking in the rear spar lower cap center section, P/N 75–3425–2 or 85–3425–2, accomplish the following:

1. Remove the 3 most inboard bolts from the 14 bolt pattern attaching the rear spar center section lower chord P/N 75–3425–2 or 85–3425–2 to the terminal plates, left and right hand sides. These bolts are approximately 40 to 42 inches from the airplane centerline. Using eddy current inspection procedures or boroscope methods in conjunction with dye penetrants, inspect the rear spar lower chord center section for cracks around the bolt holes in both the forward and aft walls of the tube.

2. If cracks are found, replace the spar cap with a serviceable part of the same part number, or repair in accordance with Army T.O. No. 01–20E or other methods approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

3. After repairs per (2) have been accomplished, reinspect in accordance with (1) at intervals not to exceed 50 hours time in service or every 12 months whichever comes first.

This amendment becomes effective September 6, 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 Seattle, Wash., on August 18, 1977.

J. H. TANNER,
*Acting Director,*
*Northwest Region.*

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

[FR Doc.77–24935 Filed 8–26–77;8:45 am]

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[Docket No. 14815, Amdt. 39–3027]

## PART 39—AIRWORTHINESS DIRECTIVES

### Rolls Royce Dart Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspections for wear and replacement, as necessary, of the flame tube liners and suspension pins on Rolls Royce Dart engines Series 528, 529, and 532 to prevent possible overheating of the turbine rotors which could result in uncontained rotor disc failures.

EFFECTIVE DATE: September 28, 1977.

ADDRESS: The applicable Rolls Royce alert service bulletin may be obtained from Rolls Royce, Ltd., P.O. Box 31, Derby DE 2 8BJ, England.

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:

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections for wear and replacement, as necessary, of flame tube liners and suspension pins on Rolls Royce Dart series 528, 529, and 532 engines was published at 40 FR 31624. The proposal was prompted by instances where failure of the flame tube suspension system caused overheating of the turbine rotors resulting in uncontained rotor disc failures.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and several comments have been received.

#### DISCUSSION OF COMMENTS

One commentator stated that its flame tube suspension system inspection program was adequate to correct the problem. The FAA does not have sufficient information to determine whether the commentator's inspection program would be acceptable. However, the proposed AD does provide for the use of an equivalent method of compliance if approved by the Chief, Aircraft Certification Staff, FAA European Region. In addition, a provision has been added to the AD to allow the approval of an increase in the inspection intervals.

This same commentator questioned as to what effect the incorporation of Dart Modification 1736 would have on the proposed AD. The FAA believes, based on the information presently available, that the incorporation of Modification 1736 would not eliminate the need for the actions specified in the proposed AD.

This commentator further questioned whether the FAA approval for an equivalent means of compliance could be obtained from other than the Chief, Aircraft Certification Staff, FAA European Region. Since the FAA European office has the principal responsibility on matters related to this AD, the FAA believes that approval for an equivalent means of compliance with the AD should be obtained from the FAA European office.

Another commentator recommended that the provision in the AD stating that compliance is not necessary if already accomplished within the previous 1,000 hours, be revised to state "unless accomplished within the previous 1,000 hours in accordance with the limits in Dart Service Bulletin Da 72–A413" to indicate that the limits specified in Dart Maintenance Manual are not acceptable for the purpose of this AD. The FAA does not believe the revision is necessary since "unless accomplished" means unless the provisions contained in the AD have been accomplished and the AD references Da 72–A413. However, it should be noted that the reference to 1,100 hours has been deleted to avoid a possible conflict with a repetitive inspection interval which may have already been established by an operator in accordance with Rolls Royce Service Bulletin Da 72–A413.

This commentator also stated that, to be consistent with the service bulletin, no reference should be made to suspension pin wear in paragraphs (c) and (d) of the AD in determining the appropriate reinspection interval. The FAA agrees and the proposed AD is revised accordingly.

Finally, in addition to clarifying changes of a nonsubstantive nature, the proposed AD has been revised to include a new paragraph requiring a reduction of the fleet reinspection time-interval in accordance with paragraph 4B of Rolls Royce Service Bulletin Da 72–A413 if, during a repetitive inspection, flame tube liner wear is found to exceed 0.03 inches on any flame tube of an engine in the operator's fleet. This provision is contained in the referenced service bulletin and was inadvertently omitted in the proposed AD. One commentator objected to this provision in the service bulletin as being an unnecessary burden. The FAA believes that this provision is appropriate in view of the likelihood of the same wear occurring on other engines of the same type that are used in similar operating conditions. Since a situation exists that requires the immediate adoption of this regulation with respect to the reduction in the reinspection interval when appropriate, it is found that notice and public procedure hereon are impracticable and that good cause exists for including the reduction requirement in this amendment.

#### DRAFTING INFORMATION

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

#### ADOPTION OF THE AMENDMENT

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

ROLLS ROYCE (1971) LIMITED. Applies to Dart engines Series 528, 529, 532, and variants featuring Modifications 748, 1243, 1244, 1432, 1448, or 1607 used on but not limited to Fokker F–27 Marks 200, 400, 600;

Fairchild F-27A, F-27F, F-27G, F-27J, F-27M, FH-227, FH-227B, FH-227C, FH-227D, FH-227E; Hawker Siddeley H.S.-748 Series 2A; and Grumman G-159 aircraft.

Compliance is required within the next 500 hours engine time in service after the effective date of this AD, unless already accomplished, and thereafter as indicated.

To prevent excessive wear in flame tube liners and suspension pins that may result in loss of flame tube support causing overheating of turbine rotors and uncontained rotor disc failures, accomplish the following:

(a) Inspect the flame tube liner and suspension pin for wear in accordance with the instructions contained in paragraph 4D of Rolls Royce Dart Alert Service Bulletin Da 72-A413, dated May 2, 1975 (hereafter Rolls Royce Bulletin 72-A413), or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667 (hereafter FAA-approved equivalent).

(b) If, as a result of any inspection required by this AD, flame tube linear or suspension pin wear is found to exceed the limits given in paragraph 4A.2 of Rolls Royce Bulletin 72-A413, or an FAA-approved equivalent, before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, replace the affected part with a serviceable part and reinspect in accordance with either paragraph (c), (d), or (e) of this AD, as applicable.

(c) If, as a result of the initial inspection required by this AD, flame tube liner wear is in excess of 0.030 inch on any one flame tube of an engine in the operator's fleet, determine the flame tube time in service since new or overhauled, establish a fleet reinspection time-interval in accordance with the instructions in paragraphs 4.A(3) and 4.A(4) of Rolls Royce Bulletin 72-A413, or an FAA-approved equivalent, and reinspect in accordance with paragraph (a) of this AD.

(d) If, as a result of any inspection required by this AD, flame tube liner wear does not exceed 0.030 inches for each flame tube of all engines in the operator's fleet, reinspect in accordance with paragraph (a) of this AD at intervals not to exceed 1,500 engine hours time in service from the last inspection.

(e) If, as a result of a repetitive inspection required by this AD, flame tube liner wear exceeds 0.030 inches on any one flame tube of an engine in the operator's fleet, reduce the reinspection time-interval for all engines in the fleet in accordance with paragraph 4B of Rolls Royce Bulletin 72-A413, or an FAA-approved equivalent.

(f) Upon the request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, may adjust the initial inspection time and the reinspection intervals specified in this AD if the request contains substantiating data to justify the adjustment for that operator.

This amendment becomes effective September 28, 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 August 19, 1977.

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

[FR Doc.77-24934 Filed 8-26-77;8:45 am]

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[Airspace Docket No. 76-AL-14]

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

### Alteration of Control Zone and Transition Area at Aniak, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides additional airspace (control zone, transition area) to protect aircraft executing approach and departure procedures at Aniak, Alaska.

EFFECTIVE DATE: 0901 G.m.t. December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John G. Costello, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. Telephone 907-265-4271.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Aniak, Alaska, control zone and transition area. The NPRM was published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2078) and a revised NPRM was published in the FEDERAL REGISTER on June 27, 1977 (42 FR 32555). The proposal resulted from a change to the NDB instrument approach procedure and the establishment of a new ILS/DME instrument approach procedure. Interested parties were given 30 days in which to reply. Valid aeronautical objections were received on the original proposal; no objections were received on the revised proposal.

DRAFTING INFORMATION

The principal authors of this document are John Costello, Air Traffic Division, and Donald H. Boberick, Esq., Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., December 1, 1977.

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by amending the Aniak, Alaska, control zone as follows:

ANIAK, ALASKA

Within a 5-mile radius of the Aniak airport (latitude 61°35' N., longitude 159°32' W.); within 3 miles each side of the 114° (094° M) bearing from Aniak NDB, extending from the 5-mile radius zone to 8 miles SE of the NDB, and within 2 miles each side of the Aniak localizer (latitude 61°35'02'' N., longitude 159°33'01'' W.) west course extending from the 5-mile radius zone to 6.5 miles west of the localizer. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

§ 71.181 [Amended]

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the Aniak, Alaska, transition area as follows:

ANIAK, ALASKA

That airspace extending upward from 700-feet above the surface within a 22.5 mile radius of the Aniak localizer (latitude 61°35'02'' N., longitude 159°33'01'' W.) extending from a bearing of 238° (218° M) clockwise to 049° (029° M) from the Aniak NDB; within 4.5 miles southwest and 9.5 miles northeast of the Aniak localizer west course extending from the localizer to 25.5 miles west of the localizer; within 9.5 miles southwest and 4.5 miles northeast of the Aniak NDB 114° (094° M) bearing extending from the NDB to 22 miles southeast of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the Aniak NDB 230° (210° M) bearing extending from the NDB to 24 miles southwest of the NDB.

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

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 Anchorage, Alaska, on August 12, 1977.

LYLE K. BROWN,
*Director, Alaskan Region.*

[FR Doc.77-24937 Filed 8-26-77;8:45 am]

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[Docket No. 77-SO-36]

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

### Alteration of Alabaster, Ala., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends § 71.181 of Part 71 of the Federal Aviation Regulations by altering the Alabaster, Ala., transition area. The existing transition area will be extended two miles Southwest. This is necessary due to establishment of a NDB instrument approach

procedure to Runway 5 at the Bessemer Municipal Airport.

EFFECTIVE DATE: 0901 Gmt., October 6, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; Telephone: 404–763–7947.

SUPPLEMENTARY INFORMATION

A new public NDB instrument approach procedure has been developed to Runway 5 at the Bessemer Municipal Airport, Bessemer, Ala. The approach procedure requires that the transition area be extended two miles Southwest and that the floor of controlled airspace be lowered from 1200 to 700 feet within the extension to protect aircraft executing the approach. Therefore, it is necessary to alter the transition area to accommodate the new approach procedure. Since this alteration is minor in nature, notice and public procedure hereon are not considered necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

ADOPTION OF AMENDMENT

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, October 6, 1977, by altering the Alabaster, Ala., transition area, as follows:

"* * * long. 86°55'29" W.) * * *" would be deleted and "* * * long. 86°55'29" W ) within 3 miles each side of the 241° bearing from Bessemer RBN (lat. 33°18'42" N., long. 86° 55'25" W.) extending from the 6.5 mile radius to 8.5 miles Southwest of the RBN; excluding that portion which coincides with the Birmingham transition area * * *" would be substituted therefor.

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

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 East Point, Ga., on August 17, 1977.

PHILIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.77–24936 Filed 8–26–77;8:45 am]

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

### Alteration of Control Zone and Transition Area, Albany, N.Y.

*Correction*

In FR Doc.77–23316 appearing on page 41107 in the issue for Monday, August 15, 1977, the following correction should be made.

In the amendments to § 71.171 appearing after the signature in the third column, line 14 of the quoted amendment now reading, "miles east of the VORTAC; within 2 miles", should read, "miles each side of the Albany VORTAC 181°".

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[Docket No. 14245, Amdt. No. 121–136]

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

### Proficiency Check Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment allows a pilot-in-command to satisfy the proficiency check requirements wtihout performing the maneuver to a landing with simulated powerplant failure during each required proficiency check or course of training. The amendment is needed to provide greater operational flexibility and to lessen the need to perform the maneuver in an airplane if the visual simulator is inoperative.

EFFECTIVE DATE: August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Telephone 202–755–8716.

SUPPLEMENTARY INFORMATION:

HISTORY

This amendment is based on a notice of proposed rule making (Notice No. 76–17) published in the FEDERAL REGISTER on August 26, 1976 (41 FR 36036). That notice invited comment by all persons interested in the making of the proposed rule. All persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matters presented. Four commentators responded to Notice No. 76–17 and all support adoption of the proposal.

DISCUSSION OF COMMENTS

One commentator expressed concern regarding two aspects of the proposal. Opposition was expressed to the requirement that the maneuver be observed by a check airman during the preceding proficiency check or simulator course of training. It was noted that some air carriers use instructors rather than check airman to conduct simulator courses of training and this would compromise their usefulness. The FAA believes that while the subject maneuver may be omitted from a simulator course of training or a proficiency check, the rule should provide that an individual be checked on the maneuver at least once a year by an FAA-designated check airman. If, as the commentator suggests, an individual accomplishes the maneuver during a course of training conducted by a simulator instructor not designated as a check airman, then the maneuver could be omitted on the subsequent proficiency check, and if the cycle continued, the individual could indefinitely avoid being checked on the maneuver by an FAA-designated check airman. This is not the intent of the amendment.

The commentator noted that the proposal would require completion of a proficiency check or course of training within the preceding six calendar months, in order to take advantage of the flexibility to omit the simulated powerplant failure maneuver. Concern was expressed over the effect that this requirement would have on the "grace month" provision of § 121.401(b) of the Federal Aviation Regulations. It is not the intent of this amendment to nullify the grace month rule and reference to the preceding six calendar months has been deleted. Instead, the amendment refers to the preceding proficiency check or simulator course of training under a check airman, whichever was completed later.

Another commentator stated that Notice 76–17 did not properly respond to the overall need for improved visual simulation and that it may encourage airlines to postpone acquisition of improved visual systems. This comment is outside the scope of the notice and is not considered in this rulemaking action.

DRAFTING INFORMATION

The principal authors of this document are William T. Brennan, Air Carrier Regulations Branch, Flight Standards Service, and Peter J. Lynch, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Appendix F of Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended, effective August 29, 1977, by deleting the last sentence in paragraph V(d)(2) and by adding a sentence to the flush paragraph

immediately following that paragraph, as follows:

APPENDIX F—PROFICIENCY CHECK REQUIREMENTS

* * * * *

V. Landings and approaches to landings:

* * * * *

(d) Maneuvering to a landing with simulated powerplant failure as follows:

(1) In the case of 3-engine airplanes, maneuvering to a landing with an approved procedure that approximates the loss of two powerplants (center and one outboard engine); or

(2) In the case of other multiengine airplanes, maneuvering to a landing with a simulated failure of 50 percent of available powerplants, with the simulated loss of power on one side of the airplane.

Notwithstanding the requirements of subparagraphs (d)(1) and (d)(2) of this paragraph, in a proficiency check for other than a pilot-in-command, the simulated loss of power may be only the most critical powerplant. However, if a pilot satisfies the requirement of subparagraph (d)(1) or (d)(2) of this paragraph in a visual simulator, he also must maneuver in flight to a landing with a simulated failure of the most critical powerplant. In addition, a pilot-in-command may omit the maneuver required by subparagraph (d)(1) or (d)(2) of this paragraph during a required proficiency check or simulator course of training if he satisfactorily performed that maneuver during the preceding proficiency check, or during the preceding approved simulator course of training under the observation of a check airman, whichever was completed later.

* * * * *

(Secs. 313(a), 601, 602, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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 August 22, 1977.

LANGHORNE BOND,
*Administrator.*

[FR Doc.77-24931 Filed 8-26-77;8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-130, Amdt. 11]

### PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

### Inclusion of Rental Cars in Tour Package

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule removes a restriction in the Board's One-stop-inclusive Tour Charter (OTC) regulations so as to permit the charter tour operator to offer rental cars or other prepaid individual transportation as part of the tour package. This proceeding was instituted by petition of an operator of OTC's.

DATES: Adopted: August 23, 1977; Effective: August 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking SPDR-57, March 22, 1977, the Board proposed to eliminate a restriction in the OTC rule [1] which prohibits the inclusion of rental cars or other forms of prepaid individual transportation, even on an optional basis, in the ground accommodations and services of the tour package. This unique restriction was originally adopted as one of several elements serving to distinguish the OTC from scheduled services and was premised on a concern that inclusion of rental cars in a tour package might lead to unused, or "throwaway," sleeping accommodations and the resultant abuse of the OTC as a subterfuge for point-to-point transportation plus individual ground transportation at the destination. However, in SPDR-57, the Board pointed out that the restriction no longer appeared to be necessary in light of actual OTC marketing experience and in view of the intervening establishment of the Advance Booking Charter (ABC) rule [2] as a charter mode for air-only transportation.

Pursuant to the Notice, sixteen comments [3] were filed, of which twelve fully supported the proposed rule and three supported it in part.

Supporters of the proposed rule argue that the underlying premise of the rental car restriction is erroneous, in that the availability of rental cars will no more lead to throwaway accommodations than will other tour package elements to which no parallel restrictions apply. It is also contended that the restriction is ineffectual in any event, since rental cars are available to OTC participants by arrangements through retail travel agents or directly with large nationwide rental companies having toll-free telephone reservation systems. These commenters thus argue that the principal effect of the restriction has been to raise costs to OTC travelers (for example, by precluding the use of group car rental rates for which the tour operator could easily arrange) and to render the OTC less marketable, particularly in contrast to the popular "fly/drive" tours available on scheduled services. It is also asserted that the car rental prohibition is legally unnecessary, since the OTC is subject to other substantial restrictions which amply distinguish it from individually ticketed services.

Of the commenters expressing less than full support for the proposed rule, the Board's Office of Consumer Advocate (OCA) and the Office of Consumer Affairs of the Department of Health, Education, and Welfare (HEW) favor a liberalization of the rental car restriction but only to the extent of permitting rental cars to be offered as optional, extra-cost supplements to the tour package. OCA argues that the possibility of throwaway ground accommodations is substantial enough to warrant the retention of some restriction on the tour operator's offering of rental cars. HEW maintains that inclusion of rental cars in the tour package on a nonoptional basis would result in some participants paying for a service which they would neither desire nor use. United Air Lines favors the proposed rule as written, but conditions its support upon retention of the advance purchase period for OTC's.[4] Only TWA opposes any modification of the rental car restriction, on the grounds that the requirement is legally necessary and its elimination would have an adverse effect on both scheduled services and ABC operations.

At the outset, we believe that the comments of tour operators and others are persuasive in demonstrating that the rental car restriction has been costly to OTC operators and participants alike. It seems clear that those OTC travelers who independently make arrangements for rental cars are often prevented by this restriction from enjoying the lower rental rates which would very likely result from the purchasing power of a tour group. Moreover, inasmuch as the tour operator is forbidden from entering the market for OTC rental cars, the operator's loss of potential revenue from that package component cannot help but exert an upward pressure on OTC prices for all participants.

We also agree with the many commenters who contend that there is no legal impediment to the removal of this restriction. As we noted in proposing this amendment, the prohibition on the offering of rental cars places a unique emphasis on only one of several types of goods and services which could theoretically entice the OTC traveler to throw away the remainder of the ground accommodations and use the OTC for point-to-point transportation. Yet no participant in this proceeding has attempted to furnish evidence of, or even

[1] 14 CFR Part 378a.

[2] 14 CFR Part 371.

[3] Comments were received from American Automobile Association, Inc., Adventure Tours USA, Inc. and Travel-Go-Round, Inc. jointly, American Express Company, American Society of Travel Agents, Inc., Budget Rent-A-Car, Inc., Charter Travel Corporation, Elkin Tours, Inc. and Del E. Webb World Travel Corporation jointly, Duncan Travel Service, Office of Consumer Affairs of the Department of Health, Education, and Welfare, National Air Carrier Association, Office of Consumer Advocate of the Civil Aeronautics Board, Pan American World Airways, Inc., Donald L. Pevsner, Pleasant Hawaiian Holidays, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[4] The possible elimination of the "advance purchase" requirement from the OTC rule is under consideration in another rulemaking proceeding, to which United refers. See Notice of Proposed Rulemaking SPDR-56, February 24, 1977, 42 FR 12066, March 2, 1977, Docket 29926.

allege, any actual occurrence of throwaways in connection with any particular OTC program. In contrast, several commenters have offered market data which tends to substantiate their claim that the non-use of OTC ground accommodations is not practicable in actual experience, and that the OTC is used by travelers who genuinely want to purchase a tour package. Furthermore, any fear of throwaways the Board had at the time the OTC rule was adopted has been largely vitiated by the introduction of the ABC as a lawful means of point-to-point charter air transportation for those prospective passengers who do not actually want a tour package.

In regard to HEW's concern over mandatory inclusion of rental cars in the OTC tour package, we should point out that the concern is misplaced, since we are not now requiring rental cars to be included in the package of ground accommodations; we are simply removing a restriction on the freedom of the tour operator to include such a service in whatever manner he believes will make the total tour package most attractive to consumers at the OTC price that he offers. How widely the service is offered, whether it is made an optional addition to or an integral part of the OTC package, are questions that we believe are best left to the competitive response of the marketplace.

The Board finds that, because this amendment relieves a restriction and public benefit will be derived from putting it into effect without delay, there is good cause to make it effective immediately.

Accordingly the Civil Aeronautics Board hereby amends Part 378a of its Special Regulations (14 CFR Part 378a) effective August 23, 1977, as set forth below:

1. § 378a.2 is amended to read as follows:

**§ 378a.2 Definitions.**

As used in this part, unless the context otherwise requires—

* * * * *

"Ground accommodations and services" include, but are not limited to, sleeping accommodations for each night of the tour as well as necessary surface transportation for tour participants traveling together between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin.

* * * * *

2. Section 378a.102 is amended to read as follows:

**§ 378a.102 Definitions.**

As used in this subpart, unless the context otherwise requires—

* * * * *

"Ground accommodations and services" include, but are not limited to, sleeping accommodations for each night of the tour, necessary surface transportation, and admission to the special event, through the furnishing of tickets or other documents necessary to enable a charter participant to attend the event for each day of the charter during which attendance is feasible.

* * * * *

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc.77-25019 Filed 8-26-77;8:45 am]

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[Docket Nos. 16388 and 16389; Special Federal Aviation Regulation No. 33-1]

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

## PART 135—AIR TAXI OPERATOR AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

### Flight Recorders and Cockpit Voice Recorders

*Correction*

In FR Doc. 77-24150 appearing at page 42194 in the issue for Monday, August 22, 1977, the effective date now reading "September 12, 1977" should have read "September 21, 1977".

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## Title 16—Commercial Practices

## CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

### SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

## PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

### Exemption of Plastic Balloon Novelty Items From Classification as Banned Hazardous Substances

AGENCY: Consumer Product Safety Commission.

ACTION: Reissuance of final regulation.

SUMMARY: The Commission reissues a regulation to exempt novelties, consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and acetone in amounts not exceeding 25 percent by weight, intended for blowing plastic balloons, from classification as "banned hazardous substances" under the Federal Hazardous Substances Act. The Commission exemption regulation requires that the novelty items bear adequate directions and warnings for safe use. The Commission had preproposed the regulation because doubts were raised as to the validity of the exemption as originally issued in 1967, by the Food and Drug Administration.

EFFECTIVE DATE: August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 7, 1976 (41 FR 14790), the Commission reproposed for comment, 16 CFR 1500.85(a)(6), a regulation exempting novelty items intended for blowing plastic balloons from classification as "banned hazardous substances" as that term is used in the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261). The novelty items covered by the regulation are mixtures of polyvinyl acetate, U.S. Certified Colors, and acetone in amounts not exceeding 25 percent by weight.

This exemption regulation was originally promulgated by the Food and Drug Administration (FDA) on October 28, 1967 (32 FR 14946) without a notice of opportunity for comment. Issued by FDA as 21 CFR 191.65(a)(6), the regulation was recodified by the Commission on September 27, 1973 (38 FR 27012), as 16 CFR 1500.85(a)(6), due to the transfer of functions under the Federal Hazardous Substances Act to the Consumer Product Safety Commission effective May 14, 1973, by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

In the April 7, 1976 FEDERAL REGISTER document the Commission explained its decision to propose the plastic balloon novelty item exemption regulation for public comment primarily on the basis of doubts which had been raised as to the validity of FDA's action.

Pending completion of this proceeding and the issuance of a final regulation, the existing exemption has been continued in effect.

### COMMENTS ON THE REGULATION

In response to its document of April 7, 1976, inviting comments, the Commission received three responses supporting the exemption, one response which neither supported nor opposed it, and two comments which opposed the exemption. A list summarizing the comments follows.

1. A parent who used the product as a child stated that Federal regulation cannot replace parental guidance and that the relatively low degree of danger presented does not justify removing the plastic balloon mixtures from the market.

2. A consumer, favoring the exemption, expressed his view that the Commission has the burden of finding a product unsafe before removing it from the market.

3. A law firm representing a manufacturer of the product stated that the manufacturer has no knowledge of any claims of physical harm resulting from the use of its product in 6 years of marketing over 55 million tubes of the plastic balloon mixture.

4. The Office of Consumer Affairs (OCA) of the Department of Health, Education and Welfare expressed approval of the Commission's inviting comments on the regulation, but stated that since it had received only one letter in reference to the plastic balloon novelty items, it had insufficient data to either

support or deny the exemption. The one letter which OCA received, written before the Commission's April 7, 1976 request for comments, stated that labeling alone does not make the product safe for small children to use.

5. A consumer, opposed to the exemption, asserted that the many warnings found on the package of one brand of plastic balloon mixtures clearly indicates that the product is hazardous.

6. Another consumer stated that children should not play with the plastic balloon mixture because of the presence of acetone and that any possible instructions for safe use would be inadequate to protect children.

THE COMMISSION'S CONCLUSION

The term "banned hazardous substance" is defined in section 2(q)(1)(A) of the FHSA. A proviso to this section found at 2(q)(1)(B)(i) authorizes the Commission, by regulation, to grant exemptions from classifications as banned hazardous substances for

> * * * articles, such as chemical sets, which by reason of their functional purpose require the inclusion of the hazardous substance involved, or necessarily present an electrical, mechanical, or thermal hazard and which bear labeling giving adequate directions and warnings for safe use and are intended for use by children who have attained sufficient maturity, and may reasonably be expected to read and heed such directions and warnings * * *

The Commission concludes that these plastic balloon novelty items meet the above requirements for exemption from classification as banned hazardous substances.

The Commission recognizes that the novelty items contain the hazardous substance, acetone, but finds that the substance's presence is necessary because of its functional purpose. The Commission believes that mixtures intended for blowing plastic balloons which contain not more than 25 per cent by weight of acetone are not capable of causing substantial personal injury or illness. In addition, the exemption regulation requires that the articles bear adequate directions and warnings for safe use. Further it is reasonably expected that since the product is difficult to manipulate, the children using these products will be old enough to be able to read and heed such warnings and directions.

On June 20, 1974, the Commission denied on its merits a petition from Consumers' Union to repeal the exemption regulation and to propose a regulation to classify plastic balloon novelties containing acetone as a banned hazardous substance under the provisions of the FHSA. (petition number HP 74-4). No new data has been brought to the attention of the Commission by commentors on the April 7, 1976 notice or others which convinces the Commission that the existing exemption should now be revoked.

Therefore, the Commission finds that the regulation exempting novelty items intended for blowing plastic balloons should be reissued.

The Commission also finds that the 30-day delayed effective date required by section 553(d) of the Administrative Procedure Act for substantive rules is inapplicable to this regulation because the regulation falls within the exception to the 30-day requirement for rules granting or recognizing an exemption or relieving a restriction. (section 553(d)(1)).

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(A), proviso, (i), 74 Stat. 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261(q)(1)(A), proviso (i)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Stat. 1231; 15 U.S.C. 2079(a)), the Commission reissues the regulation at 16 CFR 1500.85(a)(6) as follows:

**§ 1500.85 Exemptions from classification as banned hazardous substances.**

(a) The term "banned hazardous substances" as used in section 2(q)(1)(A) of the act shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

* * * * *

(6) Novelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 per cent by weight of acetone, and intended for blowing plastic balloons.

NOTE.—Because this exemption regulation was not proposed for public comment before being issued by the Food and Drug Administration at October 28, 1967 (32 FR 14946), the Commission proposed the exemption for public comment on April 7, 1976 (41 FR 14790), and reissued it on August 29, 1977. The exemption has continued in effect without interruption during these proceedings.

AUTHORITY: Sec. 2(q)(1)(A)(i), 74 Stat. 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261(q)(1)(A)(i); sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a).

Effective Date: August 29, 1977.

Dated: August 24, 1977.

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

[FR Doc.77-24969 Filed 8-26-77;8:45 am]

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

### Amendment to Labeling Requirement for Date of Manufacture

AGENCY: Consumer Product Safety Commission.

ACTION: Amendment to regulation.

SUMMARY: The Commission issues an amendment to its requirements for electrically operated toys or other electrically operated articles intended for use by children to change the labeling requirement concerning the date of manufacture. The current regulation requires that the shelf pack or package and the instructions provided with the toy be labeled with the date (month and year) of manufacture (or appropriate codes). The amendment will allow as an alternative the date of manufacture to be placed on the toy itself rather than on the instructions provided with the toy. The shelf package is still required to bear the date of manufacture. The Commission believes this amendment will provide some economic benefit to manufacturers while assuring that consumers are as well or better protected as they were before the amendment.

EFFECTIVE DATE: The amendment is effective August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, CPSC, Washington, D.C. 20207 (301-492-6453).

SUPPLEMENTARY INFORMATION: On September 12, 1974, the Commission received a petition from Hasbro Industries, Inc. requesting that 16 CFR 1505.3, which establishes labeling Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children, be changed to allow the manufacturer, at his discretion, to put the required date of manufacture label on either the instruction sheet or the toy itself, in addition to putting it on the shelf pack or package. Presently, the regulation requires that the date of manufacture be placed on both the shelf pack of the toy and the instructions that are provided with the toy.

The petitioner points out that if the date labeling were permitted to be placed on the toy, instead of on the instruction sheet, the date labeling would remain with the toy until the toy is eventually discarded. On the other hand, date labeling on the instruction sheet would be lost if the instruction sheet were to be discarded shortly after the toy's purchase.

The Commission agrees with the petitioner that the option of allowing the manufacturer to place the date code on the toy itself instead of on the instruction sheet is as adequate in protecting children from potential electric hazards as the present requirement. The reason that placement of the date code on the instruction sheet was initially required was a concern that the consumer might not keep the shelf pack. The Commission notes that placement of the date on the toy addresses this concern. In addition, the Commission believes the amendment will provide a small economic benefit for manufacturers who prefer not to reprint or date stamp their stocks of instruction sheets or coordinate dated instruction sheets with the appropriate production units of toys.

The Commission is issuing this amendment as a final document without notice and comment procedures because the Commission, for good cause, finds, in accordance with 5 U.S.C. 553(b)(B), the Administrative Procedure Act, that notice and public procedure thereon are unnecessary. Under the amendment manufacturers retain the option (previously the requirement) of placing the date of manufacture on the instruction

sheet. Therefore, the amendment results in only a minor change to the electrical toy regulation's labeling provisions. In addition, consumers are as well or better protected if manufacturers choose to exercise their option of placing date codes on the toys themselves.

The Commission also notes in accordance with 5 U.S.C. § 553(d)(2), that the normal 30 day period between publication and effective date is inapplicable to this amendment. Section 553(d)(2) creates an exception to the delayed effective date requirement for any substantive rule "which grants or recognizes an exemption or relieves a restriction." Since the amendment relieves a restriction by allowing manufacturers the option of date coding the toys themselves or the instruction sheets, it falls within the exception. The amendment is, therefore, effective immediately upon publication in the FEDERAL REGISTER.

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 State 187–189; 15 U.S.C. 1261. 1262), and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–753, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR 1505.3 by adding a new paragraph (b)(1)(iii) and by amending paragraph (b)(3), as follows (paragraph (d) is included for purposes of clarity):

§ 1505.3 Labeling.

(a) * * *

(b) *Specific items.* (1) The toy shall be marked in accordance with the provisions of paragraph (d) of this section to indicate:

(i) * * *

(ii) * * *

(iii) The date (month and year) of manufacture (or appropriate codes). As an alternative to putting this information on the toy itself, it may be included in the instructions provided with the toy (see paragraph (b)(3) of this section below).

(2) * * *

(3) Each toy shall be provided with adequate instructions that are easily understood by children of those ages for which the toy is intended. The instructions shall describe the applicable installation, assembly, use, cleaning, maintenance (including lubrication), and other functions as appropriate. Applicable precautions shall be included as well as the information required by paragraphs (b)(1) and (b)(2) of this section, except that the date of manufacture information described in paragraph (b)(1)(iii) of this section need not be included in the instructions provided with the toy if it is placed on the toy itself. The instructions shall also contain a statement addressed to parents recommending that the toy be periodically examined for potential hazards and that any potentially hazardous parts be repaired or replaced.

* * * * *

(d) *Markings.* (1) The markings required on the toy by paragraph (b) of this section shall be of a permanent nature, such as paint-stenciled, die-stamped, molded, or indelibly stamped. The markings shall not be permanently obliterable by spillage of any material intended for use with the toy and shall not be readily removable by cleaning with ordinary household cleaning substances. All markings on the toy and labeling of the shelf pack or package required by paragraph (b) of this section shall contrast sharply with the background (whether by color, projection, or indentation) and shall be readily visible and legible. Such markings and labeling shall appear in lettering of a height not less than that specified in paragraph (d)(2) of this section, except that those words shown in capital letters in paragraph (e) of this section shall appear in capital lettering of a height not less than twice that specified in paragraph (d)(2) of this section.

(2) Minimum lettering heights shall be as follows:

SURFACE AREA DISPLAY MARKING, MINIMUM HEIGHT OF LETTERING

| Square Inches: | *Inches* |
|---|---|
| Under 5 | 1/16 |
| 5 or more and under 25 | 1/8 |
| 25 or more and under 100 | 3/16 |
| 100 or more and under 400 | 1/4 |
| 400 or more | 1/2 |

Effective date: The amendment is effective August 29, 1977.

Dated: August 24, 1977.

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

[FR Doc.77-24968 Filed 8-26-77;8:45 am]

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## Title 28—Judicial Administration

## CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 747-77]

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Subpart X—Authorization with Respect to Personnel and Certain Administrative Matters

DELEGATING PERSONNEL AUTHORITY TO THE DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS

AGENCY: Department of Justice.

ACTION: Final rule.

EFFECTIVE DATE: June 5, 1977.

SUMMARY: Under existing Justice Department regulations, the Office of Management and Finance has authority with respect to non-attorney personnel in U.S. Attorney's Offices, and the Executive Office of U.S. Attorneys. This order transfers to the Director of the Executive Office for U.S. Attorneys, subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General, the authority of the Attorney General to take final action in matters pertaining to the employment, direction, and general administration of U.S. Attorney and Executive Office personnel in General Schedule grades, GS–1 through GS–15, and in Wage Board positions, but excluding therefrom all attorney positions. The purpose of this order is to formally announce the transfer of certain authority to the Director of the Executive Office for U.S. Attorneys and to accurately reflect shifts in personnel responsibility within the Department.

FOR FURTHER INFORMATION CONTACT:

William B. Gray, Director, Executive Office for U.S. Attorneys, Department of Justice, Washington, D.C. 20530 (202–739–2121).

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Chapter I of Title 28, Code of Federal Regulations, is hereby amended effective June 5, 1977, as follows:

Section 0.138 of Subpart X is amended to read as follows:

**§ 0.138 Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys, and Law Enforcement Assistance Administration.**

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of the Immigration and Naturalization Service, the Administrator of the Drug Enforcement Administration, and the Director of the Executive Office for U.S. Attorneys are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel in General Schedule grades GS–1 through GS–15 and in Wage Board positions, but excluding therefrom all attorney positions. Such officials and the Administrator of the Law Enforcement Assistance Administration, are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)). All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration.

Dated: August 17, 1977.

GRIFFIN B. BELL,
*Attorney General.*

[FR Doc.77-25037 Filed 8-26-77;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of Flint Hills National Wildlife Refuge, Kansas, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: As established by State law.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, telephone 316–364–8381.

SUPPLEMENTARY INFORMATION:

**§ 32.32 Special regulations; Big game, for individual wildlife refuge areas.**

Public hunting of deer, with bow and arrows, on the Flint Hills National Wildlife Refuge, Hartford, Kansas, is permitted during periods as established by Kansas State law, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, P.O. Box 128, Hartford, Kansas 66854, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Refuge hunting shall be subject to the following special conditions:

1. The area is open to big game hunting for white-tailed deer only.

2. The use of rifles or pistols are prohibited on the refuge.

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

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

Dated: August 22, 1977.

MICHAEL J. LONG,
*Refuge Manager.*

[FR Doc.77–24999 Filed 8–26–77;8:45 am]

PART 32—HUNTING

Opening of Flint Hills National Wildlife Refuge, Kansas, to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Hunting Seasons determined by applicable State Laws.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, telephone 316–364–8381.

SUPPLEMENTARY INFORMATION:

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

The public hunting of small game animals, upland game birds, fur bearing animals and non game animals on the Flint Hills National Wildlife Refuge, Kansas, is permitted from October 1, 1977, through September 30, 1978, inclusive, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Hartford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State laws and regulations governing the hunting of small game animals, upland game birds, fur bearing animals and non game animals subject to the following special conditions:

1. The use of rifles or pistols are prohibited on the refuge.

2. Vehicle access shall be restricted to designated parking areas and existing roads.

3. Dogs may be used only for hunting and retrieving small game animals and game birds. Dogs may not be used for hunting fur bearing animals and non-game animals, either by sight or trailing by scent.

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

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

Dated: August 11, 1977.

MICHAEL J. LONG,
*Refuge Manager.*

[FR Doc.77–25000 Filed 8–26–77;8:45 am]

PART 32—HUNTING

Opening of Flint Hills National Wildlife Refuge, Kansas, to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Season dates as established by State and Federal Laws.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, telephone 316–364–8381.

SUPPLEMENTARY INFORMATION:

**§ 32.12 Special regulations; Migratory Game Birds hunting; for individual wildlife refuge areas.**

Public hunting of ducks, geese, coots and mergansers on the Flint Hills National Wildlife Refuge, Kansas, is permitted, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Hartford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. All applicable opening and closing hunting dates as established by State and Federal Laws apply, as well as all other State and Federal regulations. Refuge hunting shall be subject to the following special conditions:

1. Vehicle access shall be restricted to designated parking areas and to existing roads.

2. Blind construction by the public is permitted but limited to temporary above ground construction. Constructed blinds become the property of the government. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come-first-serve basis.

3. The transportation or possession of firearms is not permitted on the Neosho River from the northern refuge boundary to and including the point where the river empties into John Redmond Reservoir, and extending to the southern refuge boundary, as marked by buoys.

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

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

Dated: August 22, 1977.

MICHAEL J. LONG,
*Refuge Manager.*

[FR Doc.77-25001 Filed 8-26-77;8:45 am]

## PART 32—HUNTING

### Opening of Flint Hills National Wildlife Refuge, Kansas, to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Season dates as established by State and Federal Laws.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, Telephone 316-364-8381.

SUPPLEMENTARY INFORMATION:

**§ 32.12 Special regulations; sport hunting; for individual wildlife refuge areas.**

Public hunting of ducks, geese, coots and mergansers on the Flint Hills National Wildlife Refuge, Kansas, is permitted, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Hartford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. All applicable opening and closing hunting dates as established by State and Federal Laws apply, as well as all other State and Federal regulations. Refuge hunting shall be subject to the following special conditions:

1. Vehicle access shall be restricted to designated parking areas and to existing roads.

2. Blind construction by the public is permitted but limited to temporary above ground construction. Constructed blinds become the property of the government. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come-first-serve basis.

3. The transportation or possession of firearms is not permitted on the Neosho River from the northern refuge boundary to and including the point where the river empties into John Redmond Reservoir, and extending to the southern refuge boundary, as marked by buoys.

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

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

Dated: August 11, 1977.

MICHAEL J. LONG,
*Refuge Manager.*

[FR Doc.77-25002 Filed 8-26-77;8:45 am]

## PART 32—HUNTING

### Opening of the Bombay Hook National Wildlife Refuge, Delaware, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Bombay Hook National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 17, 1977 through January 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Don Perkuchin, Bombay Hook National Wildlife Refuge, R.D. No. 1, Box 147, Smyrna, Delaware 19977, telephone 302-653-9345.

SUPPLEMENTARY INFORMATION:

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

Public archery hunting of deer is permitted only on the Deer Hunting Area and South Upland Hunting Areas. These open deer hunting areas are shown on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158. Hunting shall be in accordance with all State regulations covering archery hunting of deer subject to the following special conditions:

1. Hunting by bow and arrow on the Regular Deer Hunting Area is permitted on the first four Saturdays of the season from September 17 through October 8.

2. Hunting by bow and arrow on South Upland Hunting Area is permitted during the entire State season.

3. The number of hunters admitted to the Regular Deer Hunting Area at any one time will be restricted to 80.

4. Permits are required for the Deer Hunting Areas and will be issued on a first-come, first-served basis one hour before shooting time.

5. Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of an archery qualification test. This test will consist of placing three out of five arrows in the 9 x 14 inch chest area of a standard size deer target at 25 yards. Hunters qualified in 1974 must requalify. The qualification is valid for three years only.

6. Only blinds, platforms or scaffolds that are erected and removed each day of the hunt may be used. Written permission from the refuge manager is required for the construction or use of any such artificial structure.

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Administrative needs require that the Bombay Hook Refuge deer hunting season be held concurrent with the Delaware State deer hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

WILLIAM C. ASHE,
*Acting Regional Director,*
*Fish and Wildlife Service.*

AUGUST 19, 1977.

[FR Doc.77-25003 Filed 8-26-77;8:45 am]

## PART 32—HUNTING

### Opening of the Bombay Hook National Wildlife Refuge, Delaware, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Bombay Hook National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: (September 15, 1977 through February 28, 1978).

FOR FURTHER INFORMATION CONTACT:

Don Perkuchin, Bombay Hook National Wildlife Refuge, R.D. No. 1, Box 147, Smyrna, Del. 19977, Telephone No. 302-653-9345.

SUPPLEMENTARY INFORMATION:

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

Public hunting of upland game on the South Upland Hunting Area is permitted during the regular State season. This open area, comprising 169 acres, is delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158.

Hunting shall be in accordance with all State and Federal regulations covering the hunting of upland game.

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Administrative needs require that the Bombay Hook Refuge upland game season be held concurrent with the Delaware State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

WILLIAM C. ASHE,
*Acting Regional Director,*
*U.S. Fish and Wildlife Service.*

AUGUST 19, 1977.

[FR Doc.77-25004 Filed 8-26-77;8:45 am]

## PART 32—HUNTING

### Opening of the Bombay Hook National Wildlife Refuge, Delaware, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Bombay Hook National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: (September 1, 1977 through January 31, 1978).

FOR FURTHER INFORMATION CONTACT:

Don Perkuchin, Bombay Hook National Wildlife Refuge, RD No. 1, Box 147, Smyrna, Del., 19977 Telephone No. 302-653-9345.

SUPPLEMENTARY INFORMATION:

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

Public hunting of rails and gallinules, mourning doves, woodcock, crows and common snipe on the South Upland Hunting Area is permitted during the regular State seasons. This open area, comprising 169 acres, is shown on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158.

Hunting shall be in accordance with all Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Administrative needs require that the Bombay Hook Refuge migratory game bird season be held concurrent with the Delaware State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

WILLIAM C. ASHE,
*Acting Regional Director,*
*U.S. Fish and Wildlife Service.*

AUGUST 19, 1977.

[FR Doc.77-25005 Filed 8-26-77;8:45 am]

## PART 32—HUNTING

### Opening of the Prime Hook National Wildlife Refuge, Delaware, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Prime Hook National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: (September 1, 1977 through January 31, 1978).

FOR FURTHER INFORMATION CONTACT:

William McCoy, Prime Hook National Wildlife Refuge, RD No. 1, Box 195, Milton, Del. 19968, Telephone No. 302-684-8419.

SUPPLEMENTARY INFORMATION:

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

Public hunting of rails, gallinules, mourning doves, common snipe, woodcock, and crows is permitted only on the North Hunting Area. This open area, comprising approximately 2,320 acres, is shown on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158. Hunting shall be in accordance with all Federal and State regulations covering the hunting of rails, gallinules, mourning doves, woodcock, common snipe and crows.

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Administrative needs require that the Prime Hook Refuge migratory game bird season be held concurrent with the Delaware State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

WILLIAM C. ASHE,
*Acting Regional Director,*
*U.S. Fish and Wildlife Service.*

AUGUST 19, 1977.

[FR Doc.77-25006 Filed 8-26-77;8:45 am]

## PART 32—HUNTING

### Opening of the Prime Hook National Wildlife Refuge, Delaware, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Prime Hook National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: (September 17, 1977 through January 31, 1978).

FOR FURTHER INFORMATION CONTACT:

William McCoy, Prime Hook National Wildlife Refuge, R.D. No. 1 Box 195, Milton, Del. 19968, Telephone No. 302-684-8419.

SUPPLEMENTARY INFORMATION:

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

Public archery hunting of deer is permitted only on the North Hunting Area. This open deer hunting area, comprising approximately 2.320 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158. Hunting shall be in accordance with all State regulations covering the hunting of deer subject to the following conditions:

1. Archery hunters must show proof of completion of an archery qualification test. This test will consist of placing three out of five arrows in the 9x14 inch chest area of a standard size deer target at twenty-five yards. Hunters qualified

in 1974 must requalify. The qualification is valid for three years only.

2. Seasonal permits are required for the North Hunting Area and will be issued at the Prime Hook Refuge office Mondays through Fridays between 7:30 a.m. and 4 p.m. Permits may also be requested by mail. Those permits must be returned to the refuge office by the end of the deer hunting seasons.

3. Only blinds, platforms or scaffolds that are erected and removed each day of the hunt may be used. Written permission from the refuge manager is required for the construction or use of any such artificial structure.

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Administrative needs require that the Prime Hook Refuge archery deer season be held concurrent with the Delaware State archery deer hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

WILLIAM C. ASHE,
*Acting Regional Director,*
*U.S. Fish and Wildlife Service.*

AUGUST 19, 1977.

[FR Doc.77-25007 Filed 8-26-77;8:45 am]

## PART 32—HUNTING

### Opening of the Prime Hook National Wildlife Refuge, Delaware, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Prime Hook National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: (September 1, 1977 through February 28, 1978).

FOR FURTHER INFORMATION CONTACT:

William McCoy, Prime Hook National Wildlife Refuge, RD No. 1, Box 195, Milton, Del. 19968, Telephone No. 302-684-8419.

SUPPLEMENTARY INFORMATION:

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

Public hunting of upland game is permitted only on the North Hunting Area. This open upland game hunting area, comprising approximately 2,320 acres, is shown on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158.

Hunting shall be in accordance with all State and Federal regulations covering the hunting of upland game subject to the following conditions:

1. Hunting hours will be from one-half hour before sunrise to one-half hour after sunset.

2. Field possession of waterfowl or coots is prohibited on the North Hunting Area.

3. Practice and target shooting is prohibited.

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Administrative needs require that the Prime Hook Refuge upland game season be held concurrent with the Delaware State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

WILLIAM C. ASHE,
*Acting Regional Director,*
*U.S. Fish and Wildlife Service.*

AUGUST 19, 1977.

[FR Doc.77-25008 Filed 8-26-77;8:45 am]

## PART 33—SPORT FISHING

### Opening of Flint Hills National Wildlife Refuge, Kansas, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Fishing Seasons as determined by applicable State Laws.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, telephone 316-364-8381.

SUPPLEMENTARY INFORMATION:

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kansas, is permitted only on the areas designated as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Hartford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

1. During the period October 1, 1977 through December 31, 1977 only Eagle Creek, the Neosho River and impoundments in the Eagle Creek and Hartford hunting units are open to public fishing, except the Neosho River Oxbow northeast of the Strawn townsite is closed, as marked by buoys.

2. Immediately following the close of the 1977-78 Waterfowl Season, as determined by State and Federal law, all waters within the Flint Hills Refuge are open to sport fishing and the taking of bull frogs through September 30, 1978.

3. Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

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

Dated: August 22, 1977.

MICHAEL J. LONG,
*Refuge Manager.*

[FR Doc.77-24998 Filed 8-26-77;8:45 am]

## Title 45—Public Welfare

### CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### PART 116d—GRANTS TO STATE EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

### Extension of Comment Period on Interim Regulations and Proposed Scheduling of Additional Hearings

AGENCY: Office of Education, HEW.

ACTION: Extension of Comment Period for Development of Permanent Final Regulations and Scheduling of Additional Hearings.

SUMMARY: In the FEDERAL REGISTER of July 13, 1977 (42 FR 36076-36085), the Office of Education published Interim Final Regulations governing the Title I Elementary and Secondary Education Act program for grants to State educational agencies for programs for migratory children. Interested parties were given until August 29, 1977, to comment on these Interim Final Regulations for the purpose of developing permanent final regulations in the future. However, several parties interested in commenting on these regulations have requested the Commissioner of Education to extend the time for comment. In light of this, the

Commissioner is taking the following action:

(a) *Extension of Comment Period.* The Commissioner hereby extends the period for receiving written comments for purposes of developing the permanent final regulations for the Program for Grants to State Educational Agencies to Meet the Special Educational Needs of Migratory Children, until December 9, 1977.

(b) *Scheduling of Additional Hearings in Texas and Florida.* The Commissioner will also schedule two more hearings for purposes of gathering further testimony from migratory workers and others interested in the education of migratory children for the development of permanent final regulations for the Title I Elementary and Secondary Education Act Program for Grants to State Educational Agencies for Programs to Meet the Special Educational Needs of Migratory Children. The hearings will be held during November of 1977 in Texas and Florida. If an additional site is necessary, it will be announced later in the FEDERAL REGISTER. The exact locations, dates, and times of these additional hearings will be published in due course in a future notice in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Mr. Vidal Rivera, telephone 202–245–2427.

Dated August 25, 1977.

JOHN ELLIS,
*Acting U.S. Commissioner of Education.*

[FR Doc.77–25267 Filed 8–26–77;10:10 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 905 ]

[Docket No. AO–85–A8]

### ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

### Decision on Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Federal marketing agreement and order for fresh oranges, grapefruit, tangerines and tangelos grown in Florida. Growers of these fruits will vote in a referendum to determine if they favor the proposed changes in the order.

The proposed amendment would merge the Shippers Advisory Committee and Growers Administrative Committee to form an administrative committee which reflects both shipper and grower interests. The proposals would authorize separate regulations for Dancy and Robinson varieties of tangerines to recognize seasonal and other differences between the two varieties. In addition, it would change provisions relating to a percentage grade or size limitation to authorize a broader, more representative, basis for computation of shipments of a specified grade or size. It would also make other minor changes in the order to reflect current practices.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued February 18, 1977; published February 23, 1977 (42 FR 10693); Notice of Recommended Decision—Issued June 7, 1977; published June 13, 1977 (42 FR 30198).

PRELIMINARY STATEMENT

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), (hereinafter referred to collectively as the "order") regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Lakeland, Florida, on March 10, 1977, pursuant to notice thereof issued on February 18, 1977.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on June 7, 1977, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. Exceptions were filed by two persons.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to correction of inadvertent, grammatical or obvious errors.

*Material issues.* The material issues of record are as follows: (FEDERAL REGISTER —June 13, 1977 (42 FR 30198))

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

1. Change the definition of "Secretary", "Fruit", "Variety", and "Producer"; replace "standard packed box" with "standard packed carton"; and add a definition of "Committee".

2. Update order provisions relating to district and redistricting.

3. Merge the Shippers Advisory Committee and Growers Administrative Committee into a single committee titled Citrus Administrative Committee.

4. Add authority for a public member to the committee.

5. Revise provisions relating to the committee with respect to: nomination, selection, duties, compensation, and procedure.

6. Delete reference to "supplies on track" from market factors required to be considered by the committee in formulating recommendations for regulation of shipments.

7. Change order provisions relating to a limitation of a portion of a grade or size.

8. Delete the section pertaining to exemptions.

9. Make conforming changes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on the record of hearing: (FEDERAL REGISTER—June 13, 1977 (42 FR 30198))

(1) The term "Secretary" should be modified to make it clear that this term includes officials and employees of the Department to whom authority has been delegated by the Secretary of Agriculture to act in his stead. This would recognize that it is not physically possible for the Secretary to perform all of the tasks involved in the administration of all the programs under his jurisdiction. The Secretary has the authority to so delegate and it is customary for him to exercise such authority by arranging for some such tasks to be performed under delegation of authority by persons under his supervision. The current definition does not make this clear, hence, the definition shoud be revised as hereinafter set forth.

Authority should be provided in the order to regulate the handling of Dancy and Robinson tangerines as separate varieties of fruit. Currently, the Dancy and Robinson varieties are included in the same varietal classification. Hence, both varieties are requried to be under the same regulations. This does not permit recognition of the different characteristics of the two varieties. Robinson variety tangerines mature earlier than tangerines of the Dancy variety and attain a slightly larger size at maturity than the Dancy. Hence, a size regulation which permits shipment of smaller sizes of mature Robinson tangerines also permits shipment of immature Dancy tangerines. Inasmuch as there is no current authority to provide separate regulations for Dancy and Robinson tangerines it has been difficult to apply a regulation which recognizes the size and related maturity differences between the varieties. Authority for separate regulation would enable issuance of regulations more appropriate for each variety. Persons familiar with Dancy and Robinson tangerines, including inspectors, can distinguish between the two varieties. Hence, the issuance of regulation recognizing differences in such characteristics as size or quality is appropriate and practical, and would tend to effectuate the purposes of the order and the act and the definition of "variety" should be amended as hereinafter set forth.

An exception was filed by Jeff B. Huppel, Orlando,. Fla. This exception commented on Robinson and Dancy varieties of tangerines and the need to recognize seasonal and other differences between the two varieties. As discussed above, such differences are recognized in the authority to issue separate regulations.

The name of the fruit designated in the order as "Murcott Honey oranges" should be changed to "Honey tangerines". The designation of Honey tangerines is descriptive of this variety of fruit as it exhibits features characteristic of the tangerine. This fruit is commonly referred to in the industry as the "Honey tangerine". This has been recognized in the development of State grades applicable to fresh intrastate shipments of this fruit. These standards are identical to the U.S. Standards for Grades of Florida Tangerines with minor exceptions, and in recent years regulations for this fruit under the order have been based on these standards. Therefore, it

is appropriate that the name of this fruit be changed to Honey tangerines, as hereinafter set forth.

The order should provide authority for the committee, with the approval of the Secretary, to recommend inclusion under the order of other varieties of the specified citrus fruits.

The order currently provides for regulation of oranges, grapefruit, tangerines, and tangelos grown in the production area in Florida. Regulation may be applied to new varieties which closely resemble one of the standard varieties but this may not be entirely appropriate and occasionally an unlike variety may be designated and produced in significant quantities. These varieties compete with varieties regulated under the order but are not regulated. The shipment of varieties which are not regulated under the order can adversely affect returns to producers of varieties which are regulated. Hence, the order should contain authority enabling any variety which compete with varieties regulated under the order to be made subject to appropriate requirements the same as varieties covered under the order.

The term "producer" should be redefined as hereinafter set forth to identify those persons who are eligible to participate in referenda and in the election of nominees for positions on the committee and those who are eligible to serve as producer members on the committee. Presently, "producer" is defined in the order as "any person engaged in the production of fruit." Such definition is too broad and could include other individuals who are not recognized by the industry as producers, such as part-time grove employees. The consensus of the industry is that the definition should be amended to make it clear that "producer" or "grower" is a person owning or having control of the disposition of his production. Thus, a producer should be defined as follows: "producer" is synonymous with "grower" and means any person who is engaged in the production for market of fruit in the production area and who has a proprietary interest in the fruit so produced.

The order currently contains a definition of "standard packed box." This is a unit of measure equivalent to one and three-fifths (1⅗) United States bushels of fruit. That term was included in the order to provide a convenient unit upon which to base assessments and reports of fresh shipments. At the time this term was included in the order, and for several years thereafter, the principal container used for shipping fresh citrus fruit was a wood box with a capacity of 1⅗ bushels. This container has now been replaced by a corrugated paperboard carton with a capacity of four-fifths of a bushel. In recognition of this, the Fruit and Vegetable Inspection Division of the Florida Department of Agriculture at Winter Haven, which compiles much of the data used by the committee, has converted all of its fresh citrus records to a four-fifths bushel carton basis. In addition, the Florida Department of Citrus eliminated the 1⅗ bushel box as an approved container, and under the Department of Citrus rules, Chapter 20–39.02, it has adopted the four-fifths bushel as the standard container for shipping fresh citrus. Since the standard packed box is no longer used for packaging citrus fruits, the definition of such term should be deleted from the order. A definition of "carton or standard packed carton" should be included in the order. Carton or standard packed carton should be defined as hereinafter set forth to mean a unit of measure equivalent to four-fifths (⅘) of a bushel of fruit. Likewise, §§ 905.41 Assessments and 905.70 Manifest report should be amended so that such sections refer to "carton or standard packed carton", as hereinafter set forth, as the assessment unit and shipping records of the committee should be related to the standard container commercially used by the industry.

The provisions of current § 905.12, § 905.13, § 905.14, § 905.15, § 905.16, should be redesignated as § 905.13, § 905.15, § 905.16, § 905.17, and § 905.18, respectively in the order to facilitate addition of new § 905.12 Committee. The term "committee" should be defined to mean "the Citrus Administrative Committee established pursuant to § 905.19" as hereinafter discussed.

(2) Redesignated § 905.13 should define the geographic districts into which the production area is divided for purposes of allocating grower positions on the committee. The order contains authority for the committee, with the Secretary's approval, to redefine the districts. Such redefinition was effected most recently in 1966 by amendment of the committee's administrative rules. This action resulted in the reduction of the number of districts from seven to five, and is reflected in the definition of districts set forth in § 905.125. These districts currently constitute an appropriate basis for allocation of producer representation. Since the definition of districts set forth in § 905.12 is obsolete such definition should be replaced with the definition described in § 905.13 hereinafter set forth.

Paragraph (k) of current § 905.31 authorizes the committee, with the approval of the Secretary, to redistrict and reapportion members among districts. The text of § 905.31(k) should be revised and redesignated as § 905.14 in the order. The revision should simplify the language and clearly indicate that only grower membership of the committee is subject to reapportionment. In addition, the date "1980–81" should be substituted for "1965–66." The order currently requires the committee to consider redistricting and reapportionment during the 1965–66 fiscal period, and in each fifth fiscal period thereafter. Since the record indicates that the districts and allocation of members are presently appropriate, the committee should not be required to consider redistricting and reapportionment until the season 1980–81.

(3)–(4) Currently, there are two committees established under the order. The Shippers Advisory Committee (SAC) and the Growers Administrative Committee (GAC). As the name implies, the duties of SAC are largely advisory, its principal function being to evaluate the economic factors enumerated in the order relating to citrus produced in Florida and other states, and, if it deems advisable to regulate any variety as provided in the order, to make a recommendation to the GAC. The GAC has a number of duties which are enumerated in the order. These are largely administrative but they include the responsibility of submitting to the Secretary any recommendation of SAC together with its own recommendations and supporting information related to the economic factors enumerated in the order which have a bearing on the recommendation.

The SAC is comprised of 8 members and alternates, all shippers. At least three positions on SAC are to be filled by persons affiliated with cooperative marketing organizations, and the remainder are to be filled by persons not so affiliated. The GAC is comprised of 8 or 9 members and alternates, currently 9, all growers. The positions on GAC are apportioned among five geographic districts as specified in the order. At least three such positions are to be filled by growers affiliated with cooperative marketing organizations.

At the time the provision for two committees was included in the order, it was believed that the interests of shippers and growers were sufficiently different as to require them to function on different bodies. In recent years these differences have tended to become obscure and the two committees have found it advantageous to meet together in the consideration of matters under the order.

In the consideration of recommendations for regulations the committees normally meet several times each year during the marketing season. Often conditions develop which make it desirable for meetings to be scheduled on short notice. In recent years the Federal Advisory Committee Act which applies to meetings of SAC has affected committee operations in that it requires publication of meeting notices in the FEDERAL REGISTER at least 7 days, and preferably 15 days, in advance of meetings. Since the committees have found that the members of both GAC and SAC can operate in harmony in meetings and other activities under the order, the merging of the two committees into one administrative body would be a reasonable and appropriate means of providing the marketing expertise of shippers to such body without retaining the cumbersome procedures now involved in the operation of SAC. Hence, it is concluded that the order should be amended to abolish GAC and SAC and to provide for establishment and membership of a committee comprised of 8 or 9 grower members and alternates and 8 shipper members and alternates to be named the Citrus Administrative Committee (CAC).

Also, the public interest is to be observed in actions taken under marketing orders, hence, the interests of all groups including growers, handlers, and consumers should be considered. Therefore, the order should provide for a public member on the CAC. Although all com-

mittee meetings are open to the public, there has been little participation by consumers. A public representative on the committee would be in a position to contribute the views of the public, other than that of the industry, to the development of recommendations for regulation designed to serve the interest of both the industry and the public generally. Therefore, it is concluded that the orders should be amended as hereinafter set forth to provide authority for a position of nonindustry member on the committee. Such member should have the same rights and privileges as other members of the committee. It would be appropriate for the grower and shipper members of CAC, with the approval of the Secretary, to establish by an administrative rule specifying the term of office, qualifications, and manner of nomination for persons to fill the public member position and the order should so provide.

(5) Current provisions of the order relating to term of office of members and alternate members of present committees under the order are contained in § 905.21 and § 905.24, respectively. These provisions have proved effective in order operations and should be appropriately modified to make them applicable to the members and alternate members of the Citrus Administrative Committee as hereinafter specified in § 905.20.

Provision for selection of initial members of the Citrus Administrative Committee should be included in the order. The record indicates that an orderly transition from the two committee system to the single committee could be effected if the members and alternate members serving on the present committees under the order were to become the members and alternates of the Citrus Administrative Committee. Inasmuch as the record indicates that the new Citrus Administrative Committee should be comprised of the same number of grower and shipper members as the present committees and qualifications the same, this would be appropriate. It is therefore concluded the order should provide, as hereinafter set forth, that the initial members and alternate members of the Citrus Administrative Committee shall be the same as those serving on the GAC and SAC when the amendment becomes effective establishing CAC.

Provisions relating to nomination of members and alternate members of the GAC and SAC are contained in § 905.22 and § 905.25, respectively. These provisions, with editorial changes and minor revisions, should be made applicable to the nomination of the grower and shipper members and alternate members of CAC as hereinafter specified in § 905.22.

Currently, the order requires the Secretary to give notice of meetings for the purpose of nominating members and alternate members to the GAC and SAC. This function should be assumed by CAC.

The number of committee member and alternate member nominees required to be submitted to the Secretary should be changed in the order to conform to the number of members and alternates to be selected by him. Currently the order requires submission of a specified larger number of nominees for positions to be filled. Evidence indicates that such provision has served no useful purpose in the operation of the order. In selecting members and alternate members to the committee, the order authorizes the Secretary to select from other eligible persons, in addition to the nominees, to insure that the best qualified individuals are selected. Hence, the Secretary may exercise a choice, and submission of a larger number of nominees is unnecessary.

Provisions relating to selection of members and alternate members of the GAC and SAC are contained in § 905.23 and § 905.26, respectively. These provisions, with editorial changes and minor revision, should be made applicable to the selection of members and alternate members of the CAC as hereinafter specified in § 905.23.

Allocation of grower membership among districts should be as set forth in § 905.126 *Subpart—Rules and Regulations.* The allocation set forth in § 905.23 is no longer appropriate. Therefore, the order should be amended, as hereinafter set forth. As so amended § 905.23(a) applicable to grower membership on the Citrus Administrative Committee would reflect the allocation currently set forth in § 905.126. The requirement that at least three of the independent shipper members and alternate members shall also be producers should be deleted. This provision which was designed to assure that SAC would have access to grower expertise within its ranks is inappropriate and unnecessary in the establishment of an administrative committee consisting of both producers and shippers as the interests of both groups are adequately represented on the single committee.

The duties of the GAC contained in § 905.31 should be the duties of the new CAC with two exceptions. The duty to notify the SAC of meetings of the GAC contained in § 905.31(j) should be deleted as GAC and SAC should be abolished as separate entities. As previously discussed, § 905.31(k) which relates redistricting and reapportionment of membership among districts should be redesignated as § 905.14. Therefore, § 905.31 (k) should be deleted. Likewise, in the light of the foregoing, § 905.32 *Duties of the Shippers Advisory Committee* should be deleted.

The order should be amended, as hereinafter set forth, to provide that an alternate member may be reimbursed for reasonable expenses necessarily incurred by him in attendance of meetings and in the performance of other committee business. Authorizing the payment of compensation for alternate members would encourage greater participation in committee activities. Such participation is desirable as it makes available to the committee a broader base of experience and it facilitates alternate members gaining experience in dealing with problems facing the committee. Hence, alternate members would be better prepared to deal with situations in which they may serve as a member. Moreover, since the alternate is serving the interests of the industry, it appears equitable that he be reimbursed for reasonable expenses incurred by him in attending committee meetings or performing other committee business.

The order should provide, as hereinafter set forth, that ten members or alternates acting as members of the CAC shall be necessary to constitute a quorum and ten members, including five grower members, must concur to validate a decision. This is an appropriate requirement and would provide for consideration of matters affecting the industry by a majority of the committee while assuring that growers continue to retain a prominent role in decision-making. Currently, the order provides that five members of either committee are necessary to form a quorum or pass a decision except that the GAC may recommend a regulation of shipments of grapefruit grown in Regulation Area I or Regulation Area II which meet the requirements of Improved No. 2 Grade only upon the affirmative vote of a majority of its members from the regulation area affected. This provision should be carried forward in § 905.34(b) of the amended order to permit such recommendation by a majority of the members from either Regulation Area I or Regulation Area II on the Citrus Administrative Committee.

The notice of hearing contained a proposal which would permit the committee, in cases of emergency, to vote by telephone with the stipulation that two dissenting votes would prevent its adoption.

The proponents stressed that the authority for the committee to consider proposals and vote by telephone is needed to provide flexibility in the operation of the order. They pointed out that situations such as those brought about by hurricanes and freezing temperatures occur and call for quick action which would be facilitated by authorization to vote by telephone. An example was given of a situation which developed as a result of the recent freeze in which action by the Secretary was needed to relax a regulation so the industry could move fruit before the onset of the State's embargo. The committee's action was limited to providing the Secretary with the results of a telephone poll of the members of SAC and GAC and a request that the Secretary relax the regulation. The telephone poll thus taken and the accompanying request did not have the same standing as a formal recommendation developed in accordance with procedures provided under the order.

The opponents objected to the proposal primarily on the basis that telephone voting does not permit the full discussion provided by an assembled meeting. With respect to those situations when action may be needed but the committee finds it difficult or impossible to assemble, they suggested that the Secretary could act without a formal recommendation from the committee.

The advantages of an assembled meeting are recognized, and it is a fact that the Secretary may take actions relative to the order without a formal recommendation from the committee. However, it is recognized also that the committee is established under the order to provide the Secretary with information and recommendations for his consideration in taking actions relative to the order. A committee recommendation arrived at by an authorized telephone vote of the committee along with other available information is of greater assistance to the Secretary than no formal committee recommendation. It is particularly important that the industry sentiment as reflected by an action of the committee be available to the Secretary when he takes action in an emergency situation.

The record indicates that if two dissenting votes are remeived when a matter is presented in a telephone vote this should prevent its adoption. This would appear to constitute an ample safeguard to prevent abuse of the telephone voting procedure. If in the conduct of a telephone vote two members vote in opposition, this may be taken as a signal that an assembled meeting should be scheduled at which the matter can be subjected to a full discussion. Therefore, it is concluded that consistent with the foregoing, and as hereinafter set forth, the order should be amended to authorize the committee to vote by telephone.

Currently, § 905.34(c) relates to giving notice of meetings of the Growers Administrative Committee. This should be made applicable to the Citrus Administrative Committee and designated as § 905.34(d).

(6) In developing its recommendations the Growers Administrative Committee is required by § 905.51 of the order to consider factors relating to citrus fruit produced in Florida and other States including "amount on hand at the principal markets, as evidenced by supplies on track". When the order was initially made effective most of the citrus crop was shipped by rail. The record indicates that in 1975–76 rail shipments accounted for less than 2.5 percent of fresh citrus shipments from Florida. In that year and during the subsequent season the substantial portion of Florida citrus was shipped by truck. Also, trucks are the principal mode of transportation of Texas and California-Arizona citrus fruits. Thus, information as to track supplies of citrus fruits from the different producing areas is no longer indicative of the amount of fruit at the principal markets or suggestive of demand prospects. In view of this development, consideration of the amount on hand at principal markets as evidenced by track supplies should be made non-compulsory.

Ample information is available to the committee at each meeting which is relevant to the analysis of the market for Florida citrus. Section 905.51 of the order requires consideration by the committee of each of the different factors having a bearing on the demand situation. This section should be amended (1) to empower the Citrus Administrative Commitee to make recommendations to the Secretary on the basis of specified available information and (2) to make minor editorial changes relative to the deletion of the reference to the Shippers Advisory Committee.

(7) The title of § 905.52 of the order should be changed to "Issuance of Regulations" consistent with terminology currently used in more recently issued marketing orders. The references to Shippers Advisory Committee and Growers Administrative Committee should be deleted and the text revised to reflect the shift to the Citrus Administrative Committee. In addition, the proviso in paragraph (a)(1) pertaining to regulations which provide for regulations limiting a portion of a specified grade or size of a variety should be revised to provide a new basis for determining such percentage. Considerable difficulty has been experienced in achieving compliance when regulations have been in effect under this provision. Initially, the order authorized the limitation of a percentage of a grade or size of fruits on a weekly basis and provided that the quantity permitted to be shipped by a handler would be determined as a percentage of the total quantity of such variety shipped by the handler during the same regulation week. This resulted in violations when handlers based the limited quantity on the quantity they intended to ship and the total quantity actually shipped was less. Reasons given for such discrepancy included interferences such as rain, harvesting delays, and late arrival of trucks at the packinghouse. This resulted in an amendment to the order to provide that the portion of a grade or size of a variety a handler could ship would be set as a percentage of the handler's total shipments of the variety he shipped during the last week preceding the regulation week within the current season. This change was intended to resolve compliance difficulties by permitting handlers to make the calculation of such shipments of a variety based on a known volume of shipments. However, this basis for determining shipments of a portion of a grade or size has likewise produced a substantial number of violations largely due to errors in computation by handlers. The record indicates that compliance and administration of this provision could be improved if the committee performs the computing and notifies each handler of the quantity representing his portion of a grade or size he is permitted to ship when a regulation under this provision is in effect.

The evidence indicates that a further improvement can be made if the determination of such quantity is based on shipments of a period longer than one week. Basing the percentage only on shipments of a preceding week ignores circumstances which may cause a handler to ship a smaller quantity than normal of the variety during a given week, and basing the handler's permitted shipments on that week would result in his being permitted to ship only at a correspondingly reduced level. Consequently, basing the portion on a longer representative prior period would be a more equitable basis for determining the quantity of a portion of a grade or size permitted to be shipped by a handler. To recognize the differences in varieties and seasons the order could provide that the representative period may be different for each variety of fruit as recommended by the committee and approved by the Secretary. It was advanced that a more equitable representative period may be one or two prior seasons and the elapsed number of weeks during the then current season, providing that any implementing rule would provide opportunity for new shippers who have no record of shipments during the representative period to participate and transfers between handlers should be permitted. The notice of hearing contained a proposal to amend § 905.52(a)(5) by substituting "State of Florida Citrus Fruit Laws" for the designation "Florida Citrus Code" which now is seldom used. A modification to the proposal was proposed and supported at the hearing. The modification which would delete "Florida Citrus Code" and insert in lieu thereof "Chapter 601 of the Florida Statutes and Regulations Effective Thereunder" would provide a more specific reference. Therefore, in consideration of the foregoing it is concluded that § 905.52 of the order should be amended, as hereinafter set forth.

(8) Exemption provisions in § 905.54 should be deleted. The exemption procedure therein specified has been effective under rules and regulations for over twenty years. During that time very few growers have applied for exemption and the industry conditions which justified exemptions have changed. The exemption provisions were designed to deal with a situation in which a grower was prevented by regulation from shipping a percentage of his fruit equal to the percentage set forth in the committee's marketing policy. When these provisions were included in the order the major portion of the fruits were shipped to fresh market and there was concern that regulation might prevent a grower from shipping at least the specified share of his crop to fresh outlets. Currently, the processing outlet utilizes a dominant share of the orange and grapefruit crops and a large portion of other citrus fruits. Hence, fruit which does not meet fresh market requirements can be marketed in the processing outlet. Moreover, with an abundance of fruit meeting fresh market requirements it would be extremely difficult to market lower quality fruit under an exemption. It would be detrimental to the interest of the industry to permit the marketing of inferior fruit in fresh channels when ample alternatives exist to permit constructive disposition. Therefore, the exemption provision should be eliminated from the order.

(9) The amendment heretofore recommended will make it necessary to make certain conforming changes in sections not specifically discussed in connection therewith. All such changes should be incorporated in the order as hereinafter set forth.

*Rulings on exceptions:* One exception was filed by Wilson C. McGee, United Growers and Shippers Association, Inc., Orlando, Fla. The exception expressed views in opposition to: redefining "Secretary' to include officers or employees of the Department to whom authority may be delegated; adding a public member to the committee; merging the Growers Administrative Committee and Shippers Advisory Committee; reimbursing alternate members for expenses incurred in attending committee meetings; revising committee quorum and voting requirements; authorizing the committee to vote by telephone; and revising provisions relating to a limitation of a portion of a grade or size. For the reasons set forth in the recommended decision, each objection submitted by Wilson C. McGee in his exception has been considered in adopting this decision and they are hereby overruled and denied.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Order Amending the Order, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida," and "Marketing Agreement, as Further Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

*Referendum order.* It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.), to determine whether the issuance of the annexed order as amended and as hereby proposed to be amended, regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1976, through July 31, 1977.

The agents of the Secretary to conduct such referendum, jointly or severally, are hereby designated to be William C. Knope and John R. Toth, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 9, Lakeland, Fla. 33802.

Signed at Washington, D.C. on August 24, 1977.

ROBERT H. MEYER,
*Assistant Secretary for Marketing Services.*

*Order[1] Amending the Order, As Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Upon the basis of the record it is found that:

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

(2) The order, as amended, and as hereby further amended, regulates the handling of oranges (including Temple oranges), grapefruit, tangerines (including Honey tangerines), and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(4) The order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of oranges (including Temple oranges), grapefruit, tangerines (including Honey tangerines), and tangelos grown in the production area; and

(5) All handling of oranges (including Temple oranges), grapefruit, tangerines (including Honey tangerines), and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof the handling of oranges (including Temple oranges), grapefruit, tangerines (including Honey tangerines), and tangelos shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Acting Administrator on June 7, 1977, and published in the FEDERAL REGISTER on June 13, 1977 (42 FR 30198; FR Doc. 77-16664), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Section 905.1 *Secretary* is revised to read as follows:

**§ 905.1 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. Section 905.4 *Fruit* is revised by amending paragraph (f) to read as follows:

**§ 905.4 Fruit.**

* * * * *

(f) Honey tangerines.

3. Section 905.5 *Variety* is revised by amending paragraphs (i), (j), and (k), and adding new paragraphs (l) and (m). As amended § 905.5 reads as follows:

**§ 905.5 Variety.**

* * * * *

(i) Dancy and similar tangerines, excluding Robinson and Honey tangerines;

(j) Robinson tangerines;

(k) Honey tangerines;

(l) Naval oranges; and

(m) Other varieties of citrus fruits specified in § 905.4 as recommended by the committee and approved by the Secretary.

4. Section 905.6 *Producer* is revised to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

**§ 905.6 Producer.**

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of fruit in the production area and who has a proprietary interest in the fruit so produced.

5. Section 905.10 *Standard packed box* is revised to read as follows:

**§ 905.10 Carton or standard packed carton.**

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (⅘) United States bushels of fruit, whether in bulk or in any container.

6. The provisions of §§ 905.12, 905.13, 905.14, 905.15, 905.16 are redesignated as §§ 905.13, 905.15, 905.16, 905.17, and 905.18, respectively, and a new § 905.12 is added reading as follows:

**§ 905.12 Committee.**

"Committee" means the Citrus Administrative Committee established pursuant to § 905.19.

7. Section 905.13 is revised and a new § 905.14 is added to read as follows:

**§ 905.13 District.**

(a) "Citrus District One" shall include the Counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Citrus District Two" shall include the Counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner, Districts One, Two, and Three of Volusia County, and that part of the Counties of Indian River and Brevard not included in Regulation Area II.

(c) "Citrus District Three" shall include the County of St. Lucie and that part of the Counties of Brevard, Indian River, Martin, and Palm Beach described as lying within Regulation Area II, and County Commissioner's Districts Four and Five of Volusia County.

(d) "Citrus District Four" shall include the Counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Sota, Charlotte, Lee, Hendry, Collier, Monroe, Dade, Broward, and that part of the Counties of Palm Beach and Martin not included in Regulation Area II.

(e) "Citrus District Five" shall include the County of Polk.

8. Section 905.14 is revised to read as follows:

**§ 905.14 Redistricting.**

The committee may with the approval of the Secretary, redefine the districts into which the production area is divided or reapportion or otherwise change the grower membership of districts, or both: *Provided*, That the membership shall consist of at least eight but not more than nine grower members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of fruit shipped from each district; (2) the volume of fruit produced in each district; and (3) the total number of acres of citrus in each district. The committee shall consider such redistricting and reapportionment during the 1980–81 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

9. Delete §§ 905.20 through 905.26 and insert in lieu thereof the following:

**§ 905.19 Establishment and membership.**

(a) There is hereby established a Citrus Administrative Committee consisting of at least 8 but not more than 9 grower members, and 8 shipper members. Grower members shall be persons who are not shippers or employees of shippers. Shipper members shall be shippers and employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom he is an alternate.

**§ 905.20 Term of office.**

The term of office of members and alternate members shall begin on the first day of August and continue for one year and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited. Members, their alterantes, and their respective successors shall be nominated and selected by the Secretary as provided in §§ 905.22 and 905.23.

**§ 905.21 Selection of initial members of the committee.**

The initial members of the Citrus Administrative Committee and their respective alternates shall be the members and alternates of the Growers Administrative Committee and the Shippers Advisory Committee serving on the effective date of his amendment. Each member and alternate shall serve until completion of the term for which he was selected and until his successor has been selected and qualified.

**§ 905.22 Nominations.**

(a) *Grower member.* (1) The committee shall give public notice of a meeting of producers in each district to be held not later than July 10 of each year, for the purpose of making nominations for grower members and alternate grower members. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Each nominee shall be a producer in the district from which he is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he is a producer. At least three of the nominees and their alternates so nominated shall be affiliated with a bona fide cooperative marketing organization.

(b) *Shipper members.* (1) the Committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than July 10 of each year, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Nomination of at least three members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations for not more than five members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handlers or his authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit by such handler during the then current fiscal period.

**§ 905.23 Selection.**

(a) From the nominations made pursuant to § 905.22(a) or from other qualified persons, the Secretary shall select one member and one alternate member to represent District 2 and two members and two alternate members each to represent District 1, 3, 4, and 5 or such other number of members and alternate members from each district as may be prescribed pursuant to § 905.14. At least three such members and their alternates shall be affiliated with bona fide cooperative marketing organizations.

(b) From the nominations made pursuant to § 905.22(b) or from other qualified persons, the Secretary shall select at least three members and their alternates to repersent bona fide cooperative marketing organizations which are handlers, and the remaining members and their alternates to represent handlers who are not so affiliated.

10. Section 905.31 *Duties of Growers Administrative Committee* is revised by: (1) Revising the title and introductory

sentence thereof; and (2) deleting paragraphs (j) and (k). As amended § 905.31 reads as follows:

**§ 905.31 Duties of Citrus Administrative Committee.**

It shall be the duty of the Citrus Administrative Committee:

* * * * *

(j) [Deleted]
(k) [Deleted]

**§ 905.32 [Revoked]**

11. Section 905.32 *Duties of Shippers Advisory Committee* is deleted.

12. Section 905.33 *Compensation and expenses of committee members* is revised to read as follows:

**§ 905.33 Compensation and expense of committee members.**

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

13. Section 905.34 *Procedure of committees* is revised to read as follows:

**§ 905.34 Procedure of committee.**

(a) Ten members of the committee shall constitute a quorum.

(b) For any decision or recommendation of the committee to be valid, ten concurring votes, five of which must be grower votes, shall be necessary: *Provided*, That the committee may recommend a regulation restricting the shipment of grapefruit grown in Regulation Area I or Regulation Area II which meets the requirements of the Improved No. 2 grade or the Improved No. 2 Bright grade only upon the affirmative vote of a majority of its members present from the regulation area in which such restriction would apply; and whenever a meeting to consider a recommendation for release of such grade is requested by a majority of the members from the affected area, the committee shall hold a meeting within a reasonable length of time for the purpose of considering such a recommendation. If after such consideration the requesting area majority present continues to favor such release for their area the request shall be considered a valid recommendation and shall be transmitted to the Secretary. The votes of each member cast for or against any recommendation made pursuant to this subpart shall be duly recorded. Whenever an assembled meeting is held each member must vote in person.

(c) The committee may, in cases of emergency, vote by telephone and all such votes must be confirmed in writing. Any proposition so voted upon shall first be fully explained to all members or alternates acting as members. When any proposition is submitted to be voted on by telephone, two (2) dissenting votes shall prevent its adoption.

(d) The committee shall give the Secretary the same notice of meetings as is given to the members thereof.

14. Section 905.51 *Recommendations for regulation* is amended by revising paragraph (a), by deleting paragraph (b) and substituting "committee" for "Growers Administrative Committee" in paragraph (c) and by redesignating paragraph (c) as paragraph (b). As amended § 905.51 reads as follows:

**§ 905.51 Recommendations for regulation.**

(a) Whenever the committee deems it advisable to regulate any variety in the manner provided in § 905.52, it shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (3) other pertinent market information and (4) the level and trend of consumer income. The committee shall submit to the Secretary its recommendations and supporting information respecting the factors enumerated in this section.

(b) The committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with the committee for this purpose. The committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

15. Section 905.52 *Regulation by the Secretary* is revised by:

(1) Revising the title thereof;

(2) Substituting "committee" for "Shippers Advisory Committee" and the "Growers Administrative Committee" in the first sentence of paragraph (a);

(3) Revising the proviso in subparagraph (1) of paragraph (a);

(4) Substituting "Chapter 601 of the Florida Statutes and regulations effective thereunder" for the "Florida Citrus Code" in subparagraph (5) of paragraph (a);

(5) Deleting "Growers Administrative Committee" in paragraph (b) and "Shippers Advisory Committee and the Growers Administrative Committee" in paragraph (c) and substituting therefor the word "committee"; and

(6) Adding "of any variety" following the words "to any or all shipments" in the first sentence of paragraph (c). As amended § 905.52 reads as follows:

**§ 905.52 Issuance of regulations.**

(a) Whenever the Secretary shall find from the recommendations and reports of the committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety, the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler in such prior period established by the committee with the approval of the Secretary, in which he shipped such variety.

* * * * *

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided*, That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of Chapter 601 of the Florida Statutes and regulations effective thereunder.

(b) Prior to the beginning of any such regulations, the Secretary shall notify the committee of the regulation issued by him, and the committee shall notify all handlers by mailing a copy thereof to each handler who has filed his address with the committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of any variety of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) * * *

**§ 905.54 [Revoked]**

16. Section 905.54 *Exemptions* is deleted.

**§ 905.14 [Redesignated]**

A typographical error in § 905.14 (redesignated herein as § 905.16) is corrected by substituting "Township 15 South, Range 32 East;" for "Township 18 South, Range 32 East". As so revised and redesignated said section reads as follows:

**§ 905.16 Regulation Area II.**

"Regulation Area II" shall include that part of the State of Florida particularly described as follows:

Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14

South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; * * *

17. The following sections are revised by substituting "committee" for references to "Growers Administrative Committee and Shippers Advisory Committee".

**§ 905.27 Failure to nominate.**

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 905.22 * * *

**§ 905.28 Acceptance of membership.**

Any person selected by the Secretary as a member or alternate member of the committee * * *

**§ 905.29 Inability of members to serve.**

(a) An alternate for a member of the committee * * *

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an altenate member of the committee * * *

**§ 905.30 Powers of the committee.**

The committee, * * *

**§ 905.35 Right of the Secretary.**

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee, * * *

**§ 905.36 Funds.**

(a) All funds received by the committee * * *

(b) The Secretary may, at any time, require the committee * * *

(c) Upon the removal or expiration of the term of office of any member of the committee * * *

EXPENSES AND ASSESSMENTS

**§ 905.40 Expenses.**

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee * * *

**§ 905.41 Assessments.**

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for the maintenance and functioning, during each fiscal period, of the committee established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed carton of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee * * *

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee established under § 905.19, handlers may make advance payment of assessments.

**§ 905.42 Handler's accounts.**

(a) * * *

(b) The committee * * *

REGULATIONS

**§ 905.50 Marketing policy.**

(a) Before making any recommendations pursuant to § 905.51 for any variety of fruit the committee shall, with respect to the regulations permitted by § 905.52, submit to the Secretary a detailed report setting forth an advisable marketing policy for such variety for the then current shipping season. Such report shall set forth the proportion of the remainder of the total crop of such variety of fruit (determined by the committee to be available for shipment during the remainder of the shipping season of such variety) deemed advisable by the committee to be shipped during such season.

(b) In determining each such marketing policy and advisable proportion, the committee shall give due consideration to the following factors relating to citrus fruit produced in Florida and in other States: (1) The available crop of each variety of citrus fruit in Florida, and in other States, including the grades and sizes thereof, which grades and sizes in Florida shall be determined by the committee * * *

(c) In addition to the foregoing, the committee shall set forth a schedule of proposed regulation for the remainder of the shipping season for each variety of fruit for which recommendations to the Secretary pursuant to § 905.51 are contemplated. Such schedules shall recognize the practical operations of harvesting and preparation for market of each variety and the change in grades and sizes thereof as the respective seasons advance. In the event it is deemed advisable to alter such marketing policy or advisable proportion as the shipping season progresses, in view of changed demand and supply conditions with respect to fruit, the committee shall submit to the Secretary a report thereon.

(d) The committee * * *

**§ 905.53 Inspection and certification.**

(a) Whenever the handling of a variety of a type of fruit is regulated pursuant to § 905.52, each handler who handles any variety of such type of fruit shall, prior to the handling of any lot of such variety, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided,* That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified unless such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shal promptly submit, or cause to be submitted, to the committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety regulated pursuant to § 905.52(a)(4), the committee * * *

HANDLER'S REPORT

**§ 905.70 Manifest Report.**

The committee may request information from each handler regarding the variety, grade, and size of each standard packed carton of fruit shipped by him and may require such information to be mailed or delivered to the committee or its duly authorized representative, within 24 hours after such shipment is made, in a manner or by such method as the committee may prescribe, and upon such forms as may be prepared by it.

**§ 905.71 Other information.**

Upon request of the committee, made with the approval of the Secretary, every handler shall furnish the committee, * * *

MISCELLANEOUS PROVISIONS

**§ 905.80 Fruit not subject to regulation.**

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 905.52 and 905.53 and the regulations issued thereunder, ship any variety for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; or (e) in such minimum quantities, types of shipments, or for such purposes as the committee * * *

**§ 905.84 Proceedings after termination.**

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of committee, * * *

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary, (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the com-

mittee, or the joint trustees pursuant to this part.

(c) * * *

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said joint trustees.

§ 905.88 Personal liability.

No member or alternate of the committee * * *

Subpart—Rules and Regulations

§ 905.120 Nomination procedure.

Meetings shall be called by the committee in accordance with the provisions of § 905.22 for the purpose of making nominations for members and alternate members of the committee. The manner of nominating members and alternate members of the committee shall be as follows:

(a) At each such meeting the Secretary's agent shall announce the requirements as to eligibility for voting for nominees and the procedure for balloting, and shall explain the duties of the committee under §§ 905.51 through 905.89, inclusive.

(b) A chairman and a secretary of each meeting shall be selected.

(c) At each meeting there shall be presented for nomination and there shall be nominated not less than the number of nominees required under the provisions of §§ 905.19 and 905.22, all of whom shall have the qualifications therein provided.

(d) At the meetings of handlers, any person authorized to represent a handler may cast a ballot for such handler.

(e) At each meeting there may be cast at least the number of persons required to be nominated to represent the several districts or groups, as the case may be.

(f) All voting shall be by ballot and all ballots shall be delivered by the chairman or the secretary of the meeting to the agent of the Secretary.

§ 905.125 [Revoked]

§ 905.126 [Revoked]

§ 905.130 [Revoked]

§ 905.132 [Revoked]

Section 905.125 *Redefinition of districts*, § 905.126 *Changes in district representation*, § 905.130 *Exemption certificates*, § 905.131 Issuance of certificates, and § 905.132 *Reports* are deleted.

NON-REGULATED FRUIT

§ 905.140 Gift packages.

During any day any handler may, without regard to the provisions of § 905.52 and § 905.53 and the regulations issued thereunder, ship any variety for the following purpose, and in the following quantity, and types of shipment: (a) To any person one gift package containing such variety, individually addressed to such person, not in excess of two standard packed cartons if such packages are shipped direct to the addressee for use by such person other than for resale; or (b) to any distributor individually addressed gift packages of such variety not in excess of two standard packed cartons each for distribution by such distributor to the respective addressee, but not for resale.

§ 905.141 Minimum exemption.

Any shipment of fruit which meets each of the following requirements may be transported from the production area during any one day by any person or by occupants of one vehicle exempt from the requirements of § 905.52 and § 905.53 and regulations issued thereunder:

(a) The shipment does not exceed a total of 15 standard packed cartons (12 bushels) of fruit either a single fruit or a combination of two or more fruits;

(b) The shipment consists of fruit not for resale; and

(c) Such exempted quantity is not included as a part of a shipment exceeding 15 standard packed cartons (12 bushels) of fruit.

§ 905.145 Certification of certain shipments.

Whenever a regulation pursuant to § 905.52 restricts the shipment of a portion of a specified grade or size of a variety, each handler shipping such variety during the regulation period shall, with respect to each such shipment, certify to the U.S. Department of Agriculture and the committee the quantity of the partially restricted grade or size, or both, contained in such shipment. Such certification shall accompany the manifest of such shipment which the handler furnishes to the Federal-State Inspection Service.

[FR Doc.77-25026 Filed 8-26-77;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[ 14 CFR Part 39 ]

[Docket No. 15696]

### AIRWORTHINESS DIRECTIVES

### Gliders

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws a proposal to adopt an airworthiness directive (AD) that would have required an inspection of all control cables and cable sleeves and replacement of specified cables and cable sleeves for certain foreign manufactured gliders. The agency has determined that a lack of unsatisfactory service experience warrants the withdrawal of the proposed AD.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice was published in the FEDERAL REGISTER on May 6, 1976, at 41 FR 18681 which proposed to adopt an AD applicable to certain Messerschmitt-Bolkow-Blohm GmbH(MBB), Glasflugel, Schleicher, Start and Flug GmbH, Scheibe, and Schempp Hirth gliders. The proposed AD would have required an inspection of the flight control cable system to check the diameter of cables and sleeves manufactured according to certain specifications and by certain manufacturers and the replacement of specified cables and cable sleeves. Comments from interested persons were invited.

Fourteen comments were received in response to the proposed AD. Only one of the commentators was in favor of adopting the AD as proposed. The major objection raised by the commentators was that the only service experience supporting any AD action involves a single glider model and that the problem with that glider is related to the particular design of that model's rudder control system. Other commentators indicated that they had inspected their control cable systems after receipt of the proposed AD and discovered no defective cables.

Based on these comments, the FAA has reevaluated the need for the proposed AD and has determined that justification does not exist for adopting the AD as proposed and that the proposal should, therefore, be withdrawn. The FAA is continuing to evaluate the need for AD action and, if needed, the form of action to be taken, for the glider model referred to by the commentators.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, or commit the agency to any course of action in the future.

DRAFTING INFORMATION

The principal authors of this document are D.C. Jacobsen, Europe, Africa, and Middle East Region, T. J. Loftus, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

WITHDRAWAL OF THE NOTICE

Accordingly, and pursuant to the authority delegated to me by the Administrator, the proposed airworthiness directive published in the FEDERAL REGISTER on May 6, 1976, 41 FR 18681), titled "Airworthiness Directives—Gliders", is hereby withdrawn.

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

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

Issued in Washington, D.C., on August 19, 1977.

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

[FR Doc.77-24938 Filed 8-26-77;8:45 am]

[ 14 CFR Part 39 ]

[Airworthiness Docket No. 77-SW-24]

## AIRWORTHINESS DIRECTIVES

### Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Airworthiness Directive.

SUMMARY: A proposal to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to add an Airworthiness Directive that would require a one-time magnetic particle inspection of the main rotor hub trunnion, P/N 206-011-113-1, within 100 hours on all Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters was published in 42 FR 31171. In response to comments received as described below, the agency has determined that the proposed Airworthiness Directive be withdrawn.

DATES: Effective August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Tom A. Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone 817-624-4911, extension 517.

SUPPLEMENTARY INFORMATION: In response to the proposal, seven letters were received from helicopter operators, one from Bell Helicopter Textron, and one from the British Civil Aviation Authority objecting to the proposal. One letter was received from the National Transportation Safety Board supporting the proposal. The general consensus of those objecting to the proposal is that if the main rotor hub trunnion, P/N 206-011-113-1, is properly inspected every 1200 hours in accordance with the Bell Helicopter published maintenance and overhaul procedures, as acceptable level of safety would be insured. The findings of the NTSB suggests a lapse in the inspection standards of the overhaul agency, and it is thought inequitable that all other operators should be unduly burdened. Therefore, the agency has determined that the proposed AD is no required at this time.

#### Drafting Information

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

#### Withdrawal of the Notice

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), the proposed airworthiness directive published in the Federal Register on June 20, 1977 (42 FR 31171), is hereby withdrawn.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action and does not preclude the agency from issuing another Notice in the future or commit the agency to any course of action in the future.

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

Issued in Fort Worth, Texas, on August 5, 1977.

Henry L. Newman,
*Director, Southwest Region.*

[FR Doc.77-24916 Filed 8-26-77;8:45 am]

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[ 14 CFR Part 39 ]

[Docket No. 77-WE-27-AD]

## AIRWORTHINESS DIRECTIVES

### McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require installation of an elevator position indicator system, and modifications to improve clearances on McDonnell Douglas Model DC-8 Series airplanes to preclude jamming of the elevator.

DATES: Comments must be received on or before October 3, 1977.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

Persons affected by this AD may obtain copies of Douglas DC-8 Service Bulletins 27-254 and 27-262 by writing to: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California, 90846. Attention: L. A. Eisenberg, CI-750, 54-60.

Copies of the service bulletins are contained in the: Rules Docket in Room 916, 800 Independence Avenue S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: AD 77-10-12, Amendment 39-2906 (42 FR 26201), appeared in the Federal Register on May 23, 1977. The AD was issued to require an inspection of the elevator geared tab crank arm assemblies, the gust lock assembly, and existing clearances between the crank arm assemblies and the box section. The inspections were required to preclude crank arm failure or interference which could cause jamming of the elevator surface.

The need for such an inspection became evident as the result of a take-off accident. Investigation of the accident indicated that the airplane was subjected to high tail winds while parked with the gust lock disengaged or broken. These high winds had apparently driven the elevator beyond normal movement limits and caused link failure and jamming of the elevator surface in an airplane nose up position. The jammed elevator was not detected on the subsequent take-off until the plane was ready to lift off.

To preclude the possiblity of such failure and jamming during any future high tail wind or jet blast conditions, McDonnell Douglas has designed modifications to increase clearances between the geared tab links and the geared tab structure. These changes have been issued as McDonnell Douglas DC-8 Service Bulletin 27-262.

Another possible source of elevator jamming prior to take-off is a foreign object becoming lodged between the elevator leading edge and the rear spar of the horizontal stabilizer. The manufacturer has designed an elevator position indicator system which will give positive indication of elevator movement during the preflight control freedom-of-movement check. This system has been issued as McDonnell Douglas DC-8 Service Bulletin 27-254.

Since the possibility of linkage failure during travel beyond normal limits and subsequent elevator jamming or jamming due to foreign objects is likely to exist or develop in other aircraft of the same type design, the proposed AD would require compliance with the clearance rework requirements of DC-8 Service Bulletin 27-262 and the installation requirements of DC-8 Service Bulletin 27-254.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic environmental, and energy impact that might result because of the adoption of the proposed rule is also requested. Communications should identify the airworthiness docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received before the closing date will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in the notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rule Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rule Docket.

DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

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

McDONNELL DOUGLAS: Applies to Model DC-8 Series airplanes, certificated in all categories.

Compliance required as indicated.

To prevent failure of the elevator geared tab crank arms and jamming of the elevator surface, comply with the following:

(a) Within the next 12 months after the effective date of this AD, unless already accomplished, improve the elevator geared tab crank assembly clearance by modifying the elevator leading edge cutouts and covers, and modify and reidentify the elevator geared tab link rod end, in accordance with McDonnell Douglas DC-8 Service Bulletin 27-262 dated July 15, 1977 or later FAA approved revision.

(b) Within the next 18 months after the effective date of this AD, unless already accomplished, install an elevator position indicator system in accordance with McDonnell Douglas DC-8 Service Bulletin 27-254 dated March 5, 1975 or later FAA approved revision.

(c) Equivalent modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to authorize operation of an airplane to a base for the accomplishment of the modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

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

Issued in Los Angeles, California on August 18, 1977.

HERMAN C. BLISS,
*Acting Director,*
*FAA Western Region.*

[FR Doc.77-24933 Filed 8-26-77;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 77-Ea-69]

## TRANSITION AREA, WURTSBORO, N.Y.

### Proposed Designation

*Correction*

In FR Doc. 24154 appearing at page 42228 in the issue for Monday, August 22, 1977, the following corrections should be made.

1. On line 20 of the first column on page 42229, the bearing reading, "385°", should read, "335°".

2. On line 26, the radial reading, "228°", should read, "288°".

## [ 14 CFR Parts 91, 121, 123, and 135 ]

[Docket No. 17151; Notice No. 77-18]

## THREE POINTER ALTIMETERS

### Proposed Prohibition of Use

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration is considering rule making to prohibit the use of three pointer altimeters on large turbine-powered airplanes. Such a prohibition was recommended by the Special Air Safety Advisory Group. This notice is being issued to invite public comment on this recommendation because insufficient information is presently available to determine whether rule making is warranted.

DATE: Comments must be received on or before November 28, 1977.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24) Docket No. 17151, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-755-8716.

SUPPLEMENTARY INFORMATION: This advance notice of proposed rulemaking is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rulemaking. An advance notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before November 28, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Special Air Safety Advisory Group (SASAG), comprised of six retired airline captains, was appointed by the FAA in March 1975, to conduct an independent evaluation of the National Aviation System and to submit a report of its findings and recommendations. One recommendation was to prohibit the use of the three pointer altimeter in large, turbine-powered airplanes as a hazard to flight safety because it is easily misread by pilots. Two incidents of near crashes allegedly caused by such misreading were offered to substantiate that finding. Also cited by SASAG were the results of a Naval Research Laboratory (NRL) test on pilot misreadings of three pointer altimeters and NRL altimeter comparison projects which found the three pointer altimeter to be the least desirable type.

An FAA project report on Development of an Independent Altitude Monitor Concept, No. FAA-RD-73-168, dated September 1973, indicates that of the 10.9 percent (average) of total accidents involving flight below a safe level for any reason, only 0.5 percent were related to misreading, mis-setting or malfunctioning of altimeters.

National Transportation Safety Board records for the period of 1966 through 1975 do not directly relate any accidents involving turbine-powered airplanes to misreading of the three pointer altimeter. Furthermore, there have been no complaints, except that of SASAG, or other records on file within the FAA which would identify the three pointer altimeter as a hazard to flight safety.

The FAA believes, however, that because of the SASAG and NRL reports concerning deficiencies in the three pointer altimeter that some action should be taken. In order to make a proper determination, additional information is necessary. To this end, the FAA solicits comments and supporting data from operators, manufacturers, and other interested persons, particularly on the following questions.

1. Is the three pointer altimeter unsafe? Why?

2. What time period should be allowed for replacement of three pointer altimeters, if deemed appropriate, by other approved types, taking into consideration the possible future transition to metric scale measurements? Why?

3. Should installation of three pointer altimeters be allowed in airplanes if they are in addition to other approved types installed at each pilot station which are used as the primary source of altitude information? Why?

4. What economic burden, for each airplane and overall, would each operator be subjected to by replacing each three pointer altimeter now in service on its airplanes? Explain in detail.

DRAFTING INFORMATION

The principal authors of this document are C. E. Radawick, Air Carrier Regulation Branch, Flight Standards Service,

and Peter J. Lynch, Office of the Chief Counsel.

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a), 1421, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, D.C., on August 22, 1977.

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

[FR Doc.77-24932 Filed 8-26-77;8:45 am]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 207, 208, 221, 371, 372, 372a, 373, 378, 378a ]

[EDR-332, SPDR-60; Docket No. 30654; Dated August 23, 1977]

### EXEMPTION OF AIR CARRIERS FROM FILING TARIFFS FOR INTERSTATE AND OVERSEAS CHARTERS

#### Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Air carriers must generally file tariffs with the Board showing their rates, fares, and charges (as well as practices affecting their rates, fares and charges). This notice proposes to exempt air carriers from filing rate tariffs for their interstate and overseas charters. It is in response to a petition by the for their interstate and overseas charters. It is in response to a petition by the National Air Carrier Association asking for a rulemaking to exempt air carriers from filing rate tariffs for all passenger charters (including foreign charters).

DATES: Comments by September 23, 1977.

ADDRESSES: Comments should be sent to Docket 30654, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Juhnke, Associate General Counsel, Rates and Agreements, 1825 Connecticut Avenue, NW., Washington, D.C., 20428 (202-673-5436).

SUPPLEMENTARY INFORMATION: Section 403(a) of the Federal Aviation Act requires air carriers to file tariffs stating their rates as well as rules and practices affecting their rates; section 403(b) prohibits the carriers from deviating from the rates and practices in their tariffs.[1] The National Air Carrier Association (NACA) [2] has filed a petition asking the Board to institute a rulemaking proceeding that would exempt air carriers from section 403 with respect to passenger charter rate tariffs. As proposed by NACA, the exemption would cover the air carriers' passenger charter operations whether interstate, overseas or foreign. NACA's exemption would not apply to cargo charters or to rules tariffs. In lieu of passenger charter rate tariffs, NACA proposes monthly reports of charter traffic and revenue to permit the Board to monitor charter rates.[3]

Under NACA's proposal, carriers would remain subject to the substantive rate requirements of section 404—i.e., to charge rates that are just, reasonable, nondiscriminatory and not unduly preferential or prejudicial. Thus, the Board would retain the power to investigate charter rates under section 1002 of the Act and, after notice and hearing, to find such rates unlawful and order them canceled. The Board would not have formal advance notice of charter rates with accompanying tariff justifications; nor could the Board use the tariff suspension power in subsections 1002(g) and (j) of the Act to prevent a rate from becoming effective pending an investigation of its lawfulness. If the Board suspected that an individual carrier were charging unlawful rates in a particular market, NACA proposes that it issue an order revoking the tariff-filing exemption for that carrier in that market. The carrier would then file the suspect rate in a tariff and the Board could investigate and suspend the rate.

In support of its proposal, NACA asserts that charter transportation is characterized by arm's length bargaining between the direct air carrier and the tour operator. The result of such bargaining is individualized rates that may vary by length of haul, time of day, day of week, number of flights per program, number of stops per flight, ferry mileage, and inflight services. Therefore, NACA asserts that charter tariff rates are not readily comparable to one another and are not useful to inform or protect either the public or tour operators.

NACA further claims that tariff filing is a burden on the carriers, both financially [4] and because the 30-day advance-filing requirement prevents carriers from responding to last-minte changes in circumstances. For example, if a tour operator fails to obtain sufficient sales to fill the wide bodied aircraft for which it originally contracted, the carrier cannot substitute smaller equipment at a lower rate unless an appropriate tariff can be filed and put into effect. The proposed post-charter reporting requirement is designed to enable the Board to monitor charter rates to prevent unjust discrimination without the above-described burden to carriers. By revoking the proposed exemption for individual carriers in specific markets, the Board could revert to the traditional means of regulating charter rates where it suspects unlawful pricing.

The Board's Office of Consumer Advocate (OCA) has filed an answer generally supporting NACA's proposal on the theory that the elimination of tariffs will produce cost savings, thereby lowering prices to the ultimate consumer. However, OCA has proposed certain alterations of the scope and duration of the exemption to be granted. Those alterations are discussed below.

Three scheduled carriers (American, Pan American and United) challenge NACA's characterization of the charter market as well as the legal conclusion it draws from that characterization. Those carriers allege that they operate charters pursuant to mileage rate tariffs or widely applicable point-to-point tariffs and find no need to use the negotiated point-to-point rates employed by other carriers. They assert that there are no inherent distinctions between scheduled and charter service that preclude uniform tariffs for the latter, and that the specific factors cited by NACA in this regard—e.g., day-of-week and time-of-day pricing—are common to both types of service. By encouraging individually negotiated rates, the scheduled carriers claim that NACA openly seeks to legitimize the type of unjust discrimination that Congress sought to prevent by requiring public tariffs. Without tariffs, smaller tour operators will have no notice of rates which large competitors receive, and the discrepancy in negotiating power of large and small operators will arguably be greater. Moreover, the scheduled carriers fear that tour operators will use their power to evoke uneconomic rates from carriers with excess capacity and to encourage last minute contract breaches.

The scheduled carriers also claim that NACA has overstated the burdens of tariff filing, arguing that NACA's own figures show that tariff-filing expenses are an insignificant portion of total charter costs (12 cents per passenger, or .03 cents per revenue passenger-mile). The scheduled carriers dispute the claim that tariff filing impedes legitimate flexibility. NACA's example on this point—substitution of smaller equipment—amounts to a shifting of the risk of unsold charter seats from the tour operator to the direct air carrier in contravention of the Board's intent under its special charter regulations.

In sum, the scheduled carriers argue that NACA has not shown that tariff filing is an undue burden by reason of special circumstances affecting the operation of passenger charters, or that the proposed exemption from tariff filing is in the public interest. Both findings are required to justify the use of 416(b) of the Act.

Finally, the scheduled carriers argue that the Board has an obligation to insure that charter rates are just, reasonable, and not unjustly discriminatory or unduly preferential or prejudicial. Without tariff filings, the Board cannot prevent by unlawful rate from going into

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[1] 72 Stat. 758, as amended; 49 U.S.C. 1373.

[2] NACA represents the following supplemental air carriers: Evergreen, McCulloch, Overseas National, Trans International and World.

[3] Specifically such reports would include: (1) By geographic region—revenue aircraft-miles, available seat-miles, revenue passenger-miles, and revenue; and (2) by flight—complete itinerary, revenue aircraft-miles, revenue, seats, and type of charter.

[4] NACA states, "One of the larger supplemental air carriers has estimated that these additional costs exceed $75,000 annually." NACA Petition, p. 13.

effect, and it will lose the benefit of scrutiny by third parties who, under the existing scheme, seek to convince the Board to exercise its suspension power. Thus, the scheduled carriers claim that NACA's scheme does not provide the Board a mechanism to fulfill its responsibility to insure lawful charter rates.

Upon consideration of the pleadings, the Board has tentatively determined to adopt a rule exempting carriers from charter tariff filing along the lines suggested by NACA, with certain modifications discussed below. Tariff filing imposes a definite burden, in terms of both its financial effect on the carriers and in terms of the rigidity it imposes on charter marketing. Moreover, tariffs burden the Board's limited resources. We recognize that such burdens may not be overwhelming in an absolute sense, particularly when their effect is spread over the total number of charter passengers. Nevertheless, the burden of charter tariff filing should be measured in relation to the regulatory need for tariffs.

In the five years ended in 1976, the Board has issued only four orders suspending and investigating domestic charter tariffs—three passenger and one cargo.[5] There were no such orders in 1976. Out of several hundreds of domestic charter tariff filings received each year, we have received an average of about three complaints per year. In short, the regulatory activity over charter tariffs, whether on the Board's own motion or upon third-party complaint, has been de minimis in recent years. In view of the lack of active use of charter tariffs as a regulatory tool, we question whether there is sufficient regulatory need to justify the burden of charter tariff filing.

Our action does not imply agreement with NACA's characterization of the marketing of charter trasportation, and we specifically invite comment on the characteristics of charter transportation that bear on the need for tariffs. However, we do note that, under that Board's special charter regulations, we have already exempted tour operators from filing tariffs governing the sale of air transportation to the ultimate consumer. Presumably, there is even less need for tariffs governing the wholesale operations. Finally, we note the regulatory barriers to entry are lower for charters than for scheduled service.[6]

For all of the above reasons, we have tentatively determined that the filing of charter rate tariffs may be an undue burden by reason of special circumstances affecting those operations. However, we have determined to modify NACA's proposal in several ways. NACA's proposed rule applies to interstate, overseas and foreign passenger charters operated by air carriers. NACA has not proposed a similar exemption for charters operated by foreign air carriers. Indeed, NACA finds authority for its exemption proposal in section 416(b) of the Act,[7] and it admits that section 416(b) does not grant authority to exempt foreign air carriers from provisions in the Act. NACA suggests in a footnote that the Board could afford foreign air carriers "similar relief" by amending their foreign air carrier permits. We can find no precedent for granting foreign air carriers an exemption from provisions of the Act by amending their permits. Moreover, there is some question that the Board legally can accomplish through a permit condition what Congress has specifically omitted from its exemption authority. Thus, we have tentatively concluded that we are without authority to exempt foreign air carriers from section 403. Lacking such authority, we do not propose to give air carriers an advantage over their foreign competitors by exempting air carriers from filing tariffs for their foreign charters. Accordingly, the proposed rule applies only to interstate and overseas charters.

Second, while NACA seeks an exemption only for passenger charters, we have tentatively concluded that the regulatory need for cargo charter tariffs is equally insufficient to justify filing cargo charter tariffs. Indeed, if anything, carrier-made cargo charter rates have raised fewer problems than passenger charter rates. Accordingly, the proposed rule covers both passenger and cargo charters.

Third, NACA has proposed a new regular charter reporting requirement outlined in footnote 3 above. Each of the items to be reported appear in the Board's Form 41, Schedule T-6 with two exceptions: revenue passenger-miles and flight itineraries. The former can be derived from items on the T-6, and the latter can be approximated. Accordingly, we have tentatively concluded that the proposed reporting requirement is duplicative and unnecessary.

Fourth, NACA has proposed a specific procedure for market-by-market and carrier-by-carrier revocation of the exemption in the event that the Board concludes that a carrier has charged or is charging an unlawful rate. NACA's proposal for revocation is open-ended, i.e., there is no procedure for reinstating the exemption once it has been revoked. Additionally, we note that the Board has the power to revoke an exemption once granted without specific procedures in this rulemaking. Therefore, we have tentatively determined not to include revocation procedures in the rule.

Fifth, we note that NACA has not proposed to exempt carriers from filing charter rule tariffs. It does not explain why it proposes to treat these tariffs differently or indeed why these tariffs are needed at all. We have followed the NACA's suggestion in this regard, and the proposed rule continues to require the filing of charter rule tariffs that are specified in § 221.38 of our Economic Regulations (14 CFR 221.38.) We recognize, as does the Consumer Advocate, that certain tariff rules may give consumers greater protection than they would otherwise have. For example, a carrier might well attempt to limit by contract its liability for loss or damage to baggage to a greater extent than the Board currently permits in tariff rules. See e.g., Orders 77-2-9, 77-4-73, 77-4-82, 77-5-132. However, a great many tariff rules merely restate requirements of the Board's charter regulations or other matters of concern only to carriers and tour organizers that could easily be specified in their contract alone and not in tariff rules. We specifically invite comment on the need for filing charter tariff rules and the extent to which carriers should be exempt from filing some, or all, of such rules.[8]

Finally, we have tentatively determined not to include the two provisions requested by OCA. OCA would alter NACA's proposal to make carriers file tariffs for any rate which increases a rate in an existing contract. OCA would also limit the conditions under which the Board should permit such increases. The reason we have tentatively determined not to include these proposals is that in the absence of tariffs, changes in contractual rates are properly a matter for courts to resolve, just as would be the case in unregulated industries. To the extent that OCA seeks to avoid price increases to the ultimate passengers, we conclude that such concerns are best met in the context of rules affecting the tour operator/passenger relationship, rather than by regulation of the direct air carrier/tour operator relationship.

Additionally, we have not included OCA's suggestion that the tariff-filing exemption expire in 18 months unless the Board determines that renewal is in the public interest. Once the rule is

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[5] Orders 72-1-68, 73-3-78, 75-2-18, 75-8-119.

[6] *See, Application of Horbach*, Order 77-3-88/9, p. 4.

[7] Section 461(b) provides, in part, "The Board may * * * exempt from the requirements of this title or any provisions thereof * * * any air carrier or class of air carriers, if it finds that the enforcement of this title or such provision * * * is or would be an undue burden on such air carrier or class of air carriers by reason of the limited extent of, or unusual circumstances affecting, the operations of such air carrier or class of air carriers and is not in the public interest."

[8] We note that each of our special charter rules requires the direct air carrier to have on file with the Board a tariff showing its rates, fares and charges in connection with the charter transportation it provides. With the exception of §§ 371.42 and 378a.42 (14 CFR 371.42 and 378a.42), those rules also require tariffs to show the rules, regulations, practices, and services in connection with, such transportation. In proposing editorial amendments to our special charter regulations to effect the proposed exemption in Part 221, we would simplify the special charter regulations by indicating only that the carrier must have tariffs on file to the extent required by Chapter II of Title 14 of the Code of Federal Regulations, without reference to whether such tariffs must contain rates and/or rules.

adopted, the Board can revoke the exemption whenever it finds that it no longer in the public interest. OCA has not shown any reason for requiring an affirmative renewal of the exemption in 18 months.

Accordingly, it is proposed to amend Parts 207, 208, and 221 of the Board's Economic Regulations (14 CFR Parts 207, 208, 221) and Parts 371, 372, 372a, 373, 378, and 378a of the Board's Special Regulations (14 CFR Parts 371, 372, 372a, 373, 378, 378a) as set forth below:

## PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.4(a) to read as follows:

**§ 207.4 Tariffs to be filed for charter trips and special services.**

(a) No air carrier shall perform any charter trips or other special services unless such air carrier shall have on file with the Board, to the extent required by this chapter, a currently effective tariff showing all rates, fares, and charges for such charter trips and other special services, and showing the rules, regulations, practices, and services in connection with such transportation including the eligibility requirements for charter groups not inconsistent with those established in this part.

* * * * *

## PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. Amend § 208.32 (a) and (b) to read as follows:

**§ 208.32 Tariffs and terms of service.**

(a) No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board, to the extent required by this chapter, a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or less than the entire capacity (see § 208.6(c)) of one or more aircraft in such supplemental air transportation and showing all rules, regulations, practices, and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

(b) To the extent that the direct air carrier is required by this chapter to file tariffs covering its charter operations, the total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity or for less than the entire capacity (see § 208.6(c)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided,* That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

* * * * *

## PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

3. Amend § 221.3 to add a new paragraph (d) to read as follows:

**§ 221.3 Carrier's duty.**

* * * * *

(d) *Exemption of direct air carriers' interstate and overseas charter operations.* Notwithstanding any provisions of this chapter, direct air carriers are exempt from section 403 of the Act with respect to charter operations performed in interstate or overseas air transportation: *Provided,* That the exemption granted by this paragraph shall not relieve direct air carriers from filing tariffs setting forth the rules, regulations and practices applicable to charter operations as specified in § 221.38.

## PART 371—ADVANCE BOOKING CHARTERS

4. Amend § 371.42 to read as follows:

**§ 371.42 Tariffs to be on file for charter trips.**

No direct air carrier shall perform any charter trips pursuant to this part unless such air carrier shall have on file with the Board, to the extent required by this chapter, a currently effective tariff for such transportation.

## PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

5. Amend § 372.26 to read as follows:

**§ 372.26 Prohibition on operations unless tariffs are observed.**

To the extent that the direct air carrier is required by this chapter to file tariffs covering its charter operations, no charter operator shall charter aircaft to provide air transportation to charter participants except in accordance with the rates, fares, and charges and all applicable rules, regulations, and other provisions for such transportation as set forth in the currently effective tariff or tariffs of the direct air carrier or foreign air carrier transporting charter participants; and no such operator shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates, fares, or charges so specified in the tariffs of such air carrier or foreign air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such direct air carrier or foreign air carrier.

## PART 372a—TRAVEL GROUP CHARTERS

6. Amend § 372a.26 to read as follows:

**§ 372a.26 Prohibition on operations unless tariffs are observed.**

To the extent that the direct air carrier is required by this chapter to file tariffs covering its charter operations, no charter organizer shall charter aircraft to provide air transportation to charter participants, and no direct air carrier shall operate such aircraft, except in accordance with the rates, fares, and charges and all applicable rules, regulations, and other provisions for such transportation as set forth in the currently effective tariff or tariffs of the direct air carrier transporting charter participants; and no such organizer shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates, fares, or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such air carrier: *Provided, however,* That no direct air carrier shall file a tariff which has the effect of changing the charter price specified in any option or proposed charter contract previously filed under § 327.22, except that, if so provided in an option or proposed charter contract filed after January 7, 1974, a direct air carrier may subsequently file a tariff which will have the effect of changing, no later than 60 days prior to the scheduled date of flight departure, the pro rata charter price, but the effect of such change shall be limited either (a) to cause or be a factor in causing the pro rata charter price to increase up to a maximum of 20 percent over the minimum pro rata charter price, or (b) if the increase is more than 20 percent, to require cancellation of the TGC.

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

7. Amend § 373.14 to read as follows:

**§ 373.14 Tariffs to be filed for charter trips.**

No direct air carrier shall perform any charter trips for study group charters unless such air carrier shall have on file with the Board, to the extent required by this chapter, a currently effective tariff for such transportation.

## PART 378—INCLUSIVE TOUR CHARTERS

8. Amend § 378.15 to read as follows:

**§ 378.15 Tariffs to be filed for charter trips.**

No direct air carrier shall perform any charter trips for inclusive tours unless such carrier shall have on file with the Board, to the extent required by this chapter, a currently effective tariff for such transportation.

### PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

9. Amend § 378a.42 to read as follows:

**§ 378a.42 Tariffs to be on file for charter trips.**

No direct air carrier shall perform any charter trips pursuant to this part unless such air carrier shall have on file with the Board, to the extent required by this chapter, a currently effective tariff for such transportation.

REQUEST FOR COMMENTS

Interested persons may take part in the rulemaking by submitting 20 copies of written data, views, or arguments on the subjects discussed. All relevant material received by the dates shown at the beginning of this notice will be considered by the Board before taking final action on the proposed rules.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section, without having to file additonal copies.

(Sec. 102, 204, 403, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 758, 771; (49 U.S.C. 1302, 1324, 1373, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc.77-25017 Filed 8-26-77;8:45 am]

## FEDERAL TRADE COMMISSION

**[ 16 CFR Part 801 ]**

### MERGERS AND ACQUISITIONS

**Proposed Rulemaking; Extension of Time for Filing Comments**

AGENCY: Federal Trade Commission.

ACTION: Extension of time for filing comments.

SUMMARY: The last day for receipt of comments concerning the revised proposed rules implementing Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (relating to premerger notification) is hereby extended to September 30, 1977. The revised proposed rules and a proposed Notification and Report Form were published in the FEDERAL REGISTER, 42 FR 39040, on August 1, 1977. In extending the comment period, the Commission also stated that it does not expect to grant further extension of the comment period beyond September 30, 1977, in view of its obligation to implement the premerger notification requirements of the statute at the earliest possible date.

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

ADDRESSES: Send comments to both (1) the Secretary, Federal Trade Commission, Room 172, Washington, D.C. 20580 and (2) Assistant Attorney General, Antitrust Division, Department of Justice, Room 3214, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, telephone 202-523-3894.

By direction of the Commission.

JAMES A. TOBIN,
*Acting Secretary.*

[FR Doc.77-24939 Filed 8-26-77;8:45 am]

## DEPARTMENT OF THE TREASURY

**Internal Revenue Service**

**[ 26 CFR Part 1 ]**

**[LR-252-74]**

### INCOME TAX

**Mergers and Consolidations of Plans and Transfers of Plan Assets or Liabilities; Public Hearing on Proposed Regulations**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to mergers and consolidations of retirement plans and transfers of plan assets or liabilities.

DATES: The public hearing will be held on September 30, 1977 beginning at 10:00 A.M. Outlines of oral comments must be delivered or mailed by September 19. 1977.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 401 (a) (12) and 414(1) of the Internal Revenue Code of 1954. These proposed regulations appeared in the FEDERAL REGISTER for July 1, 1977 (42 FR 33770).

Internal Revenue Code sections 401(a) (12) and 414(l) were enacted by the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406). Title I of that Act also enacted into law a substantially identical provision to section 414(l) of the Code to be administered by the Department of Labor. For this reason, the Internal Revenue Service has invited representatives of the Department of Labor to be present at the scheduled hearing, and these representatives may address questions to persons making oral presentations at the hearing.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by September 19, 1977. The outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T (LR-252-74), Washington, D.C. 20224. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

ROBERT A. BLEY,
*Director, Legislation and Regulations Division.*

[FR Doc.77-25018 Filed 8-26-77;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

**[ 40 CFR Part 85 ]**

**[FRL 782-1]**

### EMISSION CONTROL SYSTEM PERFORMANCE WARRANTY REGULATIONS

**Public Workshops**

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Workshops.

SUMMARY: Notice is hereby given that the Environmental Protection Agency will hold three workshops to discuss the two Notices of Proposed Rulemaking presently pending regarding the Emission Performance Warranty of section 207(b) of the Clean Air Act. Those Notices were published on May 25, 1977 at 42 FR 26742 (regarding the short test of section 207 (b)(1) of the Act), and at 42 FR 26757 (regarding the warranty of section 207 (b)(2) of the Act). The comment periods for these proposed regulations have previously been extended to October 7, 1977, by notices published on August 9, 1977 (42 FR 40221).

DATES AND ADDRESS: The workshops will be held from 9:00-12:00 (warranty) and 1:30-4:30 (short test) at the following locations and dates:

SEPTEMBER 23

John C. Kluczynski Federal Building, Room 3619, 230 South Dearborn Street, Chicago, Ill. 60604.

SEPTEMBER 28

Federal Building, 26 Federal Plaza, Room 305, New York, N.Y. 10007.

SEPTEMBER 30

Pacific Power and Light Company Building, Second floor Auditorium, 920 SW. 6th Street, Portland, Oreg. 97204.

FOR FURTHER INFORMATION CONTACT:

Mr. David Feldman, Mobile Source Enforcement Division, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202–755–0298; or Mr. Paul Lapsley, Regulatory Management Staff, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202–755–0596.

SUPPLEMENTARY INFORMATION: The goal of these workshops is to meet with those parties potentially affected by the Performance Warranty (section 207 (b) of the Clean Air Act). These parties include individuals engaged in or facing implementation of automotive inspection/maintenance (I/M) programs, the aftermarket parts and service industry, automobile manufacturers and dealers, public interest groups, automobile owner associations, and vehicle owners. The discussion will center around the day-to-day difficulties encountered in setting up and operating I/M programs. Although the Environmental Protection Agency (EPA) is not required to seek this additional public participation, EPA believes that these discussions will facilitate the rulemaking process.

The workshops will be informal. EPA representatives will answer questions regarding the interpretation and rationale for the provisions of the proposed regulations. Comment is requested concerning the anticipated effectiveness of the regulations, and suggestions and criticisms are welcomed.

EPA is particularly interested in eliciting comment on the warranty issues arising as a result of the August 7, 1977, passage of amendments to the Clean Air Act. Among the changes in the Clean Air Act which affect the 207(b) warranty are:

1. A reduction of the performance warranty to 24 months or 24,000 miles, except that with respect to the "emission control device or system," coverage by the performance warranty is for 5 years or 50,000 miles, whichever occurs first.

2. Burden of proof of proving owner's abuse or improper maintenance to invalidate the warranty.

3. Establishment of rights of the owner to have section 207(b) warranty service provided by any establishment using certified parts, to the extent permitted by the Magnuson-Moss Act or any other act affecting warranties.

4. Addition of provisions making it a prohibited Act to not honor a section 207(b) warranty claim.

5. Addition of provisions intended to lessen the anti-competitive effects of the warranty.

Due to these changes the Agency has determined that the warranty aspects of the May 25 publication (42 FR 26759) will be reproposed in total in the near future, with a subsequent period for the submission of written comments allowed. Nevertheless, the Agency wishes to encourage submission of comments to the May 25 proposal with regard to all aspects of the warranty regulations—including suggestions for modifications or additions under the new legislation. Those parties wishing to withhold comment until viewing the revised publication should note that the comment period will be held to a maximum of 60 days given the fact that much of the reproposal will be unchanged from the present package.

The above does not apply to the Short Test Establishment proposal of May 25 (42 FR 26742) which is unaffected by the new Clean Air Act Amendments and thus is not expected to be reproposed. All comments to that aspect of the Emissions Performance Warranty must be submitted by October 7, 1977, to ensure full consideration prior to final rulemaking.

With regard to the Short Test Establishment proposal, EPA is particularly interested in discussing:

1. Suggestions for a uniform format to be used in recording the results of short tests administered in inspection lanes.

2. Who would most appropriately establish the short test cutpoints—EPA or the individual states which would be employing the short tests in I/M programs?

3. Anticipated problems in assuring that vehicles are tested under proper conditions (e.g., engine operated at 2500 rpm for 15–30 seconds prior to initiating idle test, vehicle in neutral during idle test, proper inertia weight used in loaded test, etc.)

4. Suggestions on labeling of vehicles to make certain that they are properly identified by the inspection lane operators (i.e., should the necessary information be incorporated into the vehicle identification number or be placed on an under-the-hood label).

Dated: August 23, 1977.

RICHARD D. WILSON,
*Acting Assistant Administrator for Enforcement.*

[FR Doc.77-25041 Filed 8-26-77;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### [ 46 CFR Part 176 ]

[CGD 76-162]

### EXPIRATION DATE STICKERS

### Proposed Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the regulations for small passenger vessels under 100 gross tons that carry passengers or passengers for hire under the provisions of Subchapter T by requiring them to display an expiration date sticker that terminates concurrently with the vessel's Certificate of Inspection. The purpose of this proposed rule is to make the public aware of small passenger vessels not in compliance with the Coast Guard inspection requirement and thereby reduce the likelihood of similar casualties.

DATE: Comments must be received on or before November 28, 1977.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 76-162) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. The proposal may be changed in light of comments received. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

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

DISCUSSION OF THE PROPOSED REGULATION

The National Transportation Safety Board stated recently, in the review of the foundering of a small passenger vessel, that Coast Guard safety regulations for small passenger vessels are not fully effective unless the public knows that these vessels are required to carry a current Certificate of Inspection. The Board further recommended that the boating public (passengers and owners) be made more aware of the existing laws and regulations covering small passenger vessels.

The Coast Guard believes that this may best be accomplished by the issuance of a distinctive inspection sticker. When an inspection of small passenger vessels determines that they are in compliance with all applicable rules and regulations they will be issued an inspection sticker.

The sticker will state the expiration date of the vessel's Certificate of Inspection and must be displayed on the exterior of the vessel so that it is visible

to passengers or prospective boarding teams. The Coast Guard believes that this will deter the operation of non-certificated small passenger vessels because the public and Coast Guard boarding teams will be able to easily recognize those vessels not in compliance with the inspection regulations.

In consideration of the foregoing, it is proposed that Part 176 of Title 46 of the Code of Federal Regulations be amended by adding a new § 176.01-45 to follow § 176.01-40 and to read as follows:

**§ 176.01-45 Certification expiration date sticker.**

(a) The owner of a vessel that is issued a Certificate of Inspection under the provisions of this subchapter shall ensure that a Certification Expiration Date Sticker CG------ is affixed on a place that is

(1) On the vessel;

(2) On a glass or smooth metal surface from which the sticker may be easily removed.

(3) Readily visible to each boarding passenger and to patrolling Coast Guard law enforcement personnel; and

(4) Acceptable to the Coast Guard marine inspector.

(b) A Certification Expiration Date Sticker CG------ is provided by the Officer in Charge, Marine Inspection upon issuance or renewal of the Certificate of Inspection.

NOTE.—Because of different vessel configurations more than one CG------ sticker may be required on some vessels to comply with the requirements of this section.

(Sec. 3, 70 Stat. 152, 46 U.S.C. 390b, Sec. 6(b), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).)

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

Dated: August 19, 1977.

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

[FR Doc.77-24866 Filed 8-26-77;8:45 am]

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**Federal Highway Administration**
**National Highway Traffic Safety Administration**
**[ 49 CFR Parts 393 and 571 ]**
[BMCS Docket No. 77; Notice No.77-6]
[NHTSA Docket No. 1-11; Notice 07]

## MOTOR CARRIER SAFETY

### Rear End Underride Protection

AGENCY: Federal Highway Administration and National Highway Traffic Safety Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Transportation issues this advance notice to solicit comments and information on revisions to the Federal Motor Carrier Safety Regulations Section 393.86 and the Federal Motor Vehicle Safety Standards Part 571. Such amendments would consider the means for providing improved rear end protection on heavy motor vehicles manufactured after a certain date to prevent the underriding of vehicles which impact the rear of these heavy vehicles.

DATE: Comments must be received on or before November 30, 1977.

ADDRESS: BMCS Docket No. 77, Room 3402, Bureau of Motor Carrier Safety, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. D. W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety (202-426-1700); or Mrs. K. S. Markman, Attorney, Office of the Chief Counsel (202-426-0786), Federal Highway Administration. Mr. Timothy Hoyt, Office of Crashworthiness, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: The Department of Transportation has in effect regulations applicable to commercial vehicles operated in interstate or foreign commerce (Section 393.86 of the Federal Motor Carrier Safety Regulations) which address the problem of rear underride. In 1969 the Department of Transportation proposed rulemaking on Rear Underride Protection for all trailers and trucks with gross vehicle weight rating over 10,000 pounds. The Department concluded in June of 1971 that the safety benefits achievable in terms of lives and injuries saved would not be commensurate with the cost of implementing the proposed requirements.

The principal reasons for issuing this advance notice are: First, the need to reassess the requirements of Section 393.86 of the FMCSR and to reassess the need for a Federal motor vehicle safety standard. The condition of traffic and the mix of large and small motor vehicles in highway transportation has changed and will continue to change. The question now is whether the present rear end protective requirements are adequate. Second, Congressional interest is high as evidenced by the Subcommittee for Consumer of the Senate Committee on Commerce, Science, and Transportation which held oversight hearings on autotruck crash safety on March 16, 1977. Third, the Insurance Institute for Highway Safety(IIHS) of Washington, D.C., recently petitioned for more stringent rear end protection than currently required by the Department of Transportation.

A research report accompanied that petition containing data concerning impacts of compact and subcompact cars against two types of rear end protection devices mounted on trailers. Motion pictures documented these crash tests. One of the devices met the present underride requirements of the FMCSR (49 CFR 393.86). The other device not only met but exceeded the present protective standards required by Section 393.86, being lower and stronger with little or no added weight. That device was designed by the researcher. Complimentary copies of the report, "Eliminating Automobile Occupant Compartment Penetration in Moderate Speed Truck Rear Underride Crashes: A Crash Test Program," are available upon request from the: Insurance Institute for Highway Safety, Attention: Dr. William Haddon, Jr., Watergate Six Hundred, Washington, D.C. 20037.

The intent of considering more stringent rear end underride prevention requirements (lower and stronger) and broader application of those requirements would be to reduce the severity of accidents in which passenger cars collide with the rear ends of heavy motor vehicles. When an accident of this type occurs, the front end of the car can penetrate uder the rearmost structure of the heavy vehicle. The result can be serious injury to, or death of, occupants of the passenger car.

Engineering changes in the design and manufacture of heavy vehicles could reduce the severity of these accidents. Configuration of the rear end of the truck or trailer so that the substantive structure of the front end of a passenger car would impact a rear end protection device could prevent underride and dissipate crash forces thereby decreasing the severity of the accident.

The potential scope of the problem can be examined through existing information on rear end collisions. In 1974, 575 accidents which involved rear end collisions with commercial motor vehicles were reported by motor carriers subject to the requirements of 49 CFR 394. Those accidents resulted in 57 deaths and 727 injuries. In 1975, the comparable figures were 936 accidents, 49 deaths, and 1,268 injuries. Increased production, sale and use of smaller passenger cars can compound the problem. Estimates from 1976 data are 988 accidents, 87 deaths and 1,258 injuries. It should be noted that these data are only a subset of all truck/auto accidents, since they are limited to reports submitted by interstate commercial carriers. These accident data cover rear end collisions where both vehicles are moving, where truck are stopped for traffic lights, or where trucks are parked. The FHWA accident data does not show other causal factors such as speed of automobile, alcohol involvement, or other automobile driver effects. To determine the effect of these factors special studies utilizing followup questionnaires or field investigations would be required. Notwithstanding who was at fault, there is a need to reassess the adequacy of the rear end protection requirements to improve the survivability of persons involved in these type collisions.

Information available from the National Highway Traffic Safety Administration's (NHTSA) Fatal Accident Reporting System (FARS) and State Ac-

cident Summary data indicate the incidence of automobile rear end collisions with trucks may be as high as 40,000 collisions, and result in as many as 200 to 300 fatalities and approximately 8,600 personal injuries. The extent to which underride protection could have reduced the severity cannot currently be ascertained.

The imposition of more stringent requirements for rear underride protection was first considered in 1967, when an Advance Notice of Proposed Rulemaking (ANPRM) was issued (32 FR 200 on October 14, 1967) inviting the public to comment on the question of whether a Federal motor vehicle safety standard on underride protection should be issued under the authority of Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392 (32 FR 14279). On March 13, 1969, the Department issued a Notice of Proposed Rulemaking, which proposed a rear underride protection standard applicable to trailers and trucks having a gross vehicle weight rating of more than 10,000 pounds, except for pole trailers and truck tractors (34 FR 5383). That notice proposed to require a maximum clearance of 18 inches for rear end protection devices and to require those devices to withstand a static forward load of 75,000 pounds. A second Notice of Proposed Rulemaking issued on August 11, 1970 (35 FR 12956), reduced the proposed loading requirement to 50,000 pounds but retained the 18-inch maximum ground clearance feature.

The proposed Federal motor vehicle safety standard on rear underride protection evoked a large number of comments. The comments argued that the proposed standard would impose impracticable burdens on the motor carrier industry, and that the requirement for an underride guard that fell within 18 inches from the ground (with the vehicle unloaded) would create severe operational difficulties. Finally, the NHTSA, which administers the Federal motor vehicle safety standards, terminated the effort to create a standard on rear underride protection in a notice issued on June 15, 1971 (36 FR 11750). The agency concluded that the benefits achievable by such underride devices were few and were outweighed by the cost of implementing the requirements.

Nevertheless it is the conclusion of the Department of Transportation that the present requirements should be reexamined because the problem of rear underride accidents remains, and it is likely to become more severe as automobiles become smaller and are used in greater numbers. Improved rear end protection devices on heavy motor vehicles that may contribute substantially to saving lives and preventing injuries may be possible without incurring either unacceptable costs or unacceptable restrictions on operations.

Section 393.86 currently requires every commercial motor vehicle, except truck tractors, pole trailers, and vehicles engaged in driveaway-towaway operations, manufactured after 1952 to be equipped with a rear end protection device constructed in such a manner that the clearance from the ground does not exceed 30 inches with the vehicle unloaded; that the device shall not be more than 24 inches forward from the rear of the vehicle, and that the width shall not be less than 18 inches inboard from each side. Vehicles which are constructed in a manner in which the body, chassis, wheels or other parts afford the equivalent protection need not have additional devices. The rule has not been changed in 25 years.

It is to be noted that safety authority of the FMCSR covers only commercial vehicles engaged in interstate commerce. To the extent, however, that States have adopted the FMCSR as intrastate requirements they tend to influence the application of new or more stringent requirements on fleets under State jurisdiction. At present, 30 States have adopted § 393.86 as law. Further, the issuance of a Federal motor vehicle safety standard by the NHTSA could extend underride protection criteria to all trucks and trailers manufactured after the effective date of the standard.

With respect to research on this problem, a few studies have been directly associated with vehicle penetration into the rear of heavy vehicles. The recent IIHS study is the latest. The NHTSA completed a study in 1971 entitled "Underride/Override of Automobile Front Structures in Intervehicular Collisions." It was conducted by Cornell Aeronautical Laboratory, Inc. (now CALSPAN, Inc.), in Buffalo, New York. Their principal recommendations were:

1. Energy absorbing (yielding) rear underride guards for optimum protection of large sized passenger cars.

2. Additional testing needed for underride guard strength and width requirements.

3. Underride guard to ground clearance should not exceed 24 inches and preferably 18 inches for smaller cars.

4. Underride protection should be mounted on the extreme rear of the vehicle.

The FHWA has a major multiyear heavy truck research project underway, including finite examination of a selected nationwide sample of truck collisions which should provide more information on automobile-truck collisions. These data will not be available for about another year.

Currently, the FHWA is formulating a new research effort to establish the level of rear underride protection needed to reduce injuries and fatalities in a variety of realistic accident situations. This will be an attempt to develop a number of rear underride designs to determine the desired level of performance, giving due consideration to cost, weight, and operational problems. Results of this contract effort will be used in determining what form any amendments to FMCSR Section 393.86 and FMVSS Part 571 should take.

In the mean time, public comments are requested on the following specific areas of interest to assist in developing effective underride performance requirements for heavy duty motor vehicles:

1. What should be the maximum allowed clearance between the ground and the bottom of the rear underride protection device with the vehicle unloaded, and why?

2. How far forward should the device be permitted from the rearmost protrusion of the vehicle, and why?

3. What should the longitudinal static strength be, and why?

4. What considerations should be given to other parts of the rear end of the vehicle such as tires, axles, body, and frame?

5. How wide should the protective device be? Should it extend its protection to the entire width of the vehicle's rear end, or why not?

6. What vehicles, if any, should be excluded from the underride requirements, and why?

7. Should some vehicles because of operational difficulties, such as loading or unloading, be permitted to use hinged or folding devises? A sketch or photograph may clarify.

8. What are the initial costs and weights, fuel operating costs and load revenue losses, dimensions, and strengths of rear end protection devices presently installed on new motor vehicles? Also, what are the production volumes which this information is based on?

9. What percentage of the annual commercial vehicle mileage is traveled with loads: (a) within 200 pounds of GVWR, (b) within 100 pounds of CVWR, (c) within 50 pounds of GVWR, (d) at GVWR, (e) in excess of GVWR?

10. What percentage of trucks and trailers have structures that would effectively prevent underride located permanently within (a) 15 inches of the rearmost protrusion of the vehicle, (b) 24 inches of the rearmost protrusion of the vehicle?

11. What rear end protection devices would you recommend? What vehicle types would these be applicable to? If designs are available please furnish drawings, material specifications and estimated costs and weights. Also, please estimate fuel operating costs and load revenue losses.

Those desiring to comment on this advance notice of proposed rulemaking are asked to submit in writing 4 copies of their views, data, and arguments. All communications received will be considered before taking action to propose revisions to the present requirements for underride protection. Any proposed ideas contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date, for examination by interested persons in the docket room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street SW., Washington, D.C. 20590. If it is determined to be in the public interest to proceed further after summarizing the comments and considering the available data and comments received in response to this advance notice, a notice of proposed rulemaking will be issued.

The principal authors of this notice are Mr. D. W. Morrison, Vehicle Requirements Branch (BMCS), and Mrs. K. S. Markman, Office of Chief Counsel (BMCS).

This advance notice of proposed rulemaking is issued under the authority of Section 204 of the Interstate Commerce Act (49 U.S.C. § 304), Section 6 of the Department of Transportation Act (49 U.S.C. § 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 301.60, respectively. This notice is also promulgated under the authority of the NHTSA found at: Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50.

Issued on August 25, 1977.

ROBERT A. KAYE,
*Director, Bureau of Motor Carrier Safety, Office of Safety, Federal Highway Administration.*

ROBERT L. CARTER,
*Associate Administrator, Motor Vehicle Programs, National Highway Traffic Safety Administration.*

[FR Doc.77-25092 Filed 8-26-77;8:45 am]

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## Office of Hazardous Materials Operations

## [ 49 CFR Parts 172, 173, 174, and 176 ]

[Docket No. HM-143; Notice 76-11]

## BLASTING AGENTS

### Public Conference

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Public Conference.

SUMMARY: A Public Conference will be held on September 23, 1977, in Room 3201 of the Trans Point Building located at 2100 Second Street SW., Washington, D.C. The Conference will open at 9:30 a.m., and will be for the purpose of discussing the proposals in Docket HM-143; Notice 76-11. This will be an informal conference and not a judicial or evidentiary type hearing. There will be no cross-examination of persons presenting statements.

DATES: Date of Conference September 23, 1977. Docket No. HM-143; Notice 76-11 will be reopened on September 16, 1977, and comments may be submitted through October 10, 1977. All comments should be addressed to the Section of Dockets at the following address.

ADDRESSES: Any person wishing to present oral or written statements at the Conference should notify the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590 (202-426-2077) prior to September 20, 1977.

SUPPLEMENTARY INFORMATION: On November 26, 1976, the Materials Transportation Bureau (MTB) published in Docket HM-143 a Notice of Proposed Rulemaking (41 FR 52083) which proposed the following amendments to Parts 172, 173, 174, and 176 of the Department's Hazardous Materials Regulations:

1. Remove the shipping name, Nitro Carbo Nitrate (NCN);
2. Add a new shipping name, Blasting Agent, n.o.s., and a new class, Blasting Agent;
3. Provide packagings for blasting agents; and
4. Provide a new label and a new placard for blasting agents.

On July 25, 1977, Monsanto Company petitioned MTB for an informal conference on blasting agents, in accordance with 49 CFR § 102.25. Monsanto objected to the proposed rule on the general ground that the proposal would create a new hazard class based not upon the intrinsic characteristics, kind, or degree of hazard presented by the material but upon the material's end use. In support of their petition for a public conference, Monsanto argued that NCN is an oxidizer with an excellent safety record and it was wrong in principle to include in a single class materials which differ greatly in the degree and kind of hazard simply because they may be used for the same purpose. Further, Monsanto believes if the facts were fully understood the proposal would be either dropped or modified to retain the oxidizer classification for NCN. Monsanto asserted that there is wide-spread opposition to the proposal and that a public conference could explore the objections of other interested parties in addition to permitting Monsanto to explain its position and answer questions from the Office of Hazardous Materials Operations.

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.

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

ALAN I. ROBERTS,
*Director, Office of Hazardous Materials Operations.*

[FR Doc.77-25286 Filed 8-26-77;11:13 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.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### EXECUTED MEMORANDA OF AGREEMENT

Pursuant to Section 800.6(a) of the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of June, July, and August 1977. The Memoranda of Agreement were executed in fulfillment of Federal agencies' responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320).

*Los Esteros*, Guadalupe County, New Mexico, affected by the proposal to construct the Los Esteros Dam and Reservoir, undertaken by the U.S. Army, Corps of Engineers (6/6/77).

*Old Stone Star Brewery*, Bexar County, San Antonio, affected by the restoration of the Old Star Brewery complex, undertaken by the U.S. Department of Commerce, Economic Development Administration (6/13/77).

*Knife River Indian Villages National Historic Site*, Billings County, North Dakota, affected by archeological investigations, undertaken by the U.S. Department of the Interior, National Park Service (6/13/77).

*Historic Property at 401 South Mill Avenue*, City of Tempe, Maricopa County, Arizona, affected by the completion of the University-Hayden Butte Neighborhood Development Program, undertaken by the City of Tempe (6/15/77).

*Middletown South Green Historic District*, Middletown, Connecticut, affected by the development of low income apartments for the elderly, undertaken by the U.S. Department of Housing and Urban Development (6/21/77).

*700–714 Spruce Street*, Society Hill Historic District, Philadelphia County, Philadelphia, Pennsylvania, affected by the proposal to approve HUD Project No. PA–A–4–21 in the Washington Square East Urban Renewal area, undertaken by the U.S. Department of Housing and Urban Development (6/22/77).

*Hudson-Meng Bison Kill Site*, Nebraska, affected by the permit for archeological research, undertaken by the U.S. Department of Agriculture, Forest Service (7/7/77).

*Riverside Historic District*, Evansville, Indiana, affected by the proposal to fund a Housing Rehabilitation Program, undertaken by the City of Evansville, Department of Metropolitan Development (7/11/77).

*Cape Lookout National Seashore*, Carteret County, North Carolina, affected by the use of a trailer for temporary restrooms, undertaken by the U.S. Department of Interior, National Park Service (7/11/77).

*Lander Cutoff*, Oregon Trail, Lincoln County, Wyoming, affected by improvements to U.S. 89 (Wyoming Project F–010–3(19)), undertaken by the U.S. Department of Transportation, Federal Highway Administration (7/11/77).

*F. E. Booth Company, F. Alioto Fish Company Pier*, Point Reyes National Seashore, California, affected by their proposed demolition, undertaken by the U.S. Department of the Interior, National Park Service (7/13/77).

*Navajo Indian Reservation*, New Mexico, affected by the proposal to authorize land-modifying activities to facilitate the development of the Navajo Indian Irrigation Project, undertaken by the U.S. Department of the Interior, Bureau of Indian Affairs (7/13/77).

*Bank Street Historic District*, New London, Connecticut, affected by the construction of a boardwalk, undertaken by the New London Redevelopment Agency (7/20/77).

*Bank Street Historic District*, New London, Connecticut, affected by the facade and interior improvement program, undertaken by the New London Redevelopment Agency (7/20/77).

*Historic Properties*, City of Albany, New York, affected by the funding of community development projects, undertaken by the City of Albany Urban Renewal Agency (7/21/77).

*Haydenville Historic Town*, Haydenville, Hocking County, Ohio, affected by the abandonment of the rail line between Nelsonville and Oldtown undertaken by Interstate Commerce Commission (7/22/77).

*Santa Cruz River Park Archeological District and Convento*, Arizona, affected by the development of the Santa Cruz River Park undertaken by the City of Tucson (7/25/77).

*Alamo Canyon*, Bandelier National Monument, New Mexico, affected by the proposal to conduct a data recovery program at archeological sites numbered LA–13659 and LA–12117, undertaken by the U.S. Department of the Interior, National Park Service (7/25/77).

*Historic Properties*, Norfolk, Virginia, affected by the proposal to execute the Downtown-West Conservation Project, undertaken by the Norfolk Redevelopment and Housing Authority (7/25/77).

*Historic Properties*, Seattle, Washington, affected by the implementation of the project I–90–1 from the Junction of SR 5 to Junction of SR 405, undertaken by the U.S. Department of Transportation, Federal Highway Administration (7/31/77).

*Main Post Office*, Cleveland, Cuyahoga County, Ohio, affected by the proposal to replace the exterior facade, undertaken by the U.S. Postal Service (8/1/77).

*Pipestone Architectural District*, Pipestone, Minnesota, affected by the proposal to fund Year III, Community Development Project-Historic Preservation of Central Business District, undertaken by the City of Pipestone (8/3/77).

*Ninety Six National Site*, Greenwood County, South Carolina, affected by archeological investigations, undertaken by the U.S. Department of the Interior, National Park Service (8/3/77).

*Lamberton Street Interceptor*, Trenton, New Jersey, affected by the construction of a sewer interceptor, undertaken by the Environmental Protection Agency (8/15/77).

*North Fork Lake and Granger Lake Archeological Districts*, Williamson County, Texas, affected by the construction of North Fork Lake and Granger Lake, undertaken by the U.S. Army, Corps of Engineers (8/15/77).

*Historic Properties*, Baltimore, Maryland, affected by the construction of City Boulevard and Interstate Highway I–395, undertaken by the U.S. Department of Transportation, Federal Highway Administration (8/15/77).

ROBERT M. UTLEY,
*Deputy Executive Director.*

[FR Doc.77–24954 Filed 8–26–77;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 31053, 31054, 31055, 31058, 31310; Order 77–8–109]

### ALLEGHENY AIRLINES, INC.

### Order Dismissing Complaints and Soliciting Comments on Use of Discount Fares to Stimulate Long-Term Efficiencies

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of August 1977.

Alegheny Airlines, Inc. (Allegheny) proposes a one-way "SimpleSaver" fare in nine major, dense-traffic markets.[1] Allegheny does not hold nonstop authority in any of the markets and operates through-plane service in only a few. It is a minor traffic participant in all the markets. The proposal is made as a one-year experiment; the fares are discounted approximately 30 percent from Allegheny's normal coach fares; and their availability would be limited to the 35-percent capacity limitation now applicable for "Freedom" fare travel. The fares are not combinable with other fares for beyond-segment travel, and are subject to a total of 11 blackout days around Thanksgiving, Christmas, and the New Year. As indicated, the fare is necesarily available inly in multistop or connecting service by virtue of Allegheny's certificate authority.

Allegheny supports its proposal on the basis of what the fares will produce for its system—it makes no attempt to evaluate the effect of the fares if extended more widely throughout the domestic airline network, and alleges that its concept is closely patterned after the "economy" fare offered by Texas International Airlines, Inc. (TXI) on its Dallas/Ft. Worth-Los Angeles multistop service.[2]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs CAB Nos. 259 and 142. The markets: Boston-Chicago, Boston-St. Louis, Chicago-New York, Chicago-Providence, Chicago-Hartford, Chicago-Albany, New York-Detroit, New York-Louisville. Allegheny withdrew the fare in the New York-Cincinnati market.

[2] Order 77–5–68, May 13, 1977.

Allegheny's justification rests substantially upon an alleged significant price elasticity in the markets involved. "A reduction in the price of air transportation," the carrier says, "results in a more than proportionate increase in the number of passengers who can afford to travel." The carrier clearly sees the "SimpleSaver" as highly elastic since it forecasts a 70/30-percent generation/diversion ratio, and a resulting $3.6 million net contribution to its profit.[3] It also refers to its inferior operating authority in these nine markets, and consequent small participation, as "built-in" safeguards against significant diversion from the primary carriers. Finally, Allegheny contends that "even with strict application of capacity controls, so as to assure that no full-fare passengers traveling over the intermediate segments will be displaced by the discount passengers, there will be more than adequate capacity to accommodate the projected 'SimpleSaver'-fare passengers."

American Airlines, Inc. (American), Northwest Airlines, Inc. (Northwest), Trans World Airlines, Inc. (TWA), and United Airlines, Inc. (United) have filed complaints covering a wide range of issues. In their broadest outline, the key targets are (1) "ratesetting" by a minor participant with minimal exposure to risk; (2) certain structural problems, as detailed below, which result from differences in the way local service carriers and trunkline carriers are regulated for ratemaking purposes; (3) the economic "dead-weight loss" of an artificial pricing situation which will shift traffic from lower-cost nonstop to higher-cost multistop and/or connecting services; (4) Allegheny's narrow calculation of "generation" and its implication that the "SimpleSaver" fare would be economically sound on an industry basis; and (5) the investigation now in progress of an allegedly "less disruptive" "SimpleSaver" prototype—the Dallas/Fort Worth-Los Angeles "economy" fare offered by TXI—which allegedly should be resolved before further "experiments" of this type are begun.

The allegations relating to "structural problems" focus upon Allegheny's flexibility as a local service carrier both to directly subsidize "SimpleSaver" fares by pricing the short-haul intermediate segments up to 130 percent of the Phase 9 formula coach fare,[4] to offset revenue loss over the long-haul "SimpleSaver" multisegment markets, and to "take" a general fare increase for itself by raising fares in its monopoly markets any time it wishes up to the 130-percent level. The complainants contend that trunkline carriers are, on the other hand, denied this cross-subsidy flexibility, and that "SimpleSaver" will eventually cost them a needed general fare increase. It is argued that they either allow Allegheny to siphon off their traffic and reduce their load factors, or that they match the fares. In the former case, future calculations of return on investment will disallow certain real costs because the trunkline carriers will have failed to meet the load-factor standard. In the latter case, certain real costs will be disallowed because of the discount-fare adjustment. In essence, this is a "Catch-22" situation from the complainants point of view.

The argument that traffic will shift from less costly nonstop services to more costly multistop services as a result of the "SimpleSaver" price advantage is most fully developed by TWA. TWA argues that long-haul traffic, which should be most efficiently transported on nonstop flights, may be diverted to multistop flights by an arbitrary pricing scheme which reflects more the quality of service than the cost of producing it. Thus, the essence of TWA's point is that to meet Allegheny's fare the nonstop carriers will be forced to adopt Allegheny's short-haul approach, even though it conflicts with the underlying long-haul nature of their operations.

All of the complainants contest Allegheny's estimate of new traffic "generation" from the fare, contending that its narrow focus, restricted as it is to its own operations, conceals a bald-faced grab for its competitor's traffic. The complainants agree in contending that competitive response in matching the fare requires that it be evaluated from the standpoint of overall industry generation, and that diversion of revenue from major operators in the markets must be netted against the profits which Allegheny foresees for itself. American and Northwest estimate the "worst-case" systemwide diversion of revenue from the "SimpleSaver" fare as "more than $7 million" and "$7.6 million", respectively. This compares with Allegheny's projected $3.6 million profit for its own operation.

The final point made by the complainants is that "SimpleSaver' is not a "novel experiment" deserving of an opportunity to prove itself but, rather, is only a derivative of an earlier "experiment" instituted by TXI, now currently under investigation. They caution against further expansion of an as yet inadequately tested concept and interim extension of that experiment into additional markets. Several complainants also point out that "SimpleSaver' is potentially much more disruptive than TXI's fare, both because of the greater number of markets involved (nine versus TXI's one) and the fact that Allegheny has a much larger presence in several of these markets.[5]

In answer Allegheny alleges that it will "enforce capacity control provisions to assure no impact upon passengers in the intermediate and beyond markets"; sharply contests claims that all of its "SimpleSaver" traffic will be diverted from other carriers (without, however, providing any estimate of that portion of "generated" traffic which would not otherwise have flown); and argues poverty, deficits and its evident need for additional revenue. The carrier further contends that the estimates of revenue dilution put forth by American and Northwest are overstated because they take no account of generation from surface modes, which Allegheny anticipates. Finally, Allegheny contends that the specific nature of these particular markets (principally stagnant long-term traffic growth) and the inherent inferiority of its multistop service create natural restrictions on the spread of a similar fare approach throughout the domestic system.

Upon consideration the Board finds that the complaints do not set forth sufficient facts to warrant investigation and consequently the requests for suspension will be denied and the complaints dismissed.

In our last formal evaluation of discount fares, Phase-5 of the DPFI, we observed that "the tension between the long and short-term impact of promotional fares poses a serious dilemma for economic regulation."[6] We said that the difficulty with the argument in favor of discount fares is "that there is no showing on this record (Phase 5) which would support a finding that the additional traffic volume generated by the discount fares results in significantly lower overall unit costs in the long run. Rather the evidence is to the contrary."[7] At that time, discount fares seemed profitable in the short run but the record clearly showed that they burdened profits over the longer term—that carriers were arranging equipment purchases and operating flights based upon gross traffic (including those passengers traveling at so-called "fill-up" fares) and that, once having introduced a discount fare, carriers found it competitively difficult to withdraw it.

In the intervening years since the Board evaluated the role of discount fares, operating conditions in the industry have changed substantially. Generally speaking, carriers are replacing and revamping present aircraft and are not investing in major re-equipment programs. The carriers are adding seats in planes already owned and operating. The cost of fuel is now three times the level just a few years ago, and amounts to some twenty percent of total operating cost. In a word, the economics of the industry is considerably tighter than when we expressed our concerns that an unregulated array of discount fares could lead to normal-fare passengers shouldering the cost of excess capacity. We intend to evaluate Allegheny's fare against this background.

In its request for suspension, TWA, in particular among the complainants, argues that nonstop service is the most

[3] Allegheny is essentially projecting a more-than-tripling of traffic from a less-than-one-third reduction in price. This is, however, based upon traffic generation to its own services, as opposed to overall attraction of new air travel in the markets, contrary to the presumption in Phase 5 of the Domestic Passenger-Fare Investigation, (DPFI) that estimates of generation should relate to the system as a whole.

[4] Order 74-3-82, March 18, 1974.

[5] Particularly Chicago-Providence, New York-Louisville, and Boston-St. Louis.

[6] Order 72-12-18, December 5, 1972.

[7] Ibid., p. 47.

efficient to provide, as well as the most satisfactory for the consumer. We do not dispute this contention in the abstract. However, in particular circumstances and markets, nonstop service may not be the most economic to provide from the viewpoint of the air transportation system as a whole. The answer may depend on the carriers' various operations in particular markets and on the behavior of traffic in the market place. Stated differently, there may be long-term cost savings to carriers, particularly important to them in the present high-cost environment, which can be fairly traded for offering the traveling public a special lower price for an admittedly lesser quality service.

This is the essential question posed by such fare concepts as the "SimpleSaver" fare: Whether or not long-term benefits—which may be gained by encouraging traffic to switch from nonstop services to multistop/connecting services by appropriately structured fare discounts — outweigh considerations of short-run profit-impact. Inducing long-haul traffic to function as "fill-up" traffic on multistop/connecting flights, being operated in any event to serve intermediate-point markets, may enable the industry to provide adequate services to the longer-haul traffic market with less capacity. The multistop / connecting flights serve the longer-haul market as a common product, and the longer-haul traffic which can switch to such services can be carried at fares reflecting the marginal costs of "fill-up" traffic rather than at the full cost of a nonstop service. Thus, a special lower fare for the "secondary" service has the potential of enabling the carriers to provide adequate service at lower cost and, at the same time, to offer a price/quality of service option to the traveling public.

This price/quality option is premised on two crucial assumptions: that the "SimpleSaver" market traffic will be carried on a "fill-up" basis and will not burden the primary traffic (the local traffic in the respective intermediate markets) in terms of higher fares or reduced service quality, and that the longer-haul carriers reduce nonstop capacity to reflect the reduced demand for this service.[8] If these assumptions prove untrue and are not achieved, the economic justification for the price/service option is destroyed.

The air transport network is a complex of intertwined flights and many "nonstop" markets of any distance, such as New York–Chicago for the complainant carriers in this case, are in fact "multi-stop" flights in other "nonstop" markets. Flights are operated for a variety of reasons which go beyond optimizing load factor; flights are operated for aircraft positioning purposes, to provide primarily mail and cargo service, to pick up high-revenue feeder traffic for carriage to beyond points or to supplement through traffic with traffic at intermediate points, etc. Thus, it is not always easy to distill the primary purposes of a flight from the bundle of services offered, and forecasting the marketplace reaction to application of theoretically sound pricing concepts is complex indeed. For these reasons, the Board has decided that, although we will dismiss the complaints, we will at the same time solicit comments from industry and any interested persons on whether or not, in view of present circumstances in the industry, we should encourage carrier discount-fare filings premised on a price/quality of service option such as is discussed in this order. We do not intend this request for views to impinge in any way on the formal rulemaking review of discount-fare policy as announced in the Board's advance notice of proposed rulemaking (PSDR–47). In summary, our action in this order approves what we believe to be a sound pricing concept, but seeks comments to assist us in our consideration of future discount-fare proposals in which the same or similar concepts may appear.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002:

*It is ordered,* That: 1. The complaints in Dockets 31053, 31054, 31055, and 31058 be dismissed;

2. All persons interested in commenting on the question of whether or not discount-fare pricing, through cost-quality of service tradeoffs, can encourage a more efficient reallocation of resources and lower fares be directed to file an original and three copies of such comments in Docket 31310 no later than 15 days after service of this order. Responsive comments may be filed no later than thirty days after service of this order.

3. Individual members of the general public who wish to express their interest as consumers by informally taking part in the proceeding may do so by submitting comments in letter form to the Docket Section, Docket 31310, without having to file additional copies; and

4. Copies of this order will be served upon all certificated scheduled carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[9]
*Secretary.*

[FR Doc.77-24986 Filed 8-26-77;8:45 am]

[8] Two other factors are involved. A discount is necessary to cause longer-haul passengers to use the inferior multistop service and can be justified by the lower marginal costs of carrying this traffic on multistop service. A more difficult question is how much of a discount is needed to cause this shift. Also of concern is the quality of service vis-a-vis the price paid by the passengers using the intermediate-point services.

[9] All members concurred.

[Docket No. 30635]

## ARIZONA SERVICE INVESTIGATION

### Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held commencing on October 4, 1977, at 9:30 a.m. (local time) in the Regency Ballroom D, Hyatt Regency Hotel, 122 N. 2d Street, Phoenix, Arizona, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on August 8, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 23, 1977.

FRANK M. WHITING,
*Administrative Law Judge.*

[FR Doc.77-24987 Filed 8-26-77;8:45 am]

[Docket No. 30332; Agreement C.A.B. 27601 R-2—R-4 et al; Order 77-8-114]

## IATA

### Agreements Adopted Relating to Cargo Matters; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of August, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). (Docket 30332, Agreement C.A.B. 26701 R-2 through R-4, R-6, R-8, R-10; Agreement C.A.B. 26703; Agreement C.A.B. 26704; Agreement C.A.B. 26707, R-1 through R-5, R-7 through R-18, R-20 through R-24, R-26, R-29, R-30.) The agreements were adopted at the Composite Cargo Conference held in Vancouver during May 1977, or at the 9th Meeting of the Cargo Traffic Procedures Committee held in Geneva, February 28–March 4, 1977.

AGREEMENT C.A.B. 26707

This agreement, adopted at the Vancouver Conference, would revalidate without change numerous existing resolutions governing matters such as rate construction rules and charges for ancillary services. The bulk of the amendments proposed are of a technical or procedural nature. Substantive amendments of concern to the Board include those on live animal rates, excess value charges, charges for disbursements, and charges for preparation of air waybills.

*Live Animal Rates*—For U.S. points, the agreement generally proposes rates equal to 100 percent of the general cargo rate (GCR) for cold-blooded animals (defined as fish, frogs, iguanas, insects, reptiles, turtles and worms), and equal to 110 percent of the general cargo rate for warm-blooded animals; minimum charges for all live-animal shipments would be set at 110 percent of the usual minimum charge. However, such rate

levels would apply only on transportation within the Western Hemisphere and transpacific areas. For transatlantic transportation, the 100 and 110 percent rate levels would apply only from the United States; the resolution is silent on transportation to the United States, and would thus leave carriers free to continue charging the higher rates currently in effect in their tariffs for shipments to the United States from certain countries.[1]

The proposed live animal rates represent an improvement over the previous IATA levels of 125 percent of the GCR for cold-blooded animals and 150 percent for warm-blooded animals, which the Board disapproved last year.[2] The new agreement is in general conformance with the Board's June 26, 1973, decision in the U.S. domestic Investigation Of Premium Rates for Live Animals and Birds, Docket 21474, and will be approved subject to several conditions. First, as indicated the agreement does not cover transatlantic transportation to the United States and we will therefore condition our approval to require that the 100 and 110 percent levels apply equally in both directions.[3] Second, although cold-blooded animals would be charged no premium over the GCR, minimum charges per shipment would be subject to the same 10 percent premium over the general minimum charges as would shipments of warm-blooded animals. There would seem to be little rationale for this discrepancy, and the Board will therefore apply a condition to limit the minimum charge for cold-blooded animals to the regular general commodity minimum charge. Finally, we will condition the proposed definition of cold-blooded animals, which seems unduly restrictive, to include all animals which can be shipped in sealed containers and require no ventilation.[4]

*Excess-Valuation Charges*—Charges for excess value have long been a matter of serious concern to the Board. By Order 76–1–17, we disapproved the provision of IATA Resolution 503 which reflected a charge of 0.40 percent (i.e., 40 cents per $100 valuation) on that portion of the shipper's declared value for carriage which is in excess of the Warsaw Convention liability limit of $20.00 per kg., as well as the minimum excess value charge of $1.00. The Board disapproved the 0.40 percent charge and the $1.00 minimum on the basis that only two carriers had submitted any data in support of the charge, and their submissions were inadequate or unpersuasive.

The new agreement again proposes a charge of 0.40 percent on the excess valuation. We have reviewed the carriers' current tariff provisions on excess-value charges, and find that most carriers still apply a charge of 0.40 percent on the total declared value, contrary to the Board's policy that excess-value charges should apply only to the declared value not already covered by the carriers' basic liability under Warsaw; in addition, the carriers generally apply a minimum charge ranging from 40 cents to $1.00. In these circumstances, the Board believes that the public and shippers' interest will be best served by approving the new resolution, which properly applies the excess-value charge only to excess value. However, we still have serious reservations about the level of the charge and thus will limit our approval to one year. Extension of Board approval will depend on carrier justification to be submitted at the end of a one-year period, showing actual experience under the revised resolution.[5]

*Charges for Disbursements*—Currently, IATA Resolution 509 and the carriers' tariffs provide a charge for collection by the carrier from the consignee for disbursements of three percent of the total disbursement, with a minimum of $5.50, from the United States; and a charge of five percent with a minimum of $10.00, to the United States. The carriers now propose increased charges of five percent (minimum $7.50) from the U.S. and seven percent (minimum $15.00) to the U.S. The U.S. carriers' domestic tariff provisions generally set forth a charge of three percent, with a minimum of $5.50, for similar service in domestic and U.S./Canada transborder transportation, and we perceive no reason why the costs of providing this service should be so much higher in other, international markets as to justify the substantially higher charges proposed here. No showing in support of this discrepancy has ever been made. We will therefore disapprove the proposed increases and hold the charges at their current levels. The carriers are, of course, free to present such data as may cost-justify the proposed charges.

AGREEMENT C.A.B. 26701

Adoped at the 9th Cargo Traffic Procedures Committee Meeting, this agreement would revalidate and amend various resolutions governing live animals regulations, C.O.D. procedures, use of unit load devices, air waybill format and related matters. Most of the amendments are of a technical or clarifying nature. Of more substance are the changes proposed in the live animals regulations and C.O.D. procedures. Resolutions 511a (IATA Live Animal Regulations) and 512a (C.O.D. Procedures) would be amended to prohibit acceptance of live animal consignments on a C.O.D. basis. This proposal is based on Recommendation No. 7 of the International Conference on Transportation of Live Animals, which urged acceptance of live animals on a prepaid basis only.[6] As this proposal may be of particular interest to shippers, we are not taking action on it in this order, but will establish procedures for the receipt of carrier justification, comments from interested persons, and replies.[7]

AGREEMENT C.A.B. 26703

This agreement, adopted at the Vancouver Conference, would amend Resolution 021LL (Special Rules for Currency Adjustments—Cargo Rates) governing currency conversion procedures for cargo rates. Briefly, the agreement would amend the conversion rules for payment outside the country where transportation commences. Currently, such rates are converted from the currency of the country of origin into the currency of payment by using the market rate of exchange or the IATA Resolution 021b rate, whichever produces the higher amount.[8] The amendments propose a process by which such conversions would take place, in effect, at a rate about midway between the market rate and the 021b rate. The minutes of the conference make it clear that the reason for the proposed change is numerous complaints from importers in strong-currency countries over continued use of the 021b rates and the fear of government action in response to such complaints. For instance, a shipment from the United States to Germany, rated at $106, is currently converted to deutschemarks at the 021b rate of $1=3.250 DMK for collect payment, resulting in a charge of DMK 344.50, whereas the market rate of about 2.34 would result in a charge of DMK 248.50; under the new agreement use of the 021b rate would be modified to produce a charge of DMK 292.50.

The Board will approve the agreement, but cautions the carriers that our conditions on 021LL imposed by Orders 74–4–145, April 26, 1974, and 72–2–22, February 3, 1977, covering U.S.-destined and U.S.-originating transportation, respectively, remain in force. Under Order 74–4–145, foreign-currency rates for shipments destined to U.S. points, whether prepaid or collect, must be converted at the market rate of exchange for payment in U.S. dollars. And under Order 77–2–22, U.S. dollar rates for U.S.-originating collect shipments must be

[1] From the U.K., for instance, the tariffs provide for levels of 125 percent of the GCR for cold-blooded animals and 150 percent of the GCR for warm-blooded animals.

[2] Order 76–1–17, January 5, 1976.

[3] The proposed resolution apparently does not cover U.S. points in Traffic Conference 3 (Asia/Australia/Interpacific) and we will apply a similar condition there.

[4] These last two conditions on cold-blooded animals are consistent with similar conditions the Board placed on an earlier IATA live animal rate resolution, in Order 74–8–68, August 16, 1974.

[5] That report should include data showing the total shipments and number of shipments assessed excess value charges; amount of excess-value revenues; number of claims filed; and costs directly related to excess value such as claims expense on excess-value shipments.

[6] The International Conference was attended by representatives of governments, carriers, the IATA Secretariat, the Air Transport Association, the International Committee on Laboratory Animals, the International Society for the Protection of Animals, the International Union for Conservation of Nature and Natural Resources, and the World Wildlife Fund.

[7] We will also request comments on Resolution 512c (Agreement C.A.B. 26707, R–19) which proposes a charge of $2.50 for preparation of air waybills.

[8] The Resolution 021b rates reflect the parities of the U.S. dollar with other currencies prior to the February 1973 devaluation of the dollar.

converted at the market rate of exchange where payment is made in another currency.[9] We fail to understand why the IATA carriers persist in using the old 021b exchange rates for conversion into the actual currency of payment when such rates are totally unrealistic in terms of today's currency values. We recognize that some carriers favor use of the market rates of exchange, and they are to be commended for their position. One can only assume that other carriers wish to continue overcharging passengers and shippers by using the 021b rates. The usual rationale advanced in support of the 021b rates, the avoidance of "losses in revenue," is unconscionable, and we would emphasize that the Board intends to maintain its conditions on the various IATA resolutions concerning the use of market rates of exchange.

[9] Where collect payment on such U.S.-originating shipments is made in U.S. dollars, the charges must not exceed the U.S. dollar amounts published in the carrier's official tariff on file with the Board.

AGREEMENT C.A.B. 26704

Also adopted at Vancouver, this agreement would revise various currency-related surcharges on cargo rates from foreign points to align such rates more closely to current currency values, and will be approved.

The Board, acting pursuant to section 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 26707: | | | |
| R-1 | 001ii | Closing and Opening of Ndola Airport (Revalidating and Amending) | 2;1/2;2/3. |
| R-2 | 002 | Standard Revalidation Resolution | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-3 | 003 | Standard Rescission Resolution | 2;3;1/2;2/3;1/2/3. |
| R-4 | 012b | Definition of Middle East (Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-5 | 023b | Rounding Off Cargo Rates (Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-8 | 200c | Transportation of Human Eyes and Dehydrated Corneas (New) | 2;3;1/2;2/3;1/2/3. |
| R-9 | 502 | Low Density Cargo (Revalidating and Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-11 | 507b | Use of Surface Transportation (Revalidating/Readopting and Amending). | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-12 | 508 | Chargse for Stalls (Revalidating and Amending) | 1. |
| R-13 | 508 | Charges for Stalls (Revalidating and Amending) | 2;3;1/2;2/3;3/1;1/2/3. |
| R-16 | 511 | Rates for Live Animals (Revalidating and Amending) | 2. |
| R-18 | 512b | Air Cargo Rates—Airport to Airport (Revalidating/Readopting and Amending). | 1;2;3;1/2;2/3;3[1; 1/2/3. |
| R-20 | 513 | Charges on Mixed Consignments (Revalidating and Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-21 | 520a | General Rules for the Use of Unit Load Devices (Revalidating and Amending). | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-22 | 594 | Definition of Valuable Cargo (New) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-23 | 595 | Special Rates for Valuable Cargo (Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-24 | 600j | Manual Air Waybill/Consignment Note (AWB) (Amending) | 1;2;3. |
| R-26 | 680 | Diplomatic Bags (Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-29 | 1008 | Glossary of Air Traffic Terms Commonly Used (Amending) | 1;2;3. |
| R-30 | 1600j | Instructions for Use of Manual Air Waybill (Amending) | 1;2;3. |
| 26701: | | | |
| R-2 | 003 | Standard Rescission Resolution | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-3 | 023 | Fractionless Billing (New) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-4 | 509 | Charges for Disbursements (Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-6 | 511b | IATA Live Animals Board (Revalidating and Amending) | 1;2;3. |
| R-8 | 520 | Unit Load Devices Board (Revalidating and Amending) | 1;2;3;1/2;2/3;3/1; 1/2/3. |
| R-10 | 600j | Manual Air Waybill/Consignment Note (AWB) (Amending) | 1;2;3. |
| 26703 | 021LL | Expedited—Special Rules for Currency Adjustments (Cargo Rates) (Revalidating and Amending). | 1;2;3. |
| 26704 | 022gg | JT12 (North Atlantic) Adjustment Factors for Sales of Cargo Air Transportation (New). | 1/2. |

C.A.B. 26707 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board and, in additon, subject to the conditions set forth below:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 26707: | | | |
| R-7 | 116a | Meeting Cargo Rates and Practices (New) | 1; 2; 3; 1/2; 2/3; 3/1; 1/2/3. |
| | | Provided that all notices sent or received pursuant to Resolution 116a shall be filed with the Board at the same time and in the same manner as circulated to the carriers; provided further that any unprotested amendment, change, deletion, or addition to the North Atlantic, Pacific or Western Hemisphere Cargo rate structures and related resolutions, whether or not in air transportation as defined by the act, shall be filed with the Board under sec. 412 of the act and approved by the Board prior to being placed in effect. | |
| R-10 | 503 | Charges in Relation to Value (Revalidating and Amending) | 1; 2; 3; 1/2; 2/3; 3/1; 1/2/3. |
| | | Provided that approval is limited through Sept. 30, 1978. | |

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| R-14 | 509 | Charges for Disbursements (Revalidating and Amending)<br>Provided that approval of the resolution shall not constitute approval of any increase in the level of charges to or from United States points. | 1; 2; 3; 1/2; 2/3; 3/1; 1/2/3. |
| R-15 | 511 | Rates for Live Animals (Revalidating and Amending).<br>Provided that:<br>a. Cold-blooded animals are those which can be shipped in sealed containers and require no outside ventilation and include, but are not limited to, fish, frogs, iguanas, insects, reptiles, turtles and worms.<br>b. The minimum charge to/from United States points for cold-blooded animals shall not exceed the applicable minimum charge specified in Resolution 501. | 1. |
| R-17 | 511 | Rates for Live Animals (Revalidating and Amending).<br>Provided that:<br>a. Cold-blooded animals are those which can be shipped in sealed containers and require no outside ventilation and include, but are not limited to, fish, frogs, iguanas, insects, reptiles, turtles, and worms.<br>b. The minimum charge to/from United States points for cold-blooded animals shall not exceed the applicable minimum charge specified in Resolution 501.<br>c. The rates and minimum charges to/from United States points for warm-blooded animals shall not exceed 110 pct of the applicable general cargo rates and minimum charges, respectively. | 3;1/2;2/3;3/1;1/2/3. |

Accordingly, *it is ordered, That:*

1. Those portions of Agreements C.A.B. 26707, C.A.B. 26701, C.A.B. 26703 and C.A.B. 26704 set forth in finding paragraph 1 above be approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 26707 set forth in finding paragraph 2 above be approved subject, where applicable, to conditions previously imposed by the Board and subject in addition to the conditions stated therein;

3. Tariff provisions implementing the agreements approved here shall be marked to expire not later than September 30, 1979, with the exception of tariff provisions implementing Agreement C.A.B. 26707, R–10, which shall be marked to expire not later than September 30, 1978;

4. Carrier justifications and comments from interested persons regarding Agreement C.A.B. 26701, R–5 and R–7, and Agreement C.A.B. 26707, R–19, shall be submitted not later than 30 days after the date of service of this order; and

5. Replies to justifications and comments received in response to ordering paragraph 4 above shall be submitted not later than 45 days after the date of service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
*Secretary.*

[FR Doc.77-24988 Filed 8-26-77;8:45 am]

## COMMISSION ON CIVIL RIGHTS
## INDIANA ADVISORY COMMITTEE
### Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Indiana Advisory Committee (SAC) of the Commission will convene at 6 p.m. on September 30, 1977 and will end at 7 p.m. at Holiday Inn, U.S. 20 and I 94 at IN 249, Portage, Ind., and will reconvene Saturday, October 1, 1977 at 8 a.m. and will end at 4:30 p.m., Indiana University Northwest Campus, 3400 Broadway, Academic Building B, Room 102, Gary, Indiana.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 Southdearn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this conference is to focus on open housing problems in Indiana.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc.77-24991 Filed 8-26-77;8:45 am]

## KANSAS ADVISORY COMMITTEE
### Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a Conference of the Kansas Advisory Committee (SAC) of the Commission will convene at 1:00 p.m. on September 29th and will end at 4:30 p.m. September 30, 1977, Holiday Inn South, 3802 Topeka, Kans.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Mo. 64106.

The purpose of this meeting is to attend a conference on corrections in the State of Kansas.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. August 23, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc.77-24992 Filed 8-26-77;8:45 am]

## NEW HAMPSHIRE ADVISORY COMMITTEE
### Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 10:00 p.m. on September 27, 1977, New Hampshire State Hospital Twitehele Building, 105 Pleasant Street, Concord, N.H.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss the status of the existing projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. August 23, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc.77-24993 Filed 8-26-77;8:45 am]

## NEW YORK ADVISORY COMMITTEE
### Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a Conference of the New York Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. and will end at 5:00 p.m. on September 28, 1977, New York Society for Ethical Culture, Library—Room 507 2 East 64 Street, New York, N.Y. 10023.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this conference Symposium—Root causes of Western Hemisphere Immigration.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc.77-24994 Filed 8-26-77;8:45 am]

## NORTH CAROLINA ADVISORY COMMITTEE
### Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the North Carolina Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. and will end at 6:00 p.m. on September 17, 1977, Federal Building Century Station, 300 Fayetteville Street Mall,

Conference Room No. 303, Raleigh, N.C 27602.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue, N.E., Atlanta, Ga. 30303.

The purpose of this factfinding meeting is to conduct the North Carolina Advisory Committee's open meeting on conditions of migrants in North Carolina.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. August 23, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc.77-24995 Filed 8-26-77;8:45 am]

### OHIO ADVISORY COMMITTEE

#### Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 4:00 p.m. on September 24, 1977, Hollenden House, East Sixth Street and Superior, Cleveland, Ohio 44114.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this open meeting is to review information gathered on the Cleveland Affirmative Action Plan, discuss draft report on findings, and make plans for follow-up activities, discuss and decide the next phase of the Cleveland Study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc.77-24996 Filed 8-26-77;8:45 am]

### SOUTH DAKOTA ADVISORY COMMITTEE

#### Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Dakota Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and will end at 1:00 p.m. on September 16, 1977, at the State Capital Building, Room 499, Pierre, S. Dak.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, 1405 Curtis Street, Denver, Colo. 80202.

The purpose of this meeting is to discuss current committee projects and make plans for future program.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. August 24, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management Officer.*

[FR Doc.77-24997 Filed 8-26-77;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

#### Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Thursday, September 15, 1977, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has seven parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of membership status.

(4) Selection of new committee chairman.

(5) Review of export control regulations including the Commodity Control List with a view towards their simplification and clarification.

(6) New business.

EXECUTIVE SESSION

(7) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (7), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: August 24, 1977.

RAUER H. MEYER,
*Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.*

[FR Doc.77-24949 Filed 8-26-77;8:45 am]

### Economic Development Administration

### LUMURED CORP.

#### Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Lumured Corporation, 292 Smith Street, Woodbridge, New Jersey 07095, a producer of ladies' handbags, was accepted for filing on August 22, 1977, pursuant to Section 251 of the Trade Act of 1974 (P.L. 93-618) and Sec-

tion 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
*Chief, Trade Act Certification Division, Office of Planning and Program Support.*

[FR Doc.77-24942 Filed 8-26-77;8:45 am]

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### INTERNATIONAL WHALING COMMISSION REGULATION PROHIBITING ALL TAKE OF BOWHEAD WHALES

#### Modification of Public Hearing Date

On August 18, 1977, notice was given in the FEDERAL REGISTER (42 F.R. 41655) that informal public hearings would be held in Washington, D.C., and Alaska to facilitate the presentation of comments from interested persons on the International Whaling Commission's deletion of native exemption for the subsistence harvest of bowhead whales.

The hearing time and date scheduled for Barrow, Alaska, has been changed from 1:00 p.m., September 13, 1977, to 9:00 a.m., September 12, 1977. All other hearing dates, times, and places remain as published in the August 18, 1977, FEDERAL REGISTER Notice (42 FR 41655).

Dated: August 24, 1977.

WINFRED H. MEIBOHM,
*Associate Director, National Marine Fisheries Service.*

[FR Doc.77-24944 Filed 8-26-77;8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM THE PHILIPPINES

#### Level of Restraint; Correction

AUGUST 24, 1977.

On August 9, 1977, there was published in the FEDERAL REGISTER (42 FR 40304) a letter dated August 5, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending and extending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 15, 1975, between the Governments of the United States and the Republic of the Philippines. The level of restraint established in the August 5 letter for knit T-shirts, other shirts (including blouses), and tops and vests in Category 218/219/224 (part) should have been expressed in dozens, instead of square yards equivalent.

Accordingly, there is published below a letter of August 24, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of August 5, 1977, effective on August 29, 1977, to show a level of restraint of 719,393 dozen for Category 218/219/224 (part), instead of 11,292,334 square yards equivalent.

ROBERT E. SHEPHERD,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

*August 24, 1977.*

COMMISSIONER OF CUSTOMS,
*Department of the Treasury, Washington, D.C.*

DEAR MR. COMMISSIONER: This directive amends but does not cancel, the directive issued to you on August 5, 1977 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain specified categories of cotton and man-made fiber textile products, produced or manufactured in the Philippines.

The second paragraph of the directive of August 5, 1977 is amended, effective on August 29, 1977, to show the following level of restraint for Category 218/219/224 (part), produced or manufactured in the Philippines and exported to the United States during the fifteen-month period which began on October 1, 1976 and extends through December 31, 1977:

| Category: | *15-mo level of restraint* [1] |
|---|---|
| 218/219/224 (part) [2]------ | 719,393 doz. |

[1] The level of restraint has not been adjusted to reflect any imports after Sept. 30, 1976.

[2] In Category 224, only T.S.U.S.A. Nos. 382.-0455 and 382.7879.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.77-24966 Filed 8-26-77;8:45 am]

## COMMISSION ON FEDERAL PAPERWORK

### PUBLIC MEETING

Notice is hereby given of the fifteenth regular meeting of the Commission on Federal Paperwork to be held on September 9, 1977, in Room 2154, Rayburn House Building, Washington, D.C.

The meeting will begin at 9 a.m. and will continue until approximately 12 noon. The meeting will be open to the public. The Commission will review progress on approved projects, including reports in the following areas: Information Resource Management, Federal Reports Act of 1942/The Clearance Process, Ombudsman Activities, Summary Impact Studies, Information Value/Burden Assessment, Service Management and the Final Summary Report.

Anyone wishing to attend the meeting is invited. For further details, contact the Commission on Federal Paperwork, Room 2000, 1111 20th Street NW., Washington, D.C. 20582, telephone 202-653-5400.

FRANK HORTON,
*Chairman.*

[FR Doc.77-25059 Filed 8-26-77;8:45 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1977

#### Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1977 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: August 29, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On July 1, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 33788) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1977:

SIC 7349

Janitorial Services, Naval Air Station, Whidbey Island, Oak Harbor, Washington. For the following buildings only: 12, 18, 100,

103, 108, 110, 113, 116, 124, 126, 365, 369, 371, 385, 386, 960, 961, 975, 994 and 2547.

C. W. FLETCHER,
*Executive Director.*

[FR Doc. 77-25083 Filed 8-26-77;8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

The following is a list of environmental impact statements received by the Council on Environmental Quality from August 15 to August 19, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (October 10, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250 (202-447-6827).

FOREST SERVICE

*Final*

Buck Creek and Yellow Mules Permit, Gallatin National Forest, Gallatin and Madison Counties Mont., Aug. 19: The proposd action is the granting of a special use permit to Burlington Northern Railroad to construct a road through sections of the Gallatin National Forest, Montana. The purpose of the 3.4 miles of road is to allow Yellowstone Pine Lumber Company to gain access to Burlington Northern lands for timber harvest. The timber site is intermingled with 27.1 acres in the Buck Creek and Yellow Mule drainages of Gallatin National Forest. The project will affect water quality and quantity, wildlife habitat, esthetics, and increase wildfire hazards. Comments made by: EPA, DOI, USDA, State and local agencies. (ELR Order No. 71020.)

SOIL CONSERVATION SERVICE

*Draft*

Roosevelt Water Conservation District Floodway, Maricopa and Pinal Counties, Ariz. Aug. 16: Proposed is the construction of a structural measure for watershed protection and flood prevention located in Maricopa and Pinal Counties, Arizona. The flood prevention purposes will be achieved by installing 27.36 miles of floodway. The floodway will provide an outlet for flood flows, for existing and planned floodwater structures, through the Gila River Indian Reservation to the Gila River. It will also provide an outlet for the coordinated system of floodwater drains that will be installed between the existing and planned floodwater retarding structures and the floodway. (ELR Order No. 70998.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202-377-4335)

NATIONAL OCEANIC AND ATMOSPHERIC ADMIN.

*Final*

California Coastal Zone Management Program, California, Aug. 16: Proposed is the approval of the Coastal Zone Management Program application of the State of California pursuant to Pub. L. 92-583. Approval would permit implementation of the proposed program, allowing program administrative grants to be awarded to the State, and require that Federal actions be consistent with the program. Approval and implementation of the program will restrict or prohibit land and water uses in certain parts of the California coast, while promoting and encouraging the development and use activities in other parts. Comments made by: AHP, USDA, DOC, COE, DOD, HEW, HUD, DOI, DOT, ERDA, EPA, State and local agencies, concerned groups and individuals. (ELR Order No. 70994.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Col. Luis F. Dominguez, Department of the Air Force, Room 5D 431, Pentagon, Washington, D.C. 20330 (202-697-7799).

*Draft*

Space Shuttle Program, Vandenberg AFB, Santa Barbara County, Calif., Aug. 18: The proposed action comprises construction, activation, and operation of Space Shuttle facilities at Vandenberg AFB and Port Hueneme Harbor, Calif. There are seven elements in the proposed action, namely: Landing strip extension and other modifications; New Orbiter processing facilities adjacent to VAFB; new facilities at Port Hueneme Harbor to receive, process, and store Shuttle Extenal Tanks (ETs) and recovered spent Solid Rocket Boosters (SRBs) delivered by sea; new marine facility on the VAFB coast for receipt of ETs and SRBs; a tow route for transporting the Orbiter; and modified, expanded support facilities at SLC-6 for handling of cryogenic propellants. (ELR Order No. 71012.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202-693-6795).

*Draft*

Michigan City Harbor, O & M, Porter and LaPorte Counties, Ind., Aug. 18: Proposed is the continued operation and maintenance of the Michigan City Harbor, Indiana Navigation Project. A diked containment structure for the polluted dredged material removed from the Harbor, with an incorporated effluent filter, will be constructed on a 3.5 acre land site adjacent to Trail Creek. Harbor sediments classified as unpolluted or suitable for unrestricted or open-lake disposal by Region 5, USEPA, will be dredged as needed to provide for safe navigation and deposited in an open-lake disposal site. Adverse effects include permanent loss of terrestrial vegetation and associated wildlife occupying the contained disposal site. (Chicago) (ELR Order No. 71008.)

Broadway Lake Demonstration Project, Anderson County, S.C., Aug. 18: The proposed action consists of a demonstration project in which the U.S. Army Corps of Engineers will present a plan to remove sediment and aquatic weeds from shoaled areas in the upper reaches of Broadway Lake in South Carolina in order to restore environmental quality. Lake biota would be adversely impacted by the combined effects from dredging and lake drawdown. Adverse effects would range from overt, acute effects visible in the form of fish kills to the less obvious subtle change or degradation in aquatic community structures. (Savannah District.) (ELR Order No. 71007.)

*Final*

Town Bluff Dam and Sam Rayburn Dam, several counties in Texas, Aug. 17: Proposed is an integrated operation and maintenance program at the Town Bluff Dam—B.A. Steinhagen Lake and the Sam Rayburn Dam and Reservoir. The program consists of flood control, generation of hydroelectric power, water conservation, fish and wildlife conservation and public recreational facilities development. Adverse effects include increased sanitation problems, altered water quality and chemistry caused by storage, and the displacement of some wildlife species. (Fort Worth District.) Comments made by: EPA, DOI, USDA, DOC, FPC, HEW, DOT, State and local agencies interest groups. (ELR Order No. 71006.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

*Draft*

Ottumwa Generating Station, NPDES Permit, Iowa, Aug. 16: Proposed is the issuance of a new source NPDES permit for discharge of wastewaters from Iowa Southern Utilities' proposed Ottumwa Generating Station (OGS). The proposed site for the 727 megawatt coal-fired steam-electric generating station is located adjacent to the Des Moines River approximately 8 miles northwest of Ottumwa, Iowa. OGS will utilize a closed-cycle cooling system and will require make-up water at a rate of 17 cfs at maximum load conditions. Total discharge to the Des Moines River is estimated to be 1.4 cfs at maximum load conditions. The Des Moines River will be impacted by water withdrawal and wastewater discharge. (Region VII.) (ELR Order No. 70997.)

Ghent Generating Station, Units 3 and 4, Carroll County, Ky., Aug. 19: Proposed is the expansion by Kentucky Utilities of the Ghent Station by adding two 500 megawatt units which will approximately double the station's electrical generating capacity. The expansion will involve: the additional clearing of 13.3 acres to add to 60 acres formerly cleared during construction of the existing units 1 and 2, two generating units, a 660 foot stack, two mechanical draft cooling towers, expansion of the switchyard, expansion of ash pond, new water intake and discharge structures and a 40 mile long 345 kilovolt transmissionline to the Frankfort area. Adverse effects include increased noise and air pollution during construction. (ELR Order No. 71019.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202-755-6308).

*Draft*

Oak Park Development, Ventura County, Calif., Aug. 17: The proposed project provides for the development of 6517 dwelling units in an urbanized portion of Ventura County, California. The project will include 1445 units of detached single family housing and 600 apartment units. The project will contain 2847 acres; 1,246 acres will be developed for the above uses and the balance will remain in open space. HUD will insure a mortgage on the land to enable the developer to borrow funds to grade the site, construct roads, sewers, storm drainage, and water lines, and provide other on-site improvements. Adverse impacts will effect identified Chumash Indian sites, ambient air quality, and public services. (ELR Order No. 71003.)

Riverside Green and Riverside Hills Subdivisions, Franklin County, Ohio, Aug. 19: Proposed is the development of two subdivisions in Columbus, Ohio. Riverside Green development involves the subdivision of a 164 acre tract of land into 880 dwelling units, including school and commercial areas. The Riverside Hills project involves the development of a 155 acre tract of land into 568 dwelling units, including space for schools and commercial use. Adverse effects include the removal of vegetation and wildlife habitat, increased storm water run-off, conversion of agricultural land to urban use, and increased traffic and air and noise pollution levels. (ELR Order No. 71018.)

*Final*

Proposed Cimarron Subdivision, Harris County, Tex., Aug. 15: The proposed action is the acceptance for HUD home mortgage insurance purposes of the Harris Co. Municipal Utility District No. 148, known as the Cimarron Subdivision, in Harris County, Texas. The project will consist of 2688 single family homes plus recreational facilities. Adverse impacts include removal of potential forest land and livestock grazing land and an increased demand on fossil fuels through heavy dependence on the automobile for transportation. Comments made by: COE, AHP, USDA, EPA, DOT, State and local agencies, concerned interest groups. (ELR Order No. 70993.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202–343–3891).

BUREAU OF LAND MANAGEMENT

*Final*

Pacific Power and Light Co., 500 kV Powerline, Oregon, Aug. 15: Proposed is the construction, operation, and maintenance of a 500,000 volt electric transmission line by Pacific Power and Light Company. The project would be located between the Midpoint Idaho substation and a new substation site northeast of Midford, Oregon. Capable of carrying 1500 megawatts of electric energy, the new powerline would utilize the large blocks of excess Wyoming Power. The proposed action would result in an increment of damage to the soil, vegetation, wildlife population and habitat, and the cultural and esthetic resources of the area. Comments made by: AHP, USDA, EPA, DOI, State and local agencies concerned interest groups. (ELR Order No. 70990.)

BUREAU OF RECLAMATION

*Draft*

Pecos R. Basin Water Salvage Project, New Mexico and Texas, Aug. 18: The proposed project is a phreatophyte management program consisting of the selective cleaning of saltcedar from the flood plain of the Pecos River from Santa Rosa, New Mexico to Girvin, Texas. The area of clearing extends through Guadalupe, DeBaca, Chaves, and Eddy Counties in New Mexico and through Loring, Reeves, Ward, Crane, and Pecos Counties in Texas. To date, 53,950 acres have been selectively cleared; additional clearing is planned on 24,000 acres—14,000 acres scheduled for selective clearing and 10,000 (within McMillan Delta) deferred until provision has been made for replacement of terminal storage. (ELR Order No. 71010.)

*Final*

San Juan Powerplant Expansion, San Juan County, N. Mex., Aug. 18: Proposed is the construction and operation of 3 additional operating units at the existing San Juan plant, 12 miles north of Farmington. At the projected date of completion in 1981 the four units will produce a net total generating capacity of 1588 MWe. As each unit becomes operational, new areas will be mined on the existing Western Coal Company mine lease area. The primary adverse impact of project implementation is the temporary disturbance of 2,800 acres of land during the mining operation. Comments made by: AHP, USDA, COE, DOC, HEW, DOI, DOT, EPA, ICC, State and local agencies concerned groups and individuals. (ELR Order No. 71009.)

Esquatzel Coulee Wasteway, Franklin County, Wash., Aug. 18: The proposed project would enlarge 3.2 miles of constructed temporary channel of the Esquatzel Coulee Wasteway in Franklin, Washington. The constructed reach would be extended .9 mile downstream and 1.5 miles of constructed channel upstream from the reach would be abandoned. Five thousand linear feet of unstable banks in the natural reaches of the wasteway would be sloped and stabilized. Adverse impacts include reduction of vegetation at borrow sites; displacement of 85 acres of agricultural land and 10 acres of undisturbed land; and acquisition of 300 acres of farm land and 1,500–2,000 acres of rangeland. Comments made by: DOI, USDA, COE, HEW, AHP, EPA, FPC, HUD, DOT, State and local agencies concerned groups and individuals. (ELR Order No. 71011.)

NATIONAL PARK SERVICE

*Draft*

Cumberland Island National Seashore, Ga., Aug. 16: This statement consists of a general management plan and wilderness proposal for Cumberland Island National Seashore, Georgia, to provide for development of visitor facilities on the island and mainland, establish visitor programs and use levels, generate resource management policies, and propose 20,645 acres for wilderness designation. Cumberland Island is situated in southeastern Georgia just north of the St. Mary's River, which forms the Georgia/Florida state line. Adverse effects of the proposed plan include disturbance of natural features as a result of visitor developments and intensified use. (ELR Order No. 70995.)

*Draft*

Cumberland Gap N.P. Master Plan, Kentucky, Tennessee, and Virginia, Aug. 19: Proposed is a master plan for the Cumberland Gap National Historical Park, located in Kentucky, Virginia, and Tennessee. The plan calls for relocation of U.S. 25E, re-creating the wilderness appearance of historic Cumberland Gap, construction of a motor-history trail serving Hensley Settlement, and boundary changes requiring land acquisition in Kentucky and Tennessee. The relocation of U.S. 25E will have significant economic, ecologic, and sociologic impacts on the park and region. (ELR Order No. 71015.)

*Supplement*

Olympic National Park, Master Plan (S–1), Wash., Aug. 16: This statement supplements a final EIS filed with CEQ in July 1976. The supplement presents additional information on two proposals in the final statement on the master plan—i.e., addition of the Point of the Arches area to the park and deletion of lands at La Push from the park. Addition of lands along the shore of Ozette Lake, which was mentioned in the final EIS, is discussed more thoroughly since it was included in the act of October 21, 1976, which revised the boundary of Olympic National Park (ELR Order No. 70996.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–4357.

FEDERAL AVIATION ADMINISTRATION

*Final*

Hollywood-Burbank Airport, Calif., Aug. 19: Proposed is the public acquisition and continued operation of the existing Hollywood-Burbank Airport. Lockheed Air Terminal, Inc., the current owner/operator, has given notice that it will close the airport to public use, and divest itself of the airport facility. The alternatives to public acquisition and operation of the airport consist of two basic options: "No Action" and the substitution of "Alternative Transportation Modes" for the transportation functions presently served by the Airport. (Western Region.) Comments made by: EPA, HUD, DOT, State and local agencies, concerned groups and individuals. (ELR Order No. 71013.)

FEDERAL HIGHWAY ADMINISTRATION

*Draft*

Hooper Rd. and Hardin Blvd.—Hooper Rd. Connection, East Baton Rouge Parish, La., Aug. 16: This statement discusses the impacts which may result from the construction of two projects in East Baton Rouge Parish, Louisiana. State Project No. 255–02–20 begins at the junction of Plank Road and Harding Boulevard and continues in a northeasterly direction for approximately 2,700 feet, where it merges into the existing alignment of Hooper Road. It is at this point that State Project No. 255–02–14 begins. This project proceeds east along the existing alignment of Hooper Road, for a distance of approximately 3.9 miles, to its terminus approximately 1,000 feet east of Blackwater Bayou. A 4(f) statement is included. (Region 6.) (ELR Order No. 70999.)

Route 168—Great Bridge By-pass, Chesapeake County, Va., Aug. 15: Proposed is the construction of Route 168 Great Bridge Bypass located within the city of Chesapeake. The facility will consist of two 24 foot wide lanes separated by a 40 foot wide depressed median, beginning just south of Kegman Road and proceeding in a northerly direction for 4.4 miles to the intersection of Oak Grove Road and Battlefield Boulevard. The entire facility will be on new location and will cross the Chesapeake and Albemarle Canals. Adverse effects include the relocation of 29 families and 2 businesses and the destruction of approximately 2.6 acres of wetlands. (Region 3.) (ELR Order No. 70992.)

Washington Forest Highway. Route 32 Improve. Skagit and Whatcom Counties, Wash., Aug. 17: The proposed action is to reconstruct the Bacon Creek to Goodell Creek segment of Washington FH 32 following the existing highway alignment with minor exceptions. This route is located in Skagit and Whatcom Counties and follows the Skagit River along the north shore. The proposal will provide a two-lane, paved road adequate for diversified highway uses, which include local, residential, and community travel, but predominantly recreational travel. The proposed project is approximately 9.4 miles in length. Approximately 153 acres of land will

be required for right-of-way. (Region 10.) (ELR Order No. 71005.)

*Final*

I-35E, South Junction I-35 to Junction T.H. 110, Dakota County, Minn., Aug. 17: Proposed is the building of 13 miles of a four to six lane freeway, designated I-35E, on new alignment through north-western Dakota County, Minnesota. The proposed action would begin at its interchange with I-35 in Burnsville, pass through the cities of Apple Valley and Eagan, and terminate near its interchange with T.H. 110 in Mendota heights. Adverse effects include the displacement of 20 existing homes and 250 acres of farm lands, removal of 28 acres of wetland, 275 acres of deciduous trees, and several hundred acres of wildlife habitat. (Region 5.) Comments made by: DOI, USDA, COE, EPA, DOT, AHP, State and local agencies, interest groups. (ELR Order No. 71004.)

Ocean Boulevard, Morris-Ocean Ave., Monmouth County, N.J., Aug. 16: Proposed is the construction on new alignment of an urban highway, Ocean Boulevard, from its present terminus at Morris Avenue North to Ocean Avenue (N.J. Route 36) in the City of Long Branch, N.J. The total project length is approximately 9000 feet or 1.6 miles. The minimum right-of-way of 110 feet will provide for a land-service facility with two travel lanes plus paved shoulders in each direction separated by a narrow grassed mall. Adverse effects include the displacement of 158 individuals and 11 businesses. A preliminary 4(f) discussion is also included. (Region I.) Comments made by: AHP, FEA, USCG, USDA, HEW, HUD, DOI, EPA, State, and local agencies. (ELR Order No. 71000.)

Sprain Brook Pkwy., Westchester County, N.Y., Aug. 19: The proposed project is the extension of the Sprain Brook Parkway from the Cross Westchester Expressway (CWE) (I-287) northerly to the Hawthorne Interchange, a distance of 2.7 miles. This project originates in the Village of Elmsford at the interchange with CWE and continues northerly until it passes under Grasslands Road about 600 feet west of the Bradhurst Ave.-Knollwood Rd. intersection. The project terminates about 1000 feet north of N. Hospital Rd. after passing under it. The proposed section would be the third and final section, completing the Parkway. Subject to the alternate chosen, 8 to 46 residences will be displaced. (Region 1.) Comments made by: USDA, HEW, DOI, FPC, EPA, USCG, State, and local agencies interest groups. (ELR Order No. 71014.)

Freeman Mill Road, Meadowview to Randleman Rds., Guilford County, N.C., Aug. 17: Proposed is the relocation of Freeman Mill Road (S.R. 1398) in the City of Greensboro, N.C., from the proposed relocation of U.S. 220 at Meadowview Road to Randleman Road, a freeway into the central area of the city. The proposed action will serve as a connector between these two freeway facilities, and is approximately 1.4 miles in length. Adverse effects include the acquisition of private land for public use and the relocation of 121 families, two churches, and 7 businesses. (Region 4.) Comments made by: DOI, USDA, EPA, GSA, HEW, HUD, State, and local agencies. (ELR Order No. 71002.)

U.S. 69, Bryan County, Okla., Aug. 15: Proposed is the improvement of U.S. 69 near Armstrong in Bryan County northerly 25.0 miles to just south of Atoka in Atoka County. Adverse effects include the displacement of 25 families, 10 businesses, the reduction of 1000 acres of private rural lands, and the taking of 16 acres of Durant Fish Hatchery Lands, a Section 4(f) undertaking. (Region 6.) Comments made by: DOI, State, and local agencies. (ELR Order No. 70991.)

*Supplement*

I-380, Black Hawk County (S-1), Iowa, Aug. 19: This statement supplements a final EIS filed with CEQ in June 1975 concerning I-380 in Linn, Benton, Buchanan and Black Hawk Counties. The supplement relates to the section of I-380 from near U.S. 218 in Waterloo easterly through Evansdale to Iowa 297. Adverse impacts include the additional acquisition of 25 acre of agricultural cropland, 24 acre of municipal row-crop, 16 acres of woodland, and 3 acres of residential land. (ELR Order No. 71017.)

The CEQ FEDERAL REGISTER notice of August 5, 1977 listed the Final environmental impact statements for Loop 1 (Mo Pac Blvd.)—South Section (ELR Order No. 70925) and Loop 1 (Mo Pac Blvd.)—North Section (ELR Order No. 70926), but omitted the word "Final" before these two listings.

NICHOLAS C. YOST,
*Acting General Counsel.*

[FR Doc.77-24953 Filed 8-26-77;8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### PROCUREMENT POLICY ADVISORY COMMITTEE

#### Meeting

AUGUST 23, 1977.

In accordance with provisions of Public Law 92-463 (Federal Advisory Committee Act) the Procurement Policy Advisory Committee will hold its next meeting from 9:00 a.m. to 3:30 p.m., Tuesday, September 27, 1977, in Building 1, Lobby 1, Hughes Aircraft Company, Centinela and Teale Avenues, Culver City, California. This meeting will be open to the public. The purpose of the meeting is to discuss those subjects included on the following agenda:

9-9:15 a.m.—Opening remarks.
9:15-10:15 a.m.—Summary Report on New Department of Energy.
10:15-10:30 a.m.—Break.
10:30 -12m—Discussion of Committee Recommendations: a. Organizational Conflicts of Interest; b. Standard Reporting Requirements; c. Contract Funding Problems.
12m-1:15 p.m.—Lunch.
1:15-2:30 p.m.—Discussion of Committee Recommendations (continued): d. Handling and Protection of Intellectual Property; e. ERDA Procurement Practices.
2:30-2:45 p.m.—Break.
2:45-3:15 p.m.—f. ERDA's Role and Mission.
3:15-3:30 p.m.—Closing remarks.
3:30 p.m.—Adjournment.

Practical considerations may dictate unannounced alterations in the agenda or schedule.

Mr. Stephen W. Rowen, Chairman of the Committee, will preside.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof post-marked no later than September 15, 1977, to the Director of Procurement, Room C-167, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on September 20, 1977, to Mr. Harry Tayloe, Division of Procurement, on 301-353-5526 between 8:30 a.m. and 5:00 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the committee and ERDA officials assigned to participate with the committee in its deliberations.

(d) Seating will be made available to the public on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
*Deputy Advisory Committee Management Officer.*

[FR Doc.77-24874 Filed 8-26-77;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### ANTHRACITE COAL CONFERENCE

#### Public Hearing

Notice is hereby given that the Federal Energy Administration (FEA) on behalf of the Anthracite Coal Conference, will hold a public hearing on Friday, September 16, 1977, 10:00 a.m., at the Gus Genetti Motor Lodge, Route 309, Hazleton, Pennsylvania 18201.

The objectives of the Anthracite Coal Conference are to make recommendations to the FEA with respect to the increased utilization of anthracite coal as a readily available energy source and the maintenance of fair and reasonable consumer prices for such supplies. In support of this commitment, Mr. Schlesinger has charged the FEA with the responsibility for studying ways to improve the production of anthracite coal. This is an essential part of meeting the National Energy Plan of increasing coal production by ⅔ (over one billion tons) by 1985. It is the first important step in identifying specific measures for increasing our reliance on coal and as a result of this prototype study similar efforts concerning other types of coal can commence. The study of the utilization of anthracite coal must be completed and presented to Mr. Schlesinger

by mid-October, closely coinciding with the formation of the Department of Energy.

The Anthracite Coal Conference, which is composed of senior level Federal and State officials, industry representatives and other individuals with extensive anthracite experience, is in the process of developing policy recommendations for the final report to Mr. Schlesinger. As a result, it has been determined that a public hearing will provide the FEA an opportunity to receive comments and recommendations from interested persons who have expertise in various areas of anthracite coal.

The Chairman of the meeting is empowered to conduct the hearing in a fashion that will, in his judgment, facilitate the orderly conduct of business. Oral presentations will be limited to fifteen minutes. Any member of the public who wishes to file a written statement will be permitted to do so, either before or ten days after the hearing. Those wishing to present oral statements must notify Stephen Minihan or Beth Nelson, FEA Headquarters, Room 3502, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 566-6230. These requests to appear must be received by Friday, September 9, 1977, to be accompanied by three copies of the prepared statement.

Transcripts of the hearing will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA Headquarters, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on August 23, 1977.

ERIC J. FYGI,
*Acting General Counsel.*

[FR Doc.77-24869 Filed 8-26-77;8:45 am]

## CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Tuesday, September 20, 1977, at 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C.

The purpose of the Committee is to provide the Federal Energy Administration with advice concerning the impact of FEA policies nd programs on consumers and special impact groups.

The agenda for the meeting is as follows:

1. Old Business. Report on the Status of CA/SI Advisory Committee Recommendations and Requests and FEA Commitments
2. Pending Policy Issues.
3. Subcommittee Reports: Energy Consumption Problems and Utilities; Transportation Programs; Energy Legislation and Regulations; Energy Efficiency Standards Conservation and Ecology.
4. Discussion. Status of the National Energy Act.
5. Items for Discussion at the Next Meeting.
6. Public Comment.

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

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

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on August 23, 1977.

ERIC J. FYGI,
*Acting General Counsel.*

[FR Doc.77-24867 Filed 8-26-77;8:45 am]

## CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE SUBCOMMITTEES

### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that subcommittees of the Consumer Affairs/Special Impact Advisory Committee will meet Monday, September 19, 1977, at the location and time indicated below.

The objective of the subcommittees is to make recommendations to the parent Committee with respect to matters concerning consumer aspects of FEA policies and programs.

The agenda and schedule of meetings is as follows:

ENERGY CONSUMPTION PROBLEMS AND UTILITIES

Room 3000A, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C. 9 a.m.

Agenda: Discussion and Development of Recommendations on the National Energy Act—Utility Issues.

TRANSPORTATION PROGRAMS

Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C. 9 a.m.

Agenda: Discussion and Development of Recommendations on National Energy Act—Transportation Issues; Gasohol.

ENERGY LEGISLATION AND REGULATIONS

Room 3000A, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C., 1 p.m.

Agenda: Discussion and Development of Recommendations on National Energy Act; Proposed FEA Regulations; Other Energy Related Legislation.

ENERGY EFFICIENCY STANDARDS CONSERVATION AND ECOLOGY

Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C., 1 p.m.

Agenda: Discussion and Development of Recommendations on National Energy Act—Conservation Issues; Solar Energy.

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

Further information concerning these meetings may be obtained from the Advisory Committee Management Office.

The transcript of the meetings will be available for public review at the Freedom of Information Public Reading Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on August 23, 1977.

ERIC J. FYGI,
*Acting General Counsel.*

[FR Doc.77-24868 Filed 8-26-77; 8:45a.m.]

# FEDERAL MARITIME COMMISSION

## CONFERENCES IN THE TRADES TO, FROM AND BETWEEN UNITED STATES ATLANTIC AND GULF PORTS AND PORTS IN CENTRAL AND SOUTH AMERICA AND THE CARIBBEAN

### Agreement Filed

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 NW., 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 September 19, 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:

Wade S. Hooker, Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

Agreements to modify the respective organic agreements of the following seven members of the Associated Latin American Freight Conferences (ALAFC) have been assigned the agreement number shown:

Atlantic and Gulf/West Coast of South America Conference—2744–40
Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference—3868–25
United States Atlantic and Gulf-Jamaica Conference—4610–26
United States Atlantic and Gulf-Santo Domingo Conference—6080–25
Leeward and Windward Islands and Guianas Conference—7540–30
East Coast Colombia Conference—7590–26
United States Atlantic and Gulf-Haiti Conference—8120–20

The Agreements provide that the self-policing, enforcement and cargo inspection activities for each conference are to be conducted pursuant to the provisions relevant thereto as set forth in the organic agreement of the ALAFC and that such activities are to be carried out by the neutral body engaged by ALAFC for that purpose.

By Order of the Federal Maritime Commission.

Dated: August 22, 1977.

JOSEPH C. POLKING,
*Acting Secretary.*

[FR Doc.77–25014 Filed 8–26–77;8:45 am]

## CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

### Agreement Filed

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 NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., 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 September 19, 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:

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 8210–36, among the members of the above-named conference, adds traffic to inland U.S. points via North Atlantic ports to the scope of the agreement. The conference at present has such inland authority only in Europe on cargo moving via Bordeaux/Hamburg range ports.

Cargo moving on a through bill of lading and transhipped at a conference port as part of an all-water movement to or from ports outside the scope of the conference is excepted from the agreement.

By Order of the Federal Maritime Commission.

Dated: August 24, 1977.

JOSEPH C. POLKING,
*Acting Secretary.*

[FR Doc.77–25015 Filed 8–26–77;8:45 am]

## EUROPE PACIFIC COAST RATE AGREEMENT

### Agreement Filed

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 NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., 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 September 19, 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.

EUROPE PACIFIC COAST RATE AGREEMENT

(MODIFICATION OF AGREEMENT)

Notice of Agreement Filed by:

H. G. Brandt, Secretary, P.O. Box 341, Westplein 14, Rotterdam, The Netherlands.

Agreement No. 10023–8 requests extension of the terms of the basic agreement.

By order of the Federal Maritime Commission.

Dated: August 24, 1977.

JOSEPH C. POLKING,
*Acting Secretary.*

[FR Doc.77–25013 Filed 8–26–77;8:45 am]

[No. 77–45]

## HAWAII MEAT CO., LIMITED V. MATSON NAVIGATION CO.

### Filing of Complaint

AUGUST 22, 1977.

Notice is hereby given that a complaint filed by Hawaii Meat Company Limited against Matson Navigation Company was served August 22, 1977. The complaint alleges violations by respondent of section 16, 18, and 19 of the Shipping Act, 1916 in connection with its assessment of rates and charges for transportation.

Hearing in this matter, if any is held, shall commence on or before February 22, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters at issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
*Acting Secretary.*

[FR Doc.77–25016 Filed 8–26–77;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. RP77-110]

### ALABAMA-TENNESSEE NATURAL GAS CO.

### Order Rejecting Proposed PGA Tariff Revisions

AUGUST 18, 1977.

On July 19, 1977, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) tendered for filing in the above docket certain proposed revisions to its tariff PGA clause [1], which are requested to become effective on August 18, 1977. For the reasons set forth below the Commission finds that Alabama-Tennessee's filing must be rejected.

In support of the proposed revisions to its PGA clause, Alabama-Tennessee states that it is "* * * engaged in efforts to supplement its present gas supply from Tennessee Gas Pipeline Co., its sole supplier, which has been subjected to severe curtailments in recent years. In order to contract for any new supply or supplies, it is necessary that Alabama-Tennessee be able to recoup from its customers the cost of such new supplies. The purpose of this filing is solely to accomplish this purpose."

Public notice of Alabama-Tennessee's filing was issued on August 3, 1977, providing for protests or petitions to intervene to be filed on or before August 15, 1977. On August 5, 1977, the Tennessee Valley Municipal Gas Association (TVM) [2] filed a petition to intervene in the proceeding and, in addition, protested Alabama-Tennessee's filing, requested that it be rejected, or in the alternative, that it be suspended for the maximum period of five months. Alabama-Tennessee answered in opposition to TVM on August 17, 1977. The Commission finds that the petitioners have demonstrated an interest in this proceeding warranting their participation and the petitions to intervene shall accordingly be granted.

TVM alleges that Alabama-Tennessee's proposed revisions to its PGA clause would be contrary to the Commission's regulations and policies and would result in unfair charges to the company's jurisdictional customers. TVM raises the following specific objections to the revisions proposed by Alabama-Tennessee:

"(a) Alabama-Tennessee would pass on to its customers the cost of demand charges paid by Alabama-Tennessee to its suppliers but would not credit the customers with demand charge credits received from these suppliers.

(b) Section 154.38(d)(4)(ii) of the Commission's Regulations requires separate provisions for adjustments of rates due to changes in the cost of gas purchased from producers and pipelines. Alabama-Tennessee proposes to provide for changes in the combined average cost of gas purchases from both producers and pipelines.

(c) The proposed PGA revision provides for rate adjustments related to changes in Alabama-Tennessee's average cost of gas due to changes in load factor.

(d) The proposed PGA revision would track transportation charges, although this is not provided for in the Commission's regulations."

TVM's objection stated in paragraph (a) above is without merit. Pursuant to section 22 of Alabama-Tennessee's tariff, the jurisdictional portion of demand charge credits received from its supplier are flowed through to the jurisdictional customers.

The objection stated in paragraph (b) above is also without merit. It is true that the applicable regulations require that the cost of gas purchased from producer and pipeline suppliers must be separately established. This is required because producer-related PGA rate adjustments can be filed only semi-annually, whereas pipeline related increases can be tracked at any time provided the change amounts to at least one mill. Separate computation is necessary to insure that no producer-related increases are included in PGA rate changes except semi-annually. Alabama-Tennessee acknowledges in its answer of August 17, 1977, that it will be necessary to compute individually the cost incurred in the purchase of gas from each supplier, and that such computations will be subject to the Commission's review and approval. It should be understood, however, that Alabama-Tennessee shall not be permitted to include producer-related cost changes except in its semi-annual filings.

The objection stated in paragraph (c) above is also without merit. Alabama-Tennessee is not permitted to file a PGA rate adjustment based solely on a change in the load factor at which it purchases gas from its pipeline supplier. However, in the event the supplier changes its rate, Alabama-Tennessee may give effect to the actual load factor in determining the unit change in its own rates. This is the normal practice and is not inconsistent with the intent or specific terms of the Commission's PGA regulations.

The Commission is constrained to agree with the objection stated in paragraph (d) above. The Commission's PGA regulations simply do not provide for the inclusion of transportation charges as part of a pipeline's cost of purchased gas. Based on the fact that the proposed PGA clause revisions do not comply with the Commission's applicable regulations, the Commission finds that Alabama-Tennessee's filing must be rejected. The Commission shall so order.

The Commission orders:

(A) Alabama-Tennessee's filing in this docket is rejected without prejudice to its refiling without the inclusion of transportation charges.

(B) The above-named petitioners are permitted to intervene in this proceeding, subject to the Commission's rules and regulations.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24878 Filed 8-26-77;8:45 am]

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[Docket No. CP77-555]

### ARKANSAS LOUISIANA GAS CO.

### Application

AUGUST 19, 1977.

Take notice that on August 8, 1977, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP77-555 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the 12-month period beginning on December 22, 1977, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000 and that the cost of any single project would not exceed $500,000. It is indicated that these costs would be financed by Applicant from cash on hand and from cash generated from normal internal sources and from short-term bank loans and other short-term borrowings utilized in the normal operation of Applicant's total business.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 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

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[1] First Revised Sheet Nos. 33 and 34 and Original Sheet Nos. 34-A and 34-B to Third Revised Tariff Volume No. 1.

[2] The association consists of the following customers Alabama-Tennessee: Gas Department of the City of Athens, Alabama; Gas Department of the City of Decatur, Alabama; Gas Department of the City of Florence, Alabama; Gas Department of the City of Hartselle, Alabama; Natural Gas System of the City of Herntsville, Alabama; City of Iuka, Mississippi; Gas Board of the City of Russellville, Alabama; Gas Department of the City of Selmar, Tennessee; Power, Water and Gas Department of the City of Sheffield, Alabama; Gas Department of the City of Tuscumbia, Alabama.

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 Section 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 and permission and approval for the proposed abandonment are 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.77-24891 Filed 8-26-77;8:45 a.m.]

[Docket No. ER77-553]

## ARKANSAS POWER & LIGHT CO.

### Filing of Letter Agreement

AUGUST 22, 1977.

Take notice that on August 11, 1977, Arkansas Power & Light Company (AP&L) tendered for filing a Letter Agreement dated August 1, 1977 between the Southwestern Power Administration (SPA) and AP&L. AP&L states that the Agreement provides for the sale by AP&L of firm capacity and associated energy to SPA for the period between August 1, 1977 and August 31, 1977. AP&L states that SPA shall pay the sum of $370,500.00 for the capacity purchased and that the energy charge is to be an amount per kilowatt-hour equal to the incremental cost of such energy experienced by the Middle South Utilities System during the month of August 1977, plus 10 percent thereof for administrative and overhead costs. AP&L requests an effective date of August 1, 1977, and therefore requests waiver of the Commission's notice requirements.

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 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 September 2, 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.77-24898 Filed 8-26-77;8:45 a.m.]

[Projected No. 2613]

## BATES MANUFACTURING CO. AND AUGUSTA DEVELOPMENT CORP.

### Application for Transfer of License and Approval of Lease

AUGUST 23, 1977.

Public notice is hereby given that an application was filed on June 15, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Bates Manufacturing Company (Transferor) and Augusta Development Corporation (Transferee) (Correspondence to: Irving Isaacson, Esq., Brann and Isaacson, 140 Lisbon Street, Lewiston, Maine) for transfer of the Transferor's interest in the license for Project No. 2613. The project is located on Moxie Stream, a tributary of the Kennebec River, in Somerset County, in the vicinity of Skowhegan, Dower-Foxcraft, and Farmington, Maine. The other joint licensees of the project are Central Maine Power Co., Scott Paper Co., Kennebec River Pulp and Paper Co., and Milstar Manufacturing Corp.

Also included in the application was a request for approval of a lease of the Transferee's interest in the project to Edwards Manufacturing Co., Inc.

The project consists of a dam and reservoir with a surface area of 2,370 acres, and stores water and regulates stream flow for the benefit of downstream hydroelectric projects.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1977, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24974 Filed 8-26-77;8:45 am]

[Docket No. ER77-558]

## BOSTON EDISON CO.

### Rate Supplement Filing

AUGUST 19, 1977.

Take notice that Boston Edison Company on August 15, 1977, filed a proposed rate supplement to impose a charge, which Edison states is designed to accomplish the mandate of the United States Court of Appeals for the District of Columbia Circuit in *Boston Edison Co. v. FPC*, Nos. 75–2123 and 76–1392, May 17, 1977. Edison states that the charge would recover the additional Rate S–4 revenues owed to Edison under the Court's decision with interest at 9 percent per annum. The Company requests that the proposed rate supplement be permitted to become effective 30 days from the date of filing. The affected wholesale customers are the Towns of Concord, Norwood and Wellesley, Massachusetts, and the Municipal Light Board of Reading, Massachusetts, which Edison states were served with copies of the filing. Rate S–4 is the subject of the proceedings in ER76–90.

Any person desiring to be heard or to protest said proposed rate supplement should file a petition to intervene or protest with the Federal Power Commission, 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 September 6, 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 the proposed rate supplement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24882 Filed 8-26-77;8:45 am]

[Docket No. ES77-52]

## CENTRAL ILLINOIS PUBLIC SERVICE CO.

### Application

AUGUST 23, 1977.

Take notice that on August 11, 1977, the Central Illinois Public Service Company (Applicant), filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue from time to time its unsecured promissory notes to evidence borrowings of money to be made by it from banks and its unsecured promissory notes in the form of commercial paper in the aggregate principal amount not exceeding $120,000,000. The Applicant requests exemption of its securities from the competitive bidding requirements of the Commission Regulations.

Applicant is incorporated under the laws of the State of Illinois, with its principal business office at Springfield, Illinois and is engaged in the generation, transmission, distribution and sale of electrical energy within the State of Illinois.

Notes (with varying maturities) issued to commercial banks will mature not more than 12 months from the date of issue and will bear interest at a rate

which will be either the prime rate of interest prevailing at such bank on the date each such borrowing is made or the applicable prime rate or rates of interest prevailing at such bank during the term of the note, determined each three-month period of the note. All notes will bear final maturities of on or before December 31, 1979.

Notes issued to commercial paper dealers will have varying maturities of not more than nine months from the date of issue and will be issued and sold (in varying amounts or denominations of not less than $50,000 each) at a discount which will not exceed the discount rate per annum prevailing at the date of issue for commercial paper of comparable quality and maturity sold by issuers thereof to commercial paper dealers. All notes will bear final maturities of on or before December 31, 1979.

The proceeds from the issuance of the notes and/or commercial paper is expected to provide the Applicant with flexibility in meeting its financial requirements for its construction program for the remainder of 1977 and the years 1978 and 1979.

Any person desiring to be heard or to make any protest with reference to the Application should on or before September 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in a hearing must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24980 Filed 8-26-77;8:45 am]

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[Docket No. CP77-562]

## CITIES SERVICE GAS CO.

### Application

AUGUST 22, 1977.

Take notice that on August 11, 1977, Cities Service Gas Company (Applicant), P. O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-562 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon the use of an existing meter as a direct sales facility and for a certificate of public convenience and necessity authorizing the operation of such meter as an additional town border meter for the city of Neodesha, Kansas, 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 in Docket No. G-14721, 20 FPC 460 (1958), Applicant was authorized to acquire certain facilities from Eastern Kansas Gas Company and provide natural gas service for resale to the City of Neodesha in Wilson County, Kansas, and to render direct interruptible service to the City of Neodesha Light Plant. This service has continued since that time, it is said.

Applicant indicates that at the time its "grandfather" certificate was issued in Docket No. G-298, (4 FPC 471 (1943)), Applicant was making a direct industrial sale to a refinery owned and operated by Standard Oil of Indiana near Neodesha, Kansas, and that this refinery was later operated by American Oil Company.

It is stated that in 1970, the refinery operation was closed down and the refinery was turned over to the City of Neodesha which planned to operate the refinery electric generating equipment as a peaking facility for power generation for the city. Applicant indicates that at such time, it amended its direct sale contract with the City of Neodesha to include the supply of gas on a direct sales basis for the operation of this auxiliary power plant through the existing refinery sales meter, and that due to inability to adapt the generator at the refinery to its operations, the City of Neodesha never began the operation of the auxiliary power plants as planned and the area was later turned into an industrial park. Gas was taken by the City of Neodesha at the existing sales meter at the refinery site and resold by the city to five small business establishments in the area, it is said.

Applicant states that it was unaware that this gas was not being used in the operation of the auxiliary power plant, as covered by its contract with the City of Neodesha, until it became necessary to activate its currently effective curtailment plan and the sales meter was curtailed on the basis of this being a sale to a power plant (Priority 5). Applicant indicates that at that time it was advised by the city that such curtailment was adversely affecting the small business establishments in the area.

Consequently, Applicant proposes to operate existing sales meter at the former refinery site as an additional town border for the City of Neodesha, Kansas, and to abandon the use of such meter as a direct sales facility. Applicant indicates that future sales to the city through this meter would be made under the existing resale contract with the City of Neodesha and would be made under Applicant's FPC Gas Rate Schedule F-2.

No new facilities are necessary to effectuate this change, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 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 Section 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 and permission and approval for the proposed abandonment are 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 77-24914 Filed 8-26-77;8:45 am]

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[Docket No. CP77-551]

## CITIES SERVICE GAS CO.

### Application

AUGUST 19, 1977.

Take notice that on August 4, 1977, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-551 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7 (c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1978, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000, which cost would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 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.77-24885 Filed 8-26-77;8:45 am]

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[Docket No. CP77-550]

## CITIES SERVICE GAS CO.

### Application

AUGUST 19, 1977.

Take notice that on August 4, 1977, Cities Service Gas Company (Applicant), PO Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-550 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the system of other pipeline companies which may be authorized to transport gas for the account of or exchange with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $7,000,000 with no single project to exceed a cost of $1,500,000. These costs would be financed from treasury cash, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 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.77-24881 Filed 8-26-77;8:45 am]

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[Docket No. CP70-258]

## CITIES SERVICE GAS CO.

### Petition To Amend

AUGUST 19, 1977.

Take notice that on August 10, 1977, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP70-258 a petition to amend the Commission's order of July 22, 1970, issued in the instant docket (44 FPC 149) pursuant to Section 7(c) of the Natural Gas Act so as to provide for the utilization of an existing exchange point located at the outlet of Petitioner's Hugoton Compressor Station in Grant County, Kansas, which point was previously used for delivery of exchange volumes of gas from Petitioner to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) also as a point for receipt of volumes of gas from Kansas-Nebraska to Petitioner, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner indicates that on July 22, 1970, it was authorized to exchange up to 150,000 Mcf of natural gas per day with Kansas-Nebraska pursuant to an exchange agreement dated March 27, 1970, and that under the terms of the exchange agreement, as amended, Petitioner delivers volumes of gas to Kansas-Nebraska at:

(1) The outlet of Petitioner's Hugoton Compressor Station, Grant County, Kansas;
(2) The Copeland Delivery Point, Haskell County, Kansas;
(3) The Unruh Delivery Point, Edwards County, Kansas;
(4) The Deerfield Delivery Point, Kearny County, Kansas;

and Kansas-Nebraska redelivers equivalent volumes of gas to Petitioner at the Haven Exchange Point, Reno County, Kansas.

It is stated that as a result of the exchange and transportation arrangement between Petitioner and Colorado Interstate Gas Company (CIG) certificated in Docket No. CP76-415 on May 9, 1977, which is now in operation, volumes of gas purchased by Petitioner in South Central Wyoming are being delivered by CIG to Kansas-Nebraska at the Deerfield Exchange Point for Petitioner's account. As Kansas-Nebraska is unable to redeliver all of the exchange volumes to Petitioner at the Haven Exchange Point, it has become necessary to make arrangements for another point of delivery of volumes of gas from Kansas-Nebraska to Petitioner, it is indicated. Consequently, Kansas-Nebraska has agreed to backflow volumes of gas from the Deerfield Exchange Point to the existing exchange point at the outlet of Petitioner's Hugoton Station and deliver exchange volumes to Petitioner at this point.

Petitioner states that it and Kansas-Nebraska have amended their existing exchange agreement to provide that the exchange point at the outlet of Petitioner's Hugoton Compressor Station may be used for either the delivery or receipt of gas by either party.

No new facilities are necessary to effectuate this proposal, it is said. Petitioner asserts that the subject proposals is necessary to bring additional volumes of gas purchased in the South Central Wyoming area into its pipeline system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 12, 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.77-24909 Filed 8-26-77;8:45 am]

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[Docket No. CP75-158]

## CONSOLIDATED GAS SUPPLY CORP.

### Petition To Amend

AUGUST 22, 1977.

Take notice that on July 29, 1977, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75-158 a petition to amend pursuant to Section 7 of the Natural Gas Act the Commission's order of May 29, 1975 (53 FPC ____), as amended by orders issued August 18, 1976 (56 FPC ____) and May 25, 1977 (57 FPC ____) in the instant docket, so as to modify a previously certificated major pipeline replacement project by substituting an 1100 horsepower compressor facility for an 800 horsepower facility at Petitioner's Yellow Creek Station, Calhoun County, West Virginia, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that the May 29, 1975, order authorized the construction, during the years 1975 through 1979, of approximately 119 miles of pipeline and certain compressor facilities which were designed to replace the Petitioner's existing West Virginia wet gas transmission system. The May 25, 1977, order authorized Petitioner to construct and operate an 880 horsepower compressor station near Yellow Creek in lieu of the 1320 horsepower Burnt House station theretofore authorized, it is said.

Petitioner indicates that at the time the Yellow Creek station was designed, Petitioner believed that a suitable 880 horsepower engine was available which could be installed at the Yellow Creek facility. However, Petitioner asserts that it has recently learned that such engine is not available and wishes to use an engine of comparable size and quality (i.e., the Cooper-Bessemer GMV-10-TF 1100 horsepower compressor engine) which would cost approximately $873,100.

Petitioner states that the substitution of the 1100 horsepower compressor engine would cause no substantial changes in the design capacity and operating conditions reflected in the flow diagrams attached to the original application. Furthermore Petitioner anticipates that no significant changes in environmental impact would occur by reason of the proposed modification of the Yellow Creek Station project.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 8, 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.77-24894 Filed 8-26-77;8:45 am]

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[Docket No. RP72-134; (PGA77-8) (PGA77-9)]

## EASTERN SHORE NATURAL GAS CO.

### Purchased Gas Cost Adjustment to Rates and Charges

AUGUST 22, 1977.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on July 27, 1977, tendered for filing the following revised tariff sheets:

First Revised Sheet No. 3B Superseding Substitute Original Sheet No. 3B.
Forty-Fifth Revised Sheet No. 3A Superseding Forthy-Fourth Revised Sheet No. 3A.
Second Revised Sheet No. 3B Superseding First Revised Sheet No. 3B.
Forthy-Fifth Revised PGA-1.

The First Revised Sheet No. 3B tracks reductions in rates to be effective April 1, 1977, filed by Eastern Shore's sole supplier, Transcontinental Gas Pipe Line Corporation (Transco) for sales of natural gas from its Washington Storage Field under the WSS rate schedule.

The Forty-Fifth Revised Sheet No. 3A and PGA-1 and the Second Revised Sheet No. 3B will increase the demand and commodity charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, I-1, GSS-1, PS-1, LGA, and WSS-1. The proposed increases to Eastern Shore's rates track proposed increases to the demand and commodity charges to Transco's CD, G, E, PS, GGS, and LGA Rate Schedules, which were filed on July 1, 1977, in Docket No. RP77-108 and were accepted for filing and suspended for five months by the Commission's Order of July 20, 1977. Eastern Shore requests an effective date for its revised tariff sheets filed herein concurrent with the effective date ultimately assigned to Transco's revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FPC Gas Tariff.

§ 923.54 Mediation.

Eastern Shore requests waiver of the notice requirements of Section 154.22 of the Commission's Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary to permit the proposed tariff sheets to become effective on the dates requested, to coincide with the proposed effective dates of Transco's rate changes. In support of its request, Eastern Shore states that Transco did not mail its revised tariff sheets, filed in Docket No. RP77-108, to Eastern Shore until June 30, 1977.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

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 or protests should be filed on or before August 29, 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 available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-25010 Filed 8-26-77;8:45 am]

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[Docket Nos. CP77-269, CP77-270, CP77-271, CP77-272, CP77-330, CP77-331, and CP77-332]

## EL PASO EASTERN CO., EL PASO LNG TERMINAL CO., EL PASO NATURAL GAS CO., UNITED LNG CO., AND UNITED GAS PIPE LINE CO.

### Availability of Final Environmental Impact Statement

AUGUST 23, 1977.

Notice is hereby given in the above dockets that on September 1, 1977, as required by Section 2.82(b) of Commission Order No. 415-C, a Final Environmental Impact Statement (FEIS) prepared by the staff of the Federal Power Commission was made available. The FEIS deals with the applications filed by El Paso Eastern Company (Docket Nos. CP77-330, CP77-331, CP77-270), El Paso LNG Terminal Company (Docket No. CP77-269), El Paso Natural Gas Company (Docket No. CP77-332), United LNG Company (Docket No. CP77-272), and United Gas Pipe Line Company (Docket No. CP77-271) which relate directly or indirectly to a proposal by El Paso Eastern Company, pursuant to Section 3 of the Natural Gas Act, to import liquefied natural gas (LNG) from Algeria to a terminal to be located in the vicinity of Port O'Connor, Texas, on Matagorda Bay. Approval of the applications would authorize the construction and operation of facilities necessary to unload, store, revaporize, and distribute the imported LNG. These facilities include unloading and service platforms, three 100,000 cubic meter storage tanks, vaporizer units, and other appurtenant structures. The use of seawater is proposed for regasifying the LNG; proposed initial dredging in connection with the terminal would total 29.3 million cubic yards. A total of 463 miles of pipeline would be required in

order to transport the regasified LNG from the terminal to Waha, Texas.

This FEIS has been circulated to Federal, state, and local agencies and all parties to the proceeding. This FEIS has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its regional office located at 819 Taylor Street, Fort Worth, Texas 76102. Copies of the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24928 Filed 8-26-77;8:45 am]

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[Docket No. RM77-14]

## GAS RESEARCH INSTITUTE

### Granting Petitions to Intervene

AUGUST 23, 1977.

Timely petitions to intervene in the above-captioned proceeding were filed by Colorado Interstate Gas Company, Boorklyn Union Gas Company, and Southern Natural Gas Company. Each of the petitioners alleges that it will be affected by the subject proceeding and that its interests will not adequately be represented by other parties. No objections to the petitions have been received.

Pursuant to Section 3.5(a)(30) of the Commission's General Rules, the above petitioners are hereby permitted to intervene in the captioned proceeding subject to the Commission's rules and regulations: *provided, however,* That participation of the intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; *and provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24981 Filed 8-26-77;8:45 am]

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[Docket No. CP70-289]

## INTER-CITY MINNESOTA PIPELINES LTD., INC.

### Petition To Amend

AUGUST 23, 1977.

Take notice that on August 15, 1977, Inter-City Minnesota Pipelines LTD., Inc. (Petitioner), 612 Cloquet Avenue, Cloquet, Minn. 55720, filed in Docket No. CP70-289 a petition to amend the Commission's order of August 10, 1970, as amended, issued in the instant docket (44 FPC 262) pursuant to Section 3 of the Natural Gas Act so as to authorize the continued importation of natural gas from Canada at an increase import rate of $2.16 (United States) per million Btu's effective September 21, 1977, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that pursuant to the Commission's order of August 10, 1970, ICG Transmission Limited (Transmission) was authorized, inter alia, to import into the United States up to 38,000 Mcf of gas per day (12,481,000 Mcf per year) from Canada through pipeline facilities crossing the international border near Sprague, Manitoba; to export to Canada up to 36,366 Mcf per day (12,144,000 Mcf per year) of this gas near Baudette; and to reimport up to 22,023 Mcf per day (7,715,000 Mcf per year) of this gas at International Falls, Minn. The National Energy Board of Canada (NEB) issued Licenses on August 4, 1970 with coincident authorizations, it is said.

Petitioner stated that by an order issued September 26, 1973, it was substituted for Transmission as holder of import-export authorization in the captioned docket, and authorization was granted to import an increased volume of 10,296 Mcf of gas per day (305,000 Mcf per year) at Sprague; export the increased amount at Baudette; and reimport at International Falls an increased volume of 9,500 Mcf of gas per day (985,000 Mcf per year). The NEB similarly modified the Licenses. Petitioner indicates that all natural gas imported and exported in accordance with the above authorizations is purchased from Transmission pursuant to agreement, as restated recently by amending agreement dated July 18, 1977.

It is stated that on July 21, 1977, the National Energy Board established a new border export price to be charged by Transmission of $2.16 (United States) per million Btu's effective September 21, 1977. Consequently, Petitioner request that the Commission amend its existing authorization to reflect the increased border price of $2.16 (United States).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24973 Filed 8-26-77;8:45 am]

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[Docket No. CP77-560]

## KENTUCKY GAS STORAGE CO.

### Application for Certificate of Public Convenience and Necessity and of Request for a Disclaimer of Jurisdiction

AUGUST 23, 1977.

Take notice that on August 11, 1977, Kentucky Gas Storage Company (Applicant), 100 St. Ann Building, Owensboro, Ky. 43201, filed in Docket No. CP77-560 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of certain facilities necessary to develop, operate, and maintain the White Plains Gas Field located in Hopkins and Muhlenburg Counties, Ky., as an underground storage reservoir to render natural gas storage service for certain natural-gas companies; (2) the operation of an existing 51-mile, 12-inch diameter pipeline for the transportation of natural gas in interstate commerce in connection with such storage service; (3) the transportation of gas to certain industrial customers and right-of-way grantors in Kentucky presently being served from the pipeline with gas produced and purchased in Kentucky; and (4) the transportation and delivery of the balance, if any, of the gas remaining in the White Plains Field, or its thermal equivalent, to Orbit Gas Co. (Orbit), at a rate of up to 3,000 Mcf per day. Take further notice that Applicant also requests, on behalf of certain producers in Kentucky who are presently selling gas for consumption within Kentucky, a disclaimer of jurisdiction with respect to the sale of gas by various producers to Orbit and the sale of gas by Orbit to certain industrial customers referred to above under the terms of existing contracts. The details of the proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is a general partnership recently organized under the laws of Kentucky specifically to develop and operate the White Plains Gas Field as a natural gas storage reservoir, it is indicated. The application shows that the existing general partners of the organization are Bay State Energy Resources, Inc. (a subsidiary of Bay State Gas Co.), Storage Development Corp., and Gas Storage, Inc. (a subsidiary of the Southern Connecticut Gas Co.) and that Energy Storage Ventures, a Massachusetts partnership, would operate the storage system for Applicant. The application further states that the partnership would have a capital structure composed of 25 percent equity and 75 percent debt, with approximately 48 percent (or $2,600,000) of total required equity funds to be obtained from the three existing general partners. It is indicated that the remaining equity consisting of approximately $3,000,000, would be obtained

from other utility customers, institutional investors, or other private investors who would become partners of Applicant.

Applicant states that it has acquired the working interest and storage rights in the presently producing White Plains Gas Field for the sum of $1,500,000, and seeks authorization to construct and operate the facilities necessary to convert the field to an underground natural gas storage facility with top storage capacity of 4,600,000 Mcf and to render long-term natural gas storage for the following companies: Bay State Gas Supply, Inc. (a subsidiary of Bay State Gas Co.), Chattanooga Gas Co., Fayetteville Gas System, Knoxville Utilities Board, Middle Tennessee Natural Gas Utility District, Nashville Gas Co., Inc., Natural Gas Utility District of Hawkins County, The Southern Connecticut Gas Co., United Cities Gas Co., and Volunteer Natural Gas Co. (hereinafter collectively referred to as Buyers). It is indicated that each of the Buyers would be permitted to inject into and withdraw from the storage field on the following basis:

| Company | Maximum storage volume 1,000 ft³ | Maximum daily quantity 1,000 ft³ per day |
|---|---|---|
| Bay State Gas Supply, Inc. (Bay State Gas Co.) | 1,625,000 | 10,720 |
| Chattanooga Gas Co | 550,000 | 3,640 |
| Fayetteville Gas System | 10,000 | 60 |
| Knoxville Utilities Board | 200,000 | 1,330 |
| Middle Tennessee Natural Gas Utility District | 30,000 | 200 |
| Nashville Gas Co | 1,200,000 | 7,950 |
| Natural Gas Utility District of Hawkins County | 20,000 | 130 |
| The Southern Connecticut Gas Co | 450,000 | 2,980 |
| United Cities Gas Co | 400,000 | 2,650 |
| Volunteer Natural Gas Co. | 115,000 | 760 |
| Total | 4,600,000 | 30,420 |

Applicant proposes to purchase from these Buyers or on the open market 3,400,000 Mcf of cushion gas at an estimated cost of $1.78 per Mcf including the cost of transportation to Applicant's facilities. Buyers would supply the required compressor fuel to Applicant at no charge and would make available from existing interestate gas supply contracts an additional 4,600,000 Mcf to be stored in the White Plains Field for their account, it is said. Applicant proposes to render the service to Buyers during the initial injection and withdrawal periods on a best efforts basis, and on a firm basis thereafter. Under Applicant's proposed gas storage tariff, Buyers would pay Applicant a monthly demand charge of $14.083 per Mcf multiplied by the maximum daily quantity specified in the gas storage agreements for the storage service, it is indicated.

As an integral part of its storage program, Applicant seeks authority to operate an existing 51-mile, 12-inch diameter pipeline system which would connect the White Plains Field with the pipeline facilities of both Texas Gas Transmission Corp. (Texas Gas) and Midwestern Gas Transmission Co. (Midwestern) in Daviess County, Ky. Applicant states that it has entered into a contract to purchase the pipeline from the existing owner, National Pipeline Co., for the sum of $50,000 per mile and that the pipeline would be used to transport injection and withdrawal volumes to and from storage for the Buyers.

During the injection period, April 1 through October 31 of each year, it is stated that Buyers would request East Tennessee Gas Pipeline Co. (East Tennessee) and Tennessee Natural Gas Lines, Inc. (Tennessee Natural) to receive designated daily injection volumes at various existing points of delivery for transportation and delivery to Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (TGP). TGP would then transport all designated daily volumes so received for delivery to Texas Gas at an existing point of interconnection in Washington County, Miss., and Texas Gas would then transport all daily volumes so received for delivery to Applicant at a point of interconnection with Applicant's 51-mile pipeline to be constructed in Daviess County, Ky., it is said. Applicant states that it would then transport the volumes so received through the existing pipeline to the White Plains Field for injection and storage.

During the withdrawal period, November 1 through March 31 of each year, it is stated that Applicant would transport designated daily withdrawal volumes through the existing 51-mile pipeline to a point of interconnection with Midwestern to be constructed in Daviess County, Ky. Midwestern would transport the volumes received from Applicant at the new point of delivery to TGP at an existing point of delivery in Sumner County, Tenn., and TGP would then transport and deliver the withdrawal volumes received from Midwestern to East Tennessee and Tennessee Natural for redelivery to Buyers, it is said.

It is said that as a condition to the contract for the purchase of the 51-mile pipeline from National Pipeline Co., Applicant must obtain authorization to provide certificated transportation services for four industrial customers, National Southwire Aluminum Co., Southwire Co., National Aluminum Corp., and Borg Warner Corp., located adjacent to the pipeline. Applicant states that the four companies presently receive through the pipeline intrastate natural gas that is purchased in the White Plains Field from Orbit. Applicant further states that the production, transportation, and use of this gas is wholly within the Commonwealth of Kentucky and that the pipeline which Applicant proposes to acquire is the only means by which those customers can receive gas produced from the White Plains Field. In accordance with the stated contract condition, Applicant requests authority to transport up to 10,000 Mcf per day to the four companies at a rate of 0.14156¢ per Mcf per mile transported.

Applicant further requests a disclaimer of jurisdiction by the Commission over sales of gas by various producers to Orbit and over sales of gas by Orbit to the four industrial customers mentioned above under the terms of existing contracts. Applicant states that the requested exemptions are required as a condition to the contract for the purchase of the pipeline and that the exemptions would be limited to existing points of receipt and delivery.

Orbit retained ownership and production rights to the gas remaining in the White Plains Field when it transferred its storage rights in the field to National Steel Co., it is asserted. Applicant states that its contract with National Steel Co. for the purchase of the field provides that upon commencement of storage operations, Applicant must deliver the balance of gas remaining in the field, if any, or its thermal equivalent, to its owner, Orbit, or to existing customers of Orbit, at a rate of up to 3,000 Mcf per day. It is said that the exact volume of the reserved gas at the time Applicant commences operations would be determined by independent engineering analysis. The application further states that if the total volume of gas reserves belonging to Orbit equals or exceeds 200,000 Mcf, Applicant would purchase up to 300,000 Mcf from Orbit at a price of one dollar per Mcf, to be sold and delivered to existing right-of-way customers on behalf of Orbit. In accordance with the stated contract provision, Applicant requests authority to deliver to Orbit, or to existing customers of Orbit, the balance of any reserve gas or its thermal equivalent at a rate of up to 3,000 Mcf per day and states that it would meet its delivery obligation, if any, to Orbit from gas purchased for use as cushion gas in the field.

Applicant further states that Orbit presently renders gas service to 43 farm tap customers of the pipeline under regulation of the Kentucky Public Service Commission (KPSC). The application shows that the obligation to render this service was incurred under right-of-way agreements signed during original pipeline construction, and that currently eight commercial and 35 residential customers purchase approximately 18,000 Mcf per year under these agreements. The contract for the purchase of the pipeline provides that Applicant must obtain authority to continue transportation service to these right-of-way grantors, it is said. Therefore, Applicant requests authority to receive from Orbit and transport for delivery to the right-of-way grantors on behalf of Orbit sufficient quantities of gas to meet the terms of these agreements. It is stated that sales of gas to these grantors would continue to be regulated by the KPSC.

Applicant proposes to construct two compressor stations, a central meter station, one pipeline meter and regulating station, approximately 12 miles of various sized field gathering lines, small equipment, and administration buildings to implement its storage proposal. Fifteen of the existing 22 wells in the White Plains Field will be converted to injection/withdrawal wells, four to observation wells and three will be abandoned, it is said. In addition, Applicant proposes to drill 30 new injection/withdrawal wells and two new observation wells.

The application shows that the estimated cost of the proposed facilities, including acquisition, field development, and storage gas acquisition costs, is $22,242,300, and that the required development and construction funding would be obtained from conventional short-term lending institutions.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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.77-24979 Filed 8-26-77;8:45 am]

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[Docket No. ER77-388]

## LAKE SUPERIOR DISTRICT POWER CO.

### Order Denying Motion for Reconsideration

AUGUST 22, 1977.

On June 24, 1977, the Commission issued an order in this docket which accepted the filing of proposed contracts between Lake Superior District Power Company (Lake Superior) and its customers, Medford Electric Utility and the City of Wakefield, and suspended the effectiveness of the proposed rates contained in the contracts for two months until September 1, 1977, when they are to become effective subject to refund.

On July 25, 1977, Lake Superior filed an "Application for Rehearing" of the June 24, 1977 order. Since the order is interlocutory, no application for rehearing is permitted.[1] However, the Commission will treat the application as a Motion For Reconsideration of the order. On July 27, 1977, Medford Electric Utility filed a response to Lake Superior's filing.

Lake Superior's Motion recites nine arguments in support of reconsideration. Many of the reasons set forth in the filing were considered by the Commission prior to the issuance of the June 24, 1977 order.[2] The remaining assertions by Lake Superior are either unfounded or unsubstantiated. Accordingly, the motion for reconsideration must be denied.

The Commission finds: Lake Superior's Motion For Consideration of July 25, 1977, should be denied.

The Commission orders:

(A) Lake Superior's Motion For Reconsideration of July 25, 1977, is hereby denied.

(B) 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.77-24910 Filed 8-26-77;8:45 am]

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[Docket No. RP73-91 (PGA77-2b)]

## McCULLOCH INTERSTATE GAS CORP.

### Revised Purchased Gas Adjustment Rate Increase Filing

AUGUST 22, 1977.

Take Notice that on July 29, 1977, McCulloch Interstate Gas Corporation ("McCulloch Interstate") tendered for filing copies of Substitute Tenth Revised Sheet No. 32 to its FPC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

McCulloch Interstate's Substitute Tenth Revised Sheet No. 32 provides for a Purchased Gas Adjustment rate increase of 23.31¢ per MMBtu, effective April 2, 1977. McCulloch Interstate's filing is made in order to: (1) recover the balance in McCulloch's Unrecovered Purchased Gas Cost Account as of December 31, 1975 and December 31, 1976 (2) to provide for a current Gas Cost Adjustment in order to permit McCulloch to recover the higher gas purchases, and (3) to recover a carrying surcharge of nine percent (9%) permitted under Ordering Paragraph (D) of Opinion 770.

This revised rate increase reflects the resolution of issues between McCulloch Interstate and the Commission staff, in an informal conference held on June 23, 1977, which was directed by the Commission in its Order of June 8, 1977, in this docket proceeding. (Paragraph C).

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 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 August 29, 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.77-25012 Filed 8-26-77;8:45 am]

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[Docket No. CP77-567]

## MICHIGAN WISCONSIN PIPE LINE CO.

### Pipeline Application

AUGUST 19, 1977.

Take notice that on August 15, 1977, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP77-567 an application pursuant to Section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing (1) the construction and operation of facilities necessary to connect to its existing offshore gathering system, gas reserves underlying South Marsh Island Area Blocks 136 and 137, offshore Louisiana (the Block 137 field), (2) the construction and operation of pipeline facilities necessary to reinforce said gathering system, and (3) the construction and operation of an interconnection between the existing pipeline systems of Applicant and United Gas Pipe Line Company (United) in St. Mary Parish, La, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that as a result of active drilling and development programs in offshore Louisiana, proven reserves of approximately 143 Bcf in addition to potential reserves of 61 Bcf have been developed in the Block 137 field, and that of such proven and potential reserves, Continental Oil Company (Conoco) has agreed to sell to Applicant all of the gas atributable to Conoco's one-half (½) and one-third (⅓) interest in the reserves underlying Block 136 and Block 137 respectively pursuant to a contract which is currently being finalized. The remaining one-half

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[1] See Section 1.34 of the Commission's Rules of Practice and Procedure, which requires a final decision or order before an application for rehearing can lie.

[2] The effect on the financial integrity of the Company, the fact that a shorter suspension period would still provide for refunds, the fact that Lake Superior previously had fixed-rate contracts with its customers, the fact that the suspension order will not modify proposed rates prior to the effective date.

(½) interest in Block 136 is committed to Texas Eastern Transmission Corporation (Texas Eastern), and the remaining two-thirds (⅔) interest in Block 137 is committed in equal portions to Texas Eastern and United.

Applicant states that a westerly leg of its existing offshore gathering system presently terminates in South Marsh Island Area Block 108, and that to connect the reserves underlying the Block 137 field, that it is proposing to construct approximately 13.5 miles of 16" O.D. pipeline connecting the "A" production platform for the Block 137 field and the westerly terminus of its existing offshore gathering system in Block 108. Applicant also proposes to install and operate on the "A" production platform gas measurement facilities and cause to have installed 1000 horsepower of compression. Applicant states that the cost associated with the aforementioned pipeline, measurement, compression, and associated appurtenances is estimated to be $10,436,520.

The application further indicates that Texas Eastern and United have expressed their intention to have their aforementioned dedicated supplies transported by Applicant and redelivered or exchanged for their accounts at mutually agreeable locations. Applicant states while the pipeline systems of Texas Eastern and Applicant are interconnected at various locations within the State of Louisiana, there presently are no existing interconnections between the pipeline systems of United and Applicant. Accordingly, to effectuate redelivery of the gas transported by Applicant for United, Applicant proposes to construct a new interconnection which will be located downstream of Applicant's Patterson Compressor Station in St. Mary Parish, Louisiana, which will comprise two (2) 10" meter runs, including associated appurtenances. Applicant estimates that the cost of the interconnection will be $346,070.

The application further indicates that to effectuate onshore deliveries from the Block 137 field and other offshore area blocks, provide additional transportation service for others, and to provide flexilbility in the operation of its offshore system, that it further proposes to construct and operate 29.9 miles of 30" diameter pipeline paralleling and looping an existing section of 30" pipeline, the loop to be constructed between its existing Block 188 offshore compressor station and Eugene Island Area Block 77. Incident to the construction of the loop, Applicant states that it also will construct and operate a new manifold platform in Block 77 which will facilitate making the necessary tie-in of the proposed loop with its existing offshore pipeline system. The cost attributable to the proposed loop and platform is estimated by the Applicant to be $29,491,230.

The application indicates that the facilities for which authorization is requested are estimated in total to cost $40,352,400. Applicant contemplates that the construction will be financed with treasury funds, retained earnings, and other funds generated internally, together with borrowings from banks under short-term lines of credit as may be required. Applicant further anticipates that any bank borrowings will subsequently be permanently financed as market conditions permit.

Any person desiring to be heard or to make any protest with reference to said application, on or before September 12, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-24904 Filed 8-26-77;8:45 am]

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[Docket Nos. CP75-278, CP75-283 and CP75-556]

## MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

### Application and Consolidation

AUGUST 22, 1977.

Take notice that on August 8, 1977, PGC Coal Gasification Company (PGC) and Natural Gas Pipeline Company of America (Natural) (Applicants), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-556 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale by PGC to Natural of commingled natural gas and synthetic gas produced from coal; and authorizing Natural to file and make effective revisions in the general terms and conditions of its FPC Gas Tariff designed to permit recovery through Natural's purchased gas cost adjustment clause of all costs associated with the purchase of the commingled natural gas and synthetic gas, 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 by an interim agreement dated March 11, 1977, PGC and ANG Coal Gasification Company (ANG) have agreed, subject to negotiation and execution of necessary joint ownership and other agreements, to construct a coal gasification plant in Mercer County, North Dakota, which would be capable of producing 125,000 Mcf per average day of high Btu synthetic gas owned by PGC and ANG, and that there would be an equal sharing of all costs, obligations, plant output and project revenues.

It is stated that pursuant to and subject to the provisions of a precedent agreement to be entered into by and between PGC, Natural, ANP, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), and Great Lakes Transmission Company (Great Lakes), PGC proposes to sell to Natural quantities of commingled natural gas and synthetic gas thermally equivalent to PGC's share of the synthetic gas produced by the plant less line loss and applicable fuel. The sale would take place at an existing point of delivery between Natural and Michigan Wisconsin near Woodstock, Illinois, and the synthetic gas would be transported from the plant to Thief River Falls, Minnesota through proposed facilities of Great Lakes, and, as part of a commingled stream, from Thief River Falls to Woodstock, through existing and proposed facilities of Great Lakes and Michigan Wisconsin. Applicants assert that the Mercer County coal gas would be used to meet requirements of Natural's existing customers and would offset increases in curtailments which would otherwise be experienced by the customers.

It is indicated that the gas purchase agreement to be entered into by Applicants provides for, inter alia:

(1) a charge designed to recover, during the construction and testing periods, the cost of funds invested in the project, including a 12 percent return on equity, and, during the testing period, operation and maintenance expenses, the cost of coal and transportation costs; and

(2) a charge designed to recover, during the operational period, the cost of service of the plant, including a 15 percent return on equity, the cost of coal and transportation costs.

Applicants state that in the event gas production falls below 75 percent of normal plant capacity for more than 25 consecutive days, the agreement provides for reduction (or if below 25 percent of normal plant capacity, elimination) of the return on equity. Natural requests authorization to file and make effective revisions in its purchased gas cost adjustment clause designed to permit current recovery of all charges incurred by Natural under the gas purchase agreement. Applicants state that these pro-

visions, as well as federal loan guarantees, are necessary to permit financing of the coal gasification plant.

The instant application may involve common questions of law or fact with the applications pending in Docket No. CP75–278 in which PGC, ANP, and Michigan Wisconsin propose to undertake the coal gasification project and in Docket No. CP76–283 in which Great Lakes proposes to transport the commingled stream of gas. Therefore, the proceeding on the instant application is consolidated for hearing with the proceeding in Docket No. CP77–278, et al.

Any person desiring to be heard or to make any protest with reference to the application in Docket No. CP77–556 should on or before September 12, 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 or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed in the consolidated proceeding in Docket No. CP75–278, et al., need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77–24892 Filed 8–26–77;8:45 am]

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[Docket No. CP70–24]

## MIDWESTERN GAS TRANSMISSION CO.

### Petition to Amend

AUGUST 19, 1977.

Take notice that on August 3, 1977, Midwestern Gas Transmission Company (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP70–24 a petition to amend pursuant to Section 7 of the Natural Gas Act the Commission's order issued April 30, 1970 in Docket No. CP70–19, et al. (43 FPC 635) so as to authorize the installation of a 3,260 horsepower Centaur Turbine-Centrifugal compressor unit to replace the originally installed 2,710 horsepower compressor unit at Compressor Station No. 2227, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that the April 30, 1970 order authorized Petitioner to construct and operate a new Compressor Station No. 2227 on its northern system which would contain a 3,165 horsepower turbine-centrifugal type compressor, but due to the need for the prompt commencement of service and a limited availability of compressor equipment at the time, Petitioner installed a 2,710 horsepower Centaur Turbine - Centrifugal Solar compressor. Petitioner further states that it has been advised by the manufacturer of the 2,710 horsepower compressor that such unit was in need of immediate overhaul and that this overhaul would require approximately 45 days and cost an estimated $45,570 and that in overhauling such a unit certain of the component parts would be replaced with a resulting upgrading of the horsepower rating thereof to 3,260 horsepower. Furthermore, Petitioner was advised that in contrast to the estimated downtime of 45 days for the overhaul of the 2,710 horsepower unit and the resultant loss of system capacity for that period, Petitioner could replace the 2,710 horsepower unit with a new unit rated at 3,260 horsepower which would require a minimum amount of downtime and cost an estimated $77,000.

Accordingly, Petitioner seeks authorization to replace the 2,710 horsepower unit with a new 3,260 horsepower unit.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 9, 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.77–24890 Filed 8–26–77;8:45 am]

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[Docket No. ER77–552]

## MISSISSIPPI POWER & LIGHT CO.

### Agreement for Purchase of Power

AUGUST 22, 1977.

Take notice that on August 11, 1977, Mississippi Power & Light Company (Mississippi) tendered for filing an unexecuted Agreement for Purchase of Power. Mississippi indicates that this Agreement provides for the sale of electric energy by Mississippi to Magnolia Electric Power Association (Magnolia), to be delivered to a point near McComb, Mississippi.

Mississippi states that its Rate Schedule REA–14 (revised) incorporated in the Agreement was heretofore filed with the Commission on October 6, 1976, as Company's service rate schedule applicable to all existing and new points of delivery. Mississippi further states that by order of the Commission on August 27, 1976, (Docket No. ER76–830), Rate Schedule REA–14 (Revised) became effective December 1, 1976, subject to refund.

Mississippi requests that the Commission waive applicable notice requirements and permit the Agreement to become effective on July 13, 1977, the date service was initially rendered.

Mississippi states that a copy of this filing has been mailed to Magnolia.

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 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 September 2, 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.77–24913 Filed 8–26–77;8:45 am]

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[Docket No. RI77–68]

## MULLINS & PRICHARD

### Amended Petition for Special Relief

AUGUST 19, 1977.

Take notice that on August 5, 1977, Mullins & Prichard, 416 Oil & Gas Building, New Orleans, Louisiana 70113, filed an amended petition for special relief in the above-captioned docket number. On May 2, 1977, Mullins & Prichard filed a petition for special relief seeking to increase the rate charged for gas from Well No. 1–A, Section 2–T18S–R11E, Shell Island Pass Field, St. Mary Parish, Louisiana, from 30.0988 cents per Mcf plus 7 cents tax reimbursement, to $1.20 per Mcf plus 7 cents tax reimbursement at 15.025 psia. By this amendment Mullins & Prichard seek to withdraw their request to receive $1.20 per Mcf, and to substitute therefor a rate of $1.10 per Mcf, plus reimbursement of all applicable severance or gathering taxes.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77–24887 Filed 8–26–77;8:45 am]

[Docket No. CP 77-537]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Application

AUGUST 22, 1977.

Take notice that on July 29, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-537 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 facilities for the receipt into its system of natural gas to be produced from reserves located in the S. E. Aylesworth Area, Bryan and Marshall Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that Lone Star Gas Company, a Division of Enserch Corporation, (Lone Star) and Pioneer Gas Products Company (Pioneer) have entered into a twenty (20) year gas purchase contract (Pioneer Contract) dated February 24, 1977 providing for the sale and purchase of natural gas to be produced from gas reserves in the S. E. Aylesworth Area.

Applicant further states that pursuant to the Precedent Agreement dated May 6, 1971, between Lone Star and Applicant, Lone Star is required to tender for sale to Applicant any new gas reserves acquired by any Lone Star affiliate including the gas to be purchased by Lone Star under the Pioneer Contract, as authorized by order issued February 9, 1973, in Docket No. CP71-274. Furthermore, Lone Star, by Partial Assignment of a contract dated June 1, 1977, has assigned to Applicant 75 percent of such gas available from Pioneer, it is said.

Applicant proposes to construct and operate measuring facilities, 8-inch tap connection and approximately twenty-seven (27) miles of 8-inch pipeline from the S. E. Aylesworth Area to Applicant's existing 10-inch pipeline in Section 7, Township 7 South, Range 3 East, Love County, Okklahoma. It is stated that the estimated cost of these facilities is $2,157,000, which cost will be met from funds on hand.

Applicant estimates that its share of the proved natural gas reserves committed by the contract to be approximately fifteen 15,000,000 Mcf with a deliverability of 6,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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.77-24895 Filed 8-26-77;8:45 am]

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[Docket No. CP77-539]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Application

AUGUST 19, 1977.

Take notice that on August 1, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-539 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for a twelve-month period commencing October 1, 1977, and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000 and that the cost of any single project would not exceed $500,000. Applicant states that these costs would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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 Regulation 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 and permission and approval for the proposed abandonment are 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.77-24883 Filed 8-26-77;8:45 am]

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[Docket No. CP77-540]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Application

AUGUST 19, 1977.

Take notice that on August 2, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-540 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing October 1, 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof who have received authorization from the Commission to sell natural gas to Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become

available from various producing areas generally co-extensive with its pipeline system or the system of other pipeline companies which may be authorized to transport gas for the account of or exchange with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $12,000,000, with no single onshore project to exceed a cost of $1,500,000, and with no single offshore project to exceed a cost of $2,500,000. It is stated that the proposed facilities would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1977, filed 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.77-24912 Filed 8-26-77;8:45 am]

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[Docket No. ER77-556]

## NIAGARA MOHAWK POWER CORP.

### Tariff Filing

AUGUST 22, 1977.

Take notice that Niagara Mohawk Power Corporation (Niagara), on August 15, 1977, tendered for filing as a rate schedule, a transmission agreement between Niagara and Consolidated Edison Company of New York, Inc. (Con Ed), dated May 27, 1977.

Niagara indicates that the service to be rendered by Niagara provides for the transmission of power and energy between Niagara's transmission connections with Rochester Gas and Electric Corporation (Rochester) and Niagara's transmission connection with Con Ed at the Pleasant Valley 345 Kv substation.

Niagara states that transmission capacity to be made available to Con Ed will be equivalent to that amount of power not to exceed 100 megawatts, which Con Ed will schedule on a daily basis for delivery from Rochester.

Niagara states that copies of this filing were served upon Con Ed and the Public Service Commission of the State of New York.

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 September 7, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24897 Filed 8-26-77;8:45 am]

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[Docket No. CP77-557]

## NORTHERN NATURAL GAS CO.

### Pipeline Application

AUGUST 19, 1977.

Take notice that on August 9, 1977, Northern Natural Gas Co., (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP77-557 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell natural gas to Panhandle Eastern Pipe Line Co. (Panhandle). Northern also requests the Commission to grant a temporary certificate for the proposed sale, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant has contracted to purchase thirty-one and twenty-five hundredths percent (31.25%) of Exxon's production from Eugene Island Block 332 and thirty-three and one-third percent (33⅓%) of Mobil's interest in West Cameron Block 617, Offshore Louisiana. Applicant has entered into certain transportation arrangements with Panhandle and Trunkline Gas Company which provide for the transportation and redelivery of such gas to Applicant's system.

As partial consideration for the transportation of Applicant's offshore gas, Panhandle has a continuing option to purchase up to twenty percent (20%) of the volume of Applicant's Block 332 and Block 617 gas received by Trunkline.

Accordingly, Applicant proposes to sell natural gas to Panhandle for resale in interstate commerce. The gas will be sold to Panhandle on a monthly cost of service basis, which cost represents Applicant's cost of gas at the point of delivery to Trunkline. The estimated average cost of service per Mcf for the first year of operations is $2.15 for Block 332 and $2.07 for Block 617.

Any person desiring to be heard or to make any protest with reference to said application, on or before September 12, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-24908 Filed 8-26-77;8:45 am]

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[Docket No. RP73-8 (PGA77-11)]

## NORTH PENN GAS CO.

### Proposed Changes in FPC Gas Tariff

AUGUST 22, 1977.

Take notice that North Penn Gas Co. (North Penn) on August 1, 1977, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective August 1, 1977.

North Penn states that the proposed decrease in rates reflects the decrease in rates filed by Consolidated Gas Supply Corp. on July 8, 1977 for effectiveness August 1, 1977, and will decrease North Penn's jurisdictional revenues by approximately $2.5 thousand annually.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect as proposed.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any pesrons 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 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 August 30, 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.77-25011 Filed 8-26-77;8:45 am]

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[Docket No. CP75-287]

## NORTHWEST PIPELINE CORP.

### Petition To Amend

AUGUST 19, 1977.

Take notice that on August 2, 1977, Northwest Pipeline Corp. (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-287, a petition to amend pursuant to Section 7 of the Natural Gas Act the Commission's order issued September 26, 1975 (54 FPC —), as amended on January 16, 1976 (55 FPC —), in the instant docket by authorizing an increase in the seasonal quantity of natural gas which it is authorized to sell and deliver pursuant to Petitioner's Storage Gas Service Rate Schedule SGS-1 and by authorizing a reallocation of the peak day, best efforts seasonal quantities of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that by the Commission's order of September 26, 1975, it was authorized to increase its firm winter service under its Rate Schedule SGS-1 from 240,000 Mcf up to 300,000 Mcf per day and to increase the seasonal quantity from 8,500,000 Mcf to 9,300,000 Mcf per winter season. It is stated that said order was amended January 16, 1976 by authorizing Petitioner to sell and deliver on a best efforts basis, up to an additional 71,800 Mcf on a daily basis for the period of October 16, 1975 through April 16, 1976.

It is stated that in response to its petition to amend further filed June 1, 1976, the Order of September 26, 1975, the Commission issued a temporary certificate on September 1, 1976 authorizing Petitioner, inter alia, to increase its seasonal SGS-1 service from 9,300,000 Mcf to 10,100,000 Mcf and set the matter for hearing. It is said that on October 15, 1976 the temporary certificate was amended to authorize the realloaction of SGS-1 sales and deliveries as proposed by Petitioner in its petition to amend filed September 3, 1976. Petitioner indicates that the hearings ordered by the Commission were held and the Administrative Law Judge issued his initial decision on May 18, 1977, recommending that certificates be issued granting the authorizations requested by Petitioner in the above-mentioned filings and the authorization requested by Washington Natural Gas Co. (Washington Natural), the Jackson Prairie Storage Project Operator, in its related filings in Docket No. CP75-110.

Petitioner requests in the instant Petition to Amend that the Commission's September 26, 1975 order be further amended to authorize an increase in the seasonal quantity which Petitioner is authorized to sell and deliver pursuant to its FPC Gas Rate Schedule SGS-1 from 10,100,000 Mcf to 10,800,000 Mcf and a reallocation of the peak day, best efforts and seasonal quantities which Petitioner proposes to sell and deliver pursuant to its FPC Gas Rate Schedule SGS-1 during the 1977-78 heating season.

It is said that the Eighth Revised Appendix C to the June 25, 1970 agreement among the three owners of Jackson Prairie set forth the contemplated expansion of Jackson Prairie which expansion will result in a Zone 2 inventory increase of 1,600,000 Mcf, of which 700,000 Mcf will be additional working gas and 900,000 Mcf will be additional cushion gas, for a total inventory of 26,900,000 Mcf consisting of 10,800,000 Mcf of working gas and 16,100,000 Mcf of cushion gas. No increase in the peak day or best efforts capability of the Jackson Prairie Project is proposed.

It is indicated that letter agreements between Petitioner and its SGS-1 customers have been executed reflecting the agreed upon allocations of the additional storage volumes for the 1977-78 heating season.

Petitioner indicates that the Washington Water Power Co. (Water Power), an owner of one-third of the current working gas inventory, has offered to release a portion, 7,824 Mcf daily and 281,679 Mcf seasonally, of its owned storage capacity to Petitioner so that Petitioner can make additional storage service available to Intermountain Gas Company, one of its other SGS-1 purchasers for the 1977-78 heating season.

The petition indicates the presently effective daily and seasonal allocations for the 1977-78 heating season, as temporarily authorized by the Commission's October 15, 1976 order are as follows:

| | Daily quantity | | | | Total daily quantity | | Seasonal quantity | |
|---|---|---|---|---|---|---|---|---|
| | Firm | | Best efforts | | | | | |
| | 1,000ft³ | Therms | 1,000ft³ | Therms | 1,000ft³ | Therms | 1,000ft³ | Therms |
| California-Pacific Utilities Co | 4,231 | 44,330 | 718 | 7,525 | 4,949 | 51,855 | 136,055 | 1,425,856 |
| Cascade Natural Gas Co | 26,800 | 280,864 | 4,522 | 47,405 | 31,322 | 328,269 | 860,739 | 9,020,545 |
| Intermountain Gas Co | 18,559 | 194,509 | 3,775 | 39,580 | 22,334 | 234,089 | 689,917 | 7,230,330 |
| Northwest Natural Gas Co | 38,296 | 401,342 | 6,273 | 65,765 | 44,569 | 467,107 | 1,228,571 | 12,875,424 |
| Peoples Natural Gas, Division of Northern Natural Gas Co | 514 | 5,387 | 120 | 1,254 | 634 | 6,641 | 17,313 | 181,440 |
| Southwest Gas Corp | 11,600 | 121,568 | 2,775 | 29,095 | 14,375 | 150,663 | 390,533 | 4,092,786 |
| Washington Natural Gas Co. and Washington Water Power Co., jointly | 200,000 | 2,096,000 | 53,587 | 561,840 | 253,587 | 2,657,840 | 6,776,872 | 71,021,619 |
| Total | 300,000 | 3,144,000 | 71,770 | 752,464 | 371,770 | 3,896,464 | 10,100,000 | 105,848,000 |

The proposed reallocation for the 1977-78 heating season is as follows:

| | Daily quantity | | | | Total daily quantity | | Seasonal quantity | |
|---|---|---|---|---|---|---|---|---|
| | Firm | | Best efforts | | | | | |
| | 1,000 ft³ | Therms | 1,000 ft³ | Tberms | 1,000 ft³ | Therms | 1,000 ft³ | Therms |
| California-Pacific Utilities Co | 4,231 | 44,330 | 718 | 7,525 | 4,949 | 51,855 | 145,925 | 1,529,290 |
| Cascade Natural Gas Co | 26,800 | 280,864 | 4,522 | 47,405 | 31,322 | 328,269 | 923,272 | 9,675,891 |
| Intermountain Gas Co.[1][2] | 26,384 | 276,509 | 3,775 | 39,580 | 30,159 | 316,089 | 1,014,904 | 10,636,189 |
| Northwest Natural Gas Co | 38,296 | 401,342 | 6,273 | 65,765 | 44,569 | 467,107 | 1,361,476 | 14,268,268 |
| Peoples Natural Gas, Division of Northern Natural Gas Co | 514 | 5,387 | 120 | 1,254 | 634 | 6,641 | 18,503 | 193,914 |
| Southwest Gas Corp | 11,600 | 121,568 | 2,775 | 29,095 | 14,375 | 150,663 | 417,600 | 4,376,448 |
| Washington Natural Gas Co., and Washington Water Power Co., jointly [1][2] | 192,175 | 2,014,000 | 53,587 | 561,840 | 245,762 | 2,575,850 | 6,918,320 | 72,504,000 |
| Total | 300,000 | 3,144,000 | 71,770 | 752,464 | 371,770 | 3,896,464 | 10,800,000 | 113,184,000 |

[1] The daily allocation set forth above reflects the release by water power of 82,000 therms (7,824 M ft³) of daily storage capacity.
[2] The seasonal allocations set forth above reflects the release by water power of 2,952,000 therms (281,629 M ft³) of seasonal storage capacity.

Petitioner asserts that the availability of the additional 700,000 Mcf of working gas inventory proposed herein can provide Petitioner's customers with additional volumes of natural gas to assure further adequate and reliable service within the market areas served by Petitioner's customers. Petitioner further asserts that the grant of the authorization requested would permit Petitioner to import additional volumes of natural gas during the summer months which would otherwise be lost to markets in the Pacific Northwest.

Applicant states that it does not propose any additional facilities to render the increased service and that additional volumes of gas to be delivered to Jackson Prairie for storage will be made available from Petitioner's present supply without curtailing any of Petitioner's customers' firm requirements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 9, 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.77-24911 Filed 8-26-77;8:45 am]

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[Docket No. CP77-536]

## NORTHWEST PIPELINE CORP.

### Application

AUGUST 22, 1977.

Take notice that on July 29, 1977, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-536 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and further authorizing a reallocation of natural gas service for Washington Natural Gas Co. (Washington Natural), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that Washington Natural proposes to reallocate natural gas service between the existing Redmond delivery point and a proposed Duvall-Cottage Lake delivery point in King County, Wash. and that Washington Natural has requested that Applicant help effectuate the proposed reallocation of service by reducing the daily contract quantity at the Redmond delivery point by 1,622 Mcf and by reallocating equivalent volumes to the proposed Duvall-Cottage Lake delivery point. It is said that without the proposed reallocation, Washington Natural would have to install four or five miles of supply main from the Clearview Gas Station to the Duvall-Cottage Lake area and enlarge the Clearview Gate Station which would cost approximately $370,000. Applicant further states that the reduction in the volumes of gas which Applicant is authorized to sell and deliver to Washington Natural at the Redmond delivery point would not affect Washington Natural's service to its existing customers in that area.

Applicant further seeks authorization to commence construction of the Duvall-Cottage Lake Meter Station which, it is said, would involve a combination 4 inch orifice type meter run and a positive displacement type meter with a 4 inch bypass, complete with appurtenances, adjacent to the right-of-way of the Applicant's existing 26 inch Ignacio to Sumas line located in Section 9, Township 26 North, Range 6 East, King County, Wash. Applicant estimates that the cost of constructing the facilities is $70,800 which cost would be reimbursed by Washington Natural to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before Stepember 8, 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.77-24893 Filed 8-26-77;8:45 am]

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[Docket Nos. ER76-319 and ER76-811]

## PACIFIC GAS & ELECTRIC CO.

### Compliance Filing

AUGUST 23, 1977.

Take notice that Pacific Gas & Electric (PG&E) on August 8, 1977, tendered for filing revised tariff sheets.

PG&E indicates that this filing is in compliance with the Commission Order Approving Settlement issued in the above-noted dockets on July 8, 1977.

PG&E states that copies of this filing have been served upon all parties in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426 in accordance with Section 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.10). All such protests should be filed on or before September 9, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-25009 Filed 8-26-77;8:45 am]

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[Docket No. CP76-473]

## PANHANDLE EASTERN PIPE LINE CO.

### Petition To Amend

AUGUST 22, 1977.

Take notice that on August 8, 1977, Panhandle Eastern Pipe Line Co. (Petitioner), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP76-476 a petition to amend the Commission's order of November 3, 1976, issued in the instant docket (56 FPC ——) pursuant to Section 7 of the Natural Gas Act and Section 157.7(b) of the Commission's Regulations under the Act (18 CFR 157.7(b)) so as to authorize an increase in the total authorized expenditure limitation contained in Petitioner's presently effectively budget-type certificate to be raised to $12,000,000, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of November 3, 1976, issued in the instant docket the Commission authorized Petitioner to construct, during the twelve-month period commencing November 3, 1976, and operate facilities to take into its pipeline system new supplies of natural gas. Petitioner states that the total cost of all facilities constructed under such authorization is limited to $10,000,000.

Petitioner further states that due to the rising construction and material costs and a currently high level of well connection activity, it requests that the total expenditure limitation contained in its presently effective budget-type certificate be raised from $10,000,000 to $12,000,000.

Any person desiring to be heard or to make any protest with reference to said

petition to amend should on or before September 12, 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 Commisison'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. 77-24915 Filed 8-26-77;8:45 am]

[Docket No. RI77-111]

## PENNZOIL CO.

### Application for Increase Gathering Allowance

AUGUST 19, 1977.

Take notice that on June 28, 1977, Pennzoil Co. (Applicant), 3100 Pennzoil Place, Houston, Tex. 77002, filed an application in Docket No. RI77-111, pursuant to Federal Power Commission Regulation § 2.56(g).

Applicant seeks authorization to charge 34.37 cents per Mcf for the gathering and collecting of gas from numerous wells and small producers scattered throughout West Virginia; the subject gas is then sold to Consolidated Gas Supply Corp. Applicant's present gathering and compression allowance is 5.42 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24886 Filed 8-26-77;8:45 am]

[Docket No. ER77-554]

## PUBLIC SERVICE CO. OF NEW MEXICO

### Supplement to Interconnection Agreement

AUGUST 19, 1977.

Take notice that on July 29, 1977, Public Service Co. of New Mexico (PNM) tendered for filing a supplement to an Interconnection Agreement (designated PNM Rate Schedule FPC No. 31) with Plains Electric Generation and Transmission Cooperative, Inc. (Plains). PNM indicates that the supplement is in the form of a Service Schedule H providing reciprocal interruptible wheeling service for the delivery of both parties' electrical energy.

PNM states that no facilities will be installed or modified in order to perform the wheeling service described by Service Schedule H.

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 September 7, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24876 Filed 8-26-77;8:45 am]

[Docket No. ER77-555]

## PUBLIC SERVICE CO. OF NEW MEXICO

### Agreement

AUGUST 19, 1977.

Take notice that Public Service Co. of New Mexico (PNM), on August 15, 1977, tendered for filing an Initial Rate Schedule and Agreement for Electric Service between PNM and the City of Farmington, N. Mex. (Farmington), providing for the sale of supplemental power and energy, and energy to meet the energy return requirement associated with U.S. Bureau of Reclamation peaking capacity, as well as for the interchange of emergency and economy energy. PNM indicates that the Agreement was executed on July 20, 1977, and PNM and Farmington desire that service commence on August 1, 1977, subject to FPC approval and PNM therefore requests that the Commission waive its notice requirements pursuant to Section 35.11 of the Commission's Rules of Practice and Procedure (18 CFR 35.11).

PNM states that the proposed rates have been agreed upon by the parties and are identical to those in PNM's filing in Docket ER77-464. PNM indicates, however, that in the event the Commission approves rates lower than those in Docket No. ER77-464, Farmington will be entitled to a refund under the terms of a Letter Agreement between the parties dated July 11, 1977.

According to PNM copies of this filing have been mailed to Farmington, to PNM's jurisdictional customers receiving similar service under a time-of-day tariff, and to the New Mexico Public Service Commission.

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 September 9, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24884 Filed 8-26-77;8:45 am]

[Docket No. ER77-471]

## PUGET SOUND POWER & LIGHT CO.

### Filing

AUGUST 19, 1977.

Take notice that on August 12, 1977, Puget Sound Power & Light Company ("Puget") tendered for filing as a Rate Schedule change an Exchange Agreement between Puget and the Bonneville Power Administration ("BPA").

Puget indicates that in changing said Exchange Agreement, the parties wish to (1) modify the exchange account and settlement provisions to reflect the presently effective BPA rates as filed with the Federal Power Commission, (2) allow for settlement on a monthly basis, rather than an annual basis and, (3) make certain other non-rate-related changes.

Puget states that the Exchange Agreement sets forth the terms and conditions under which the parties will exchange non-firm energy and provide emergency and breakdown relief for one another.

Puget indicates that although recently executed, the Exchange Agreement was made effective as of December 31, 1974, and Puget therefore, respectfully requests that this filing become effective on that date, and that the notice requirements set forth in the Commission's regulations be waived pursuant to 18 CFR § 35.-11. According to Puget a copy of the filing has been sent to BPA.

Any person wishing 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, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions should be filed on or before September 2, 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.77-24880 Filed 8-26-77;8:45 am]

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[Docket No. E-9602]

## SOUTHERN CALIFORNIA EDISON CO.

### Application for the Sale of Transmission Facilities

AUGUST 22, 1977.

Take notice that on August 10, 1977, Southern California Edison Company (Edison) and Pacific Gas and Electric Company (PG&E) have filed applications seeking authority pursuant to Section 203 of the Federal Power Act for Edison to sell and PG&E to acquire certain electric transmission facilities, known as the Kern-Magunden 220-KV transmission line, and associated rights-of-way located in the State of California.

Edison is incorporated under the laws of the State of California with its principal business office at Los Angeles, California, and is engaged in the electric utility business in 15 counties in southern California.

PG&E is incorporated under the laws of the State of California with its principal business office at San Francisco, California, and is engaged in the electric utility business in 48 counties in California.

The transmission line and related facilities which are the subject of the sale extend between PG&E's tower number 0/4 (0.42 miles north of PG&E's Kern Power Plant 230-KV bus) and Edison's tower number MO-T1 (approximately 208 feet north of Edison's Magunden Substation 220-KV bus). Said transmission line is no longer useful to Edison, and lies totally within PG&E's service territory.

The Kern-Magunden Transmission Line Sale Agreement between Edison and PG&E dated July 14, 1977 provides that Edison will be paid $750,000 for its transmission line and related facilities.

Any person desiring to be heard or to make any protests with reference to said applications should, on or before September 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure, 18 CFR 1.8, 1.10 (1976). The application is on file and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24899 Filed 8-26-77;8:45 am]

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[Docket No. CP70-7]

## SOUTHERN NATURAL GAS. CO.

### Petition To Amend

AUGUST 19, 1977.

Take notice that on August 1, 1977, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7 a petition to amend pursuant to Section 7 of the Natural Gas Act the Commission's order of October 29, 1969, issued in the instant docket, which authorized Petitioner to sell and deliver to the town of Fayette and to the town of Roxie, Mississippi contract demands of 1,800 Mcf and 875 Mcf of natural gas per day, respectively. Petitioner requests that said order be amended by authorizing a change in the applicable Rate Schedule from OCD-1 to G-1 for these two customers. Petitioner proposals are more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that Petitioner is currently rendering service to Roxie under its Rate Schedule OCD-1 pursuant to Second Revised Exhibit A to its Service Agreement and that it is rendering service to Fayette under its Rate Schedule OCD-1 pursuant to First Revised Exhibit A to its Service Agreement with Fayette.

At the request of Roxie and Fayette, Petitioner has agreed to execute and submit to the Commission for approval the Third Revised Exhibit A to the Service Agreement with the town of Roxie and the Second Revised Exhibit A to the Service Agreement with the town of Fayette to implement this change which will reduce the customers' purchased gas cost, it is said. It is stated further that these Revised Exhibit A's were executed by Petitioner on July 27, 1977 and are to become effective upon the date authorized by the Commission.

Petitioner states that the certificate modifications requested would not change the maximum amount of gas that Petitioner would be obligated to deliver to either Roxie or Fayette.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 8, 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.77-24901 Filed 8-26-77;8:45 am]

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[Docket Nos. RP77-31 and RP73-64 (PGA77-2)]

## SOUTHERN NATURAL GAS CO.

### Order Accepting Revised Rates for Filing Subject to Adjustment and Denying Request for Deferred Accounting

AUGUST 18, 1977.

On June 29, 1977, as amended on July 18, 1977, Southern Natural Gas Company (Southern) filed in the above dockets certain revised rates proposed to be effective on July 1, July 2, and August 1, 1977. For the reasons set forth below the revised rate shall be accepted for filing and permitted to become effective on the dates requested, subject to the terms of this order.

In Docket No. RP77-31, Southern filed revised rates[1] in substitution for rates suspended until August 1, 1977, excluding costs associated with uncompleted construction and incorporating a PGA rate adjustment filed during the suspension period.

In Docket No. RP73-64, Southern filed revised rates in compliance with the Commisisons' order of June 30, 1977, excluding certain claimed costs disallowed by the Commission in its June 30 order, to be effective July 2, 1977, subject to refund.[2] In addition Southern filed rates to be effective on July 1, 1977, excluding, in addition to the amounts disallowed, all amounts associated with emergency purchases at rates in excess of those established in Opinion No. 770-A.[3] In support of its proposed July 1 rates, Southern states as follows:

[1] Substitute Twenty-Sixth Revised Sheet No. 4A to Sixth Revised Tariff Volume No. 1 and Third Revised Sheet No. 242 to Original Tariff Volume No. 2.

[2] Second Substitute Twenty Fifth Revised Sheet No. 4A.

[3] Substitute Twenty-Fifth Revised Sheet No. 4A.

The Commission's order further suspended for one day until July 2, 1977 Twenty-Fifth Revised Sheet No. 4A and prescribed the filing of evidence by Southern within 30 days relating to four emergency purchases which were at rates in excess of those established by Opinion No. 770-A. Therefore, Southern is filing substitute Twenty-Fifth Revised Sheet No. 4A, proposed to be effective July 1, 1977, which contains rates reflecting the exclusion of gas purchase costs above the Opinion No. 770-A rates. This adjustment makes $638,030 of emergency gas purchase costs subject to refund and results in reducing the effective July 1, 1977 Surcharge Rate by an additional .279 cents per Mcf. The Commission order does not provide for the filing of

a July 1, 1977 tariff sheet excluding these costs. Southern is doing so in reliance on past Commission precedent wherein such filings have been permitted in order to establish the amount of revenues subject to refund.

A review of Southern's filings reveals that the proposed rates have not been adjusted downward to reflect the lower PGA rates filed by two of its suppliers, United Gas Pipe Line Company (United) and Sea Robin Pipeline Company (Sea Robin) in Docket Nos. RP72–133 and RP73–89 respectively. On July 21, 1977, Southern submitted a letter requesting that it not be required to amend its proposed rates for the reductions of its suppliers but that it be permitted instead to account for the reductions by means of a credit to its unrecovered purchase gas cost account No. 191.

The Commission finds that good cause has not been shown to warrant Southern's request. The Commission finds, in view of the relatively large amount of rate reductions involved, which are estimated to be approximately $6 million in total, that Southern should be required to give immediate effect to such reductions. Use of the unrecovered purchase gas cost account would result in the deferral of actual reductions in Southern's rates until the time of its next PGA filing.

Except for Southern's failure to reflect the rate reductions associated with its purchases from United and Sea Robin, the proposed rates are in accordance with the Commission's prior orders in Docket Nos. RP77–31, and RP73–64. Southern's revised rates shall accordingly be accepted for filing, provided, however, that Southern shall be required to modify such rates to reflect the lower rates of United and Sea Robin. Southern's request to file firm rates to be effective on July 1, 1977, appears reasonable and is approved.

On July 15, 1977, Carolina Pipeline Company filed an untimely petition to intervene in Docket No. RP73–64. The Commission finds that the petitioner has demonstrated an interest in the subject proceeding and that the petition to intervene should be granted.

The Commission orders: (A) The proposals filed by Southern to be effective on July 1, July 2 and August 1, 1977, are accepted for filing subject to modification of the rates as required under paragraph (B) below.

(B) Southern shall within 15 days of the date of this order file revised rates to be effective July 1, July 2, and August 1, 1977, respectively, reflecting the reduced rates of United and Sea Robin.

(C) Carolina Pipeline Company is permitted to intervene in the proceeding in Docket No. RP73–64, subject to the Commission's rules and regulations.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77–24877 Filed 8–26–77;8:45 am]

[Docket No. RP77–120]

## STINGRAY PIPELINE CO.

### Proposed Changes

AUGUST 23, 1977.

Take notice that on August 15, 1977, Stingray Pipeline Company (Stingray) tendered for filing a notice of rate change (Tenth Revised Sheet No. 4) to increase its jurisdictional transportation revenues by approximately $7.2 million annually pursuant to its F.P.C. Gas Tariff, Original Volume No. 1. Stingray proposes that the rate increase be permitted to become effective on September 15, 1977. Stingray also requests that if the proposed rate increase is suspended by the Commission, the suspension period be shortened to coincide with the dates certain major offshore pipeline facilities are expected to be placed in service which date Stingray estimates to be December 1, 1977.

Stingray states that its rate filing is required by the Commission's November 8, 1974 order in Docket No. CP73–27, et al. Those proceedings authorize Stringray's initial construction and operation. As a result of Stringray's issuance of $145,000,000 of long-term debt representing the permanent financing of its initial and Phase II facilities authorized in the above docket, Stingray is required to file a rate change pursuant to Section 4 of the Natural Gas Act. The principal reason for Stingray's proposed rate increase, however, is Stingray's substantial investment in new facilities related to its transportation operations including increased operating costs, return and taxes.

Copies of this filing were served on Stingray's jurisdictional customers.

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. 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 protest should be filed on or before September 8, 1977. Protest 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. This application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77–24977 Filed 8–26–77;8:45 am]

[Docket No. RI77–116]

## SUN OIL CO. (DELAWARE)

### Petition for Special Relief

AUGUST 19, 1977.

Take notice that on July 18, 1977, Sun Oil Company (Delaware) (Petitioner), P.O. Box 20, Dallas, Texas 75221, in Docket No. RI77–116 filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 C.F.R. 2.76). Petitioner requests an increase of 12.5 cents per Mcf above the current rate of 31.577 cents per Mcf at 14.65 psia for natural gas sales to Panhandle Eastern Pipe Line Company from the Harrison Gas Unit, West Lorena Area, Texas County, Oklahoma. Petitioner states that the rate increase is necessary to recover the cost of installing a compressor in order that production and delivery of gas might be continued.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77–24889 Filed 8–26–77;8:45 am]

[Docket No. CP77–541]

## TENNESSEE GAS PIPELINE CO.

### Application

AUGUST 19, 1977.

Take notice that on August 3, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001 filed in Docket No. CP77–541 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 natural gas pursuant to a transportation contract with Fruehauf Corporation (Fruehauf) whereby Applicant would receive for the account of Fruehauf daily volumes of natural gas up to the maximum daily quantity of 1,000 Mcf per day during the first year and 1,500 Mcf per day during the second year of deliveries hereunder and transport and deliver to Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) for the account of Fruehauf equivalent daily volumes of natural gas up to the said maximum daily quantity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that Fruehauf is an indirect customer of Alabama-Tennessee served by Alabama-Tennessee's resale customer, Decatur Gas Department (Decatur) and that Fruehauf has requested Columbia Gas Transmission Corporation (Columbia), Applicants, and Tennessee to render transportation services in order to enable Fruehauf to take delivery of volumes of natural gas which is produced from wells

wholly-owned by FrueKel, Inc. (FrueKel), the wholly-owned energy subsidiary of Fruehauf.

It is said that Fruehauf would arrange to have such daily volumes made available to Applicant by Columbia at the existing interconnection of the facilities of Applicant and Columbia at Tennessee's Main Line Valve No. 209–1 plus 9.9 miles, located in Guernsey County, Ohio. From such point Applicant would transport and deliver such volumes to Alabama-Tennessee for the account of Fruehauf at Applicant's existing Barton Sales Delivery Point to Alabama-Tennessee located in Colbert County, Ala. at Applicant's Main Line Valve No. 552–1 plus 6.11 miles, it is said.

It is asserted that Fruehauf would pay Tennessee each month for transportation service a demand charge to be determined by multiplying $1.38 by the maximum daily quantity, less any demand charge credit provided therein, if applicable and a volume charge equal to $17.55 per Mcf multipled by the total of the scheduled daily volumes during such month or the number of days in said month multiplied by 66⅔ percent of the maximum daily quantity, whichever is greater, less any applicable annual minimum bill credit.

Applicant states that it has been advised by Fruehauf that the gas transported and delivered by Applicant would be used by Fruehauf for Priority 2 purposes to replace volumes actually being curtailed by Decatur. Applicant proposes to transport the gas only to the extent its operating conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 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.77-24879 Filed 8-26-77;8:45 am]

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[Docket No. CP77-559]

## TENNESSEE GAS PIPELINE CO.

### Pipeline Application

AUGUST 19, 1977.

Take notice that on August 9, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed 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 Continental Oil Company (Continental) from Eugene Island Block 257 (Block 257), Offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection. Pursuant to a Gas Transportation Agreement (Agreement) dated November 3, 1972, as amended, Tennessee has agreed to transport for Continental, through existing facilities, natural gas produced from one-half of Continental's interest in Block 257, which portion was not dedicated to Tennessee under the terms of a Gas Purchase and Sales Agreement between Tennessee and Continental dated November 3, 1972. Tennessee will receive such transportation volumes from Continental's production platforms in Blocks 257 and 258, and will redeliver to Continental, at the Redelivery Points provided in the Gas Transportation Agreement, as amended, volumes equivalent to the volumes so received by Tennessee, less Tennessee's system fuel and use volumes required for said transportation service. Such Redelivery points will be located at (1) a valve on the inlet side of Continental's measuring facilities to be installed at a point adjacent to Tennessee's Sabine-Kinder thirty-inch (30") pipeline located approximately twenty-six miles west of Tennessee's compression station at Kinder, Calcasieu Parish, La. (Calcasieu Parish Redelivery Point No. 1), (2) the point of intersection of Continental's pipeline and Tennessee's Sabine-Kinder pipeline located in the Southeast Quarter of Section 20, Township 8 South, Range 10 West, Calcasieu Parish, La., approximately thirty-three miles west of Tennessee's Kinder compression station (Calcasieu Parish Redelivery Point No. 2), (3) the tailgate of Continental's Egan Plant located at Range 2 West, Township 9 South, Acadia Parish, La. (Acadia Parish Redelivery Point), and (4) such other points of redelivery as may be mutually agreed upon by Tennessee and Continental.

The Gas Transportation Agreement provides that the monthly charges to be paid to Tennessee by Continental for such transportation service for each of the aforementioned Redelivery Points will be as follows:

(1) A charge equal to 9.77¢ per each Mcf transported by Tennessee from Block 257 to the Calcasieu Parish Redelivery Point No. 1.

(2) A charge equal to 10.07¢ per each Mcf transported by Tennessee from Block 257 to the Calcasieu Parish Redelivery Point No. 2.

(3) A charge equal to 7.83¢ per each Mcf transported by Tennessee from Block 257 to the Acadia Parish Redelivery Point.

(4) In the event Tennessee and Continental desire to implement redeliveries at any other point, Tennessee will file an application for authorization therefor.

Any person desiring to be heard or to make any protest with reference to said application, on or before September 12, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-24906 Filed 8-26-77;8:45 am]

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[Docket No. CP77-566]

## TRANSCONTINENTAL GAS PIPE LINE CORP. AND MICHIGAN WISCONSIN PIPE LINE CO.

### Application

AUGUST 23, 1977.

Take notice that on August 12, 1977, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Tex. 77001, and Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Mich.

48226 (Applicants), filed in Docket No. CP77-566 a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request authorization to exchange natural gas pursuant to the provisions of an exchange agreement dated July 11, 1977 between the two parties. It is stated that Transco would deliver or cause to be delivered up to 4,000 Mcf of gas per day to Mich Wisc at Vermilion Parish (Live Oak Field), La. and up to 2,000 Mcf of gas per day at Acadia Parish (West Mermentau Area), La., and Mich Wisc would deliver up to 1,000 Mcf per day to Transco at Vermilion Parish (Southeast Gueydan Field), La. Applicant states that any imbalance of exchange gas deliveries incurred at the above exchange points would be eliminated by appropriate adjustment of gas deliveries at the tailgate of Mobil Oil Corporation's Cameron Meadows Processing Plant, Cameron Parish, La. or at such other points of interconnection of Applicant's pipeline systems as mutually agreed upon. The term of the subject agreement would be for ten years from the date of first delivery and would continue thereafter until terminated by either party, it is said. Applicants indicate that the exchange of gas would be on an Mcf basis, and that no charge would be made by Transco or Mich Wisc for this exchange service.

It is stated that Applicants have agreed to the proposed exchange in order (i) to assist Transco in taking into its system natural gas which it would purchase in the Live Oak Field, Vermilion Parish, La. and gas which it would purchase in and transport from the West Mermentau Area, Acadia Parish, La, and (ii) to assist Mich Wisc in taking into its system certain of its natural gas in the Southeast Gueydan Field, Vermilion Parish, La. The proposed exchange would alleviate the necessity for the construction of unnecessary facilities by both Transco and Mich Wisc, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24976 Filed 8-26-77;8:45 am]

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[Docket No. CP77-542]

## TRANSCONTINENTAL GAS PIPELINE CORP.

### Application

AUGUST 19, 1977.

Take notice that on August 3, 1977, Transcontinental Gas Pipeline Corporation (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP77-542 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 2,005 Mcf per day (at 14.65 psia) of natural gas on an interruptible basis for Adventure Knits, Inc.; Dynatex, Inc.; Facet Enterprises, Inc.; General Products Division; Galvan Industries, Inc.; Goodmark Foods, Inc.; Kings Mountain Mica Company, Inc.; Knitronic, Inc.; Minette Mills, Inc.; Sanford Finishing Corporation; Stonecutter Mills Corporation; Superba Print Works, Inc.; Uniglass Industries Division of United Merchants & Manufacturers, Incorporated; Wales Manufacturing Company, Inc.; and Wix Corporation (Buyers), all of which are existing industrial customers of Public Service Company of North Carolina, Inc. (PSNC), one of Applicant's resale customers served under Rate Schedule CD-2, pursuant to a transportation agreement dated July 5, 1977 among Applicant, Buyers (acting severally and not jointly by and through UGC Energy Corporation (UGC) as duly authorized agent), and PSNC which agreement shall continue in effect for a period of two years from the date of initial delivery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is said that Buyers have purchased from Mitchell Energy Corporation (Mitchell) up to 2,005 Mcf per day (at 14.65 psia) of gas at a price of $2.00 per Mcf for the first contract year and $2.10 per Mcf thereafter, to be produced from the La Sal Vieja Field, Wallacy County, Tex. and that Buyers would arrange to have such quantities delivered to a mutually agreable point on Applicant's system in Willacy County, Texas, and Applicant would redeliver the transportation quantities to existing points of delivery to PSNC for the accounts of Buyers. It is stated that PSNC has agreed to transport such quantities of said gas delivered to it by Applicant for the accounts of Buyers to Buyers' respective plants.

It is asserted that the daily quantity to be transported to PSNC for Buyers shall not exceed PSNC's authorized daily entitlement under its Rate Schedule CD. It is further asserted that Applicant would charge Buyers, initially, 29.8 cents per Dekatherm (dt) equivalent for all quantities of gas delivered to PSNC for Buyers' account which rate would be subject to refund depending upon the resolution of the issues in Docket Nos. RP76-136 and RP77-26 concerning the appropriate method for determining the rates for interruptible transportation services on its system. Applicant states that it would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor and fuel loss.

No additional facilities are required in order to render the proposed services, it is said.

It is indicated that the end use for each customer is process use with no technically feasible alternative fuel. This use is in Priority 3 as contained in 18 CFR Section 2.78 only for the reason that it was purchased on an interruptible basis and would otherwise qualify as Priority 2 use, it is said.

The volumes transported and the average total monthly end use for each customer is set forth below:

| Customer | Volumes transported | | | Average total monthly end use (1,000 ft³) |
|---|---|---|---|---|
| | Peak day (1,000 ft³) | Average day (1,000 ft³) | Annual basis (1,000 ft³) | |
| Adventure Knits, Inc | 60 | 48 | 17,520 | 1,460 |
| Dynatex, Inc | 55 | 37 | 13,505 | 1,125 |
| Facet Enterprises, Inc., General Products Division | 300 | 175 | 63,875 | 5,323 |
| Galvan Industries, Inc | 75 | 60 | 21,900 | 1,825 |
| Goodmark Foods, Inc | 50 | 40 | 14,600 | 1,217 |
| Kings Mountain Mica Co., Inc | 110 | 85 | 31,025 | 2,585 |
| Knitronic, Inc | 72 | 48 | 17,520 | 1,460 |
| Minette Mills, Inc | 90 | 60 | 21,900 | 1,800 |
| Sanford Finishing Corp | 250 | 164 | 60,000 | 5,000 |
| Stonecutter Mills Corp | 60 | 40 | 14,600 | 1,217 |
| Superba Print Works, Inc | 250 | 150 | 54,750 | 4,563 |
| United Merchants and Manufacturing, Inc | 250 | 250 | 19,250 | 48,000 |
| Wales Manufacturing Co., Inc | 58 | 40 | 14,600 | 1,278 |
| Wix Corp | 325 | 167 | 60,955 | 5,080 |

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 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.77-24902 Filed 8-26-77;8:45 am]

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[Docket No. CP77-554]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Application

AUGUST 22, 1977.

Take notice that on August 8, 1977, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP77-554 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 1,500 Mcf of natural gas per day at 15.025 psia on an interruptible basis for Burlington Industries, Inc. (Burlington), and existing industrial customer of Piedmont Natural Gas Co., Inc. (Piedmont), Public Service Co. of North Carolina, Inc. (PSNC), North Carolina Natural Gas Corp. (NCNG), Virginia Pipe Line Co. (Virginia), Carolina Pipeline Co. (Carolina) and Public Service Electric and Gas Co. (PSEG), Applicant's CD customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 1,500 Mcf of natural gas per day (at 15.025 psia) on an interruptible basis for Burlington pursuant to a transportation agreement dated July 8, 1977 among Applicant, Burlington, and Applicant's CD customers.

Applicant states that the gas which it proposes to transport for Burlington is gas that represents Burlington's working interest in gas to be produced from the Jefferson Island Prospect field, Iberia Parish, La. by an oil and gas exploration and development joint venture, in which Burlington is a participant and which is operated by C&K Petroleum Co. Applicant further states that Burlington would deliver or cause the gas to be delivered to Tennessee Gas Pipeline Co., a Division of Teneco Inc. (Tennessee), and Tennessee would deliver the gas to Applicant at an existing authorized interconnection between Tennessee and Applicant near Crowley, La., or at such other existing authorized points of interconnection or exchange as may be mutually agreed to by Applicant and Tennessee from time to time. Applicant indicates that it would redeliver equivalent quantities (less quantities retained for compressor fuel and line loss make-up) at existing delivery points on its system to Applicant's CD customers which would deliver the gas to Burlington at the following facilities:

Greensboro Finishing (including Greensboro, N.C. Meadowview)
Formed Fabrics, Greensboro, N.C.
Burlington House Fabrics Finishing, Burlington, N.C.
Wake Plant, Wake Forest, N.C.
Durham Plant, Durham, N.C.
Kernersville Finishing, Kernersville, N.C.
Mayfair Plant, Burlington, N.C.
Mooresville Finishing, Mooresville, N.C.
William G. Lord Plant, Cramerton, N.C.
Erwin Plant, Erwin, N.C.
Sheffield Plant, Rocky Mount, N.C.
Rocky Mount Plant, Rocky Mount, N.C.
K. M. Altavista, Hurt, Va.
Altavista Glass, Altavista, Va.
Brookneal Plant, Brookneal, Va.
Society Hill Plant, Society Hill, S.C.
James Fabric, Cheraw, S.C.
Westwood Industries, Paterson, N.J.

Applicant states that it would charge Burlington, initially, 29.8 cents per Dekatherm (dt) for all quantities delivered hereunder to PSNC, NCNG, Virginia and Carolina and 31.5 cents per dt for all quantities delivered hereunder to PSE&G. Additionally, Applicant states that it would also retain, initially, 4.4 percent of quantities received by it for transportation to PSE&G and 3.8 percent of volumes received by it for redelivery to Piedmont, PSNC, NCNG, Virginia and Carolina as make-up for compressor fuel and line loss. These percentages are based on Applicant's "company use" factor for pipeline throughout to and within its Rate Zones 2 and 3 in which the transportation deliveries proposed herein would be made, it is said.

Applicant indicates that no additional facilities are required to render the proposed service, which would be for a primary term of one year from the date of initial delivery hereunder and from year to year thereafter.

It is indicated that Burlington Industries, Inc., is the largest and most broadly diversified textile company in the United States, and that the company produces a wide assortment of apparel and home furnishing fabrics and industrial textile products, including, but not limited to, fabrics for men's women's and children's clothing, hosiery, uniform fabrics, ready-made draperies, towels, sheets, pillowcases, bedspreads, and carpeting. In addition, the company produces furniture, lamps and lighting fixtures, it is said. It is indicated that in general, unfinished fabrics are produced in what are referred to as greige mills, and are transported to other plants for dyeing and finishing. It is stated that the finishing plants are natural gas for open-flame processing, and essential Priority 2 uses, and that the principal open-flame processes requiring natural gas are singeing, drying, heat setting, thermosol dyeing and curing. It is further stated that these processes are essential to the finishing operations and any reduction in adequate fuel for such processes would soon seriously impact all other operation in the total production process.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 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.77-24896 Filed 8-26-77;8:45 am]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application

AUGUST 19, 1977.

Take notice that on August 3, 1977, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP77-543 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 420 Mcf per day (at 14.73 psia) of natural gas on an interruptible basis for Libbey-Owens-Ford Co. (LOF), whose wholly owned subsidiary LOF Glass Inc. (Glass) is an existing industrial customer of North Carolina Natural Gas Corp. (NCNG), an existing resale customer of Applicant, pursuant to a transportation agreement dated June 22, 1977, between Applicant, LOF and NCNG, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that LOF would deliver or cause the gas to be delivered to Panhandle Eastern Pipe Line Co. (Panhandle) which would cause its wholly owned subsidiary, Trunkline Gas Co. (Trunkline), to deliver the gas to Applicant at Cow Island, La. or other mutually agreeable existing authorized exchange points between Trunkline's and Applicant's pipeline systems. Applicant would redeliver equivalent quantities (less quantities retained for compressor fuel and line loss make-up) at existing delivery points on its system to NCNG which would deliver the gas to Glass at Glass' Laurinburg, North Carolina plant.

It is said that the proposed interruptible transportation service is directly related to the curtailments in sales and deliveries which Applicant is now required to make due to a deficiency in flowing gas supply on its system, and is intended to make available to Glass from LOF's sources, up to those volumes of gas which it would otherwise not receive due to such curtailments.

Applicant asserts that it would charge LOF, initially, 29.8 cents per Dekatherm (dt) for all quantities delivered but that such rate is subject to refund depending upon the resolution of the issues in Docket Nos. RP76-136 and RP77-26 concerning the appropriate method for determining the rates for interruptible transportation services on its system. Applicant further asserts that it would retain, initially, 3.8 percent of quantities received by it for transportation as makeup for compressor fuel and line loss.

No additional facilities are required to render the proposed service, which would be for a term of eight years from the date of initial delivery subject to approval by the Commission, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 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.77-24903 Filed 8-26-77;8:45 am]

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[Docket No. CP77-495]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Petition for Declaratory Order

AUGUST 19, 1977.

Take notice that on August 8, 1977, Brooklyn Union Gas Company (Petitioner), a resale customer of Transcontinental Gas Pipe Line Corporation (Transco), 195 Montague Street, Brooklyn, New York 11201, filed in Docket No. CP77-495 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedures (18 CFR 1.7(c)) for a declaratory order declaring whether the Commission has jurisdiction over Petitioner, Petitioner's proposed activities in connection with the transaction proposed herein, and Petitioner's facilities to be used in connection with the transaction, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner indicates that by an agreement dated June 8, 1977, it and Delmarva Power & Light Company (Delmarva), a Delaware distribution company and another resale customer of Transco, have entered into a contract for the sale by Petitioner and purchase by Delmarva of 500 billion Btu's of synthetic gas annually for a period of 3 years. Delmarva represents that the quantities of synthetic gas it has contracted to purchase are required for resale to its firm high priority customers, it is said. It is stated that the synthetic gas is to be sold by Petitioner at a price based upon a utility type cost of service.

Petitioner states that under the agreement between it and Delmarva, all synthetic gas is to be sold to Delmarva by Petitioner, unmixed with natural gas, at the tailgate or outlet of Petitioner's SG plant within its Brooklyn, New York service area, where ownership of the gas is to pass to Delmarva. Petitioner states that arrangements for the transportation of the gas from the delivery point to Delmarva's service area are to be the sole responsibility of Delmarva, except that Petitioner has agreed to assist in such arrangements, at no charge to Delmarva, by releasing quantities of gas thermally equivalent to those purchased by Delmarva, at appropriate New York delivery points of Transco.

It is stated that by a letter agreement dated May 24, 1977, in this proceeding, Delmarva and Transco have entered into a contract, agreed to by Petitioner, under which the synthetic gas sold by Petitioner would be transported and delivered by Transco for Delmarva's account by displacement, through reductions in Transco's deliveries to Petitioner and increases in Transco's deliveries to Delmarva, of quantities of gas thermally equivalent to the quantities of synthetic gas sold by Petitioner to Delmarva.

Petitioner indicates that it supports the issuance of the permanent authorization requested by Transco in this proceeding, and that Petitioner urges the issuance of such authorization on or before September 1, 1977 for the following reasons: (1) the synthetic gas sale and purchase Agreement between Petitioner and Delmarva is subject ot cancellation by either party if a certificate for transportation of the gas has not been issued by September 1, 1977; (2) because of the critical levels of curtailment in pipeline gas supplies, and the lead time necessary for the acquisition of alternative supplies (when alternative supplies can be acquired), Delmarva has advised it requires early assurance of the availability of the subject synthetic gas supply in order to plan its operations for the coming winter; and (3) Petitioner requires early certainty as to its supply obligations for the coming winter in order to schedule the annual start-up of its SG plant and operations and receipt of naphtha deliveries on the most efficient and economical basis, for the benefit of Petitioner's own customers and the customers of Delmarva.

Petitioner states that it believes that its proposed activities in connection with the transaction would not constitute either the transportation of natural gas in interstate commerce nor the sale in interstate commerce of natural gas for resale, and therefore do not require direct authorization by the Commission.

Therefore, Petitioner requests that the Commission issue a declaratory order disclaiming jurisdiction over Petitioner, Petitioner's proposed activities in connection with the transaction, and Petitioner's facilities to be used in that connection.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 12, 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 1.7(c)). 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.77-24905 Filed 8-2-77;8:45 am]

[Docket No. CP77-558]

## UNITED GAS PIPE LINE CO.

### Pipeline Application

AUGUST 19, 1977.

Taken notice that on August 9, 1977, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed an application for certificate of public convenience and necessity in Docket No. CP77-558, pursuant to Section 7(c) of the Natural Gas Act, requesting authorization to acquire, through assignment of lease, all rights and interests in a 1,000 Horsepower compressor facility and related equipment at Block 587, West Cameron Area, Offshore Louisiana. Furthermore, Sea Robin requests permission to reimburse the Operator of the subject block, Pennzoil Company, for all expenses incurred in the transportation, installation, operation, maintenance and rental of such compressor and equipment.

United states that it purchases gas from Pennzoil Offshore Gas Operators, Inc., Pinto, Inc., Cities Service Oil Corporation and Mobil Oil Corporation at Block 587, West Cameron Area. United further states that in order to increase production and to recover additional reserves it will be necessary to install compression at the Block 587 location. Both the subsequent accelerated production and enhanced recovery of volumes to be realized by such compression are vital to United's continued efforts to not only take all available steps toward assuring the continued availability of its current gas supply but also strive toward expediting the flow of gas volumes, whenever possible, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before September 12, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-24907 Filed 8-26-77;8:45 am]

[Project No. 2075]

## WASHINGTON WATER POWER CO.

### Application for Change in Land Rights

AUGUST 23, 1977.

Public notice is hereby given that an application was filed on February 8, 1977 under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by The Washington Water Power Company (Applicant) (Correspondence to: Mr. L. O. Falk, Assistant Secretary, The Washington Water Power Company, P.O. Box 3727, Spokane, Washington 99220) for a change in land rights at its constructed Project No. 2075 known as the Noxon Rapids Project. Project No. 2075 is located on the Clark Fork River in Sanders County, Montana.

Applicant proposed to grant an easement to the Bonneville Power Administration (BPA) for a 100-foot square parcel of land within the project boundary and the right to use a project road for access to the site. BPA intends to construct, operate and maintain a microwave relay station consisting of a tower, a small building, a fuel tank, and two beam paths consisting of 30-foot-wide strips of land 436 feet and 525 feet long extending towards the northwest and east, respectively, from the center of the tower. The construction and operation of the beam paths would include clearing the paths of all obstructions above elevation 2,270 feet, the approximate ground elevation at the tower site. Applicant states that BPA would use the proposed microwave communication system to help solve area stability problems.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1977, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary,*

[FR Doc.77-24975 Filed 8-26-77;8:45 am]

[Docket No. CP77-565]

## WESTERN GAS INTERSTATE CO.

### Application

AUGUST 23, 1977.

Take notice that on August 12, 1977, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP77-565 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Cities Service Gas Company (Cities), the continued use and operation of certain facilities to be used in connection with said exchange, and the sale of such gas to Southern Union Gas Company (Southern Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant and Cities Service were parties to a gas purchase contract dated November 14, 1949, as modified by an exchange agreement dated July 11, 1951. Applicant indicates that pursuant to the terms of said contract Cities Service was selling to and exchanging with Applicant certain volumes of natural gas in the Oklahoma Panhandle, and that a substantial deficit exchange balance due by Cities Service to Applicant arose under the July 11, 1951, exchange arrangement (approximately 131,000 Mcf as of January 1, 1977), although the exchange imbalance was reduced somewhat by an emergency exchange between Applicant and Cities Service for the period January 9, 1977 to March 9, 1977.

Applicant indicates that it and Cities Service entered into a new exchange agreement dated June 8, 1977, terminating the prior sale and exchange agreements between the two parties, although the deficit balance owed by Cities Service to Applicant under the prior arrangement is now owed by Cities Service to Applicant under the new exchange agreement. Pursuant to the terms of the new agreement, Applicant would deliver

at the wellhead to Cities Service for Applicant's account, the gas Applicant purchases from the Fanning No. 1 Well located in Texas County, Oklahoma, and Applicant would also deliver to Cities Service for Applicant's account volumes of gas at an existing point of interconnection of Applicant's and Cities Service's facilities near the northeast corner of Section 36, Township 4N., Range 14 E.C.M., Texas County, Oklahoma, it is indicated.

It is stated that Cities Service would deliver to Applicant for Cities Service's account volumes of gas at the following three points of interconnection of Cities Service's and Applicant's pipelines: (1) the interconnection located in the Northwest Quarter of Section 30, Township 5N., Range 19 E.C.M., Texas County, Oklahoma (the "Adams Delivery Point"); (2) the interconnection located in the Northeast Quarter of Section 4, Township 2N., Range 14 E.C.M., Texas County, Oklahoma (the "West Guymon Delivery Point"); and (3) the interconnection located on the center of the east line of Section 3, Township 1N., Range 12 E.C.M., Texas County, Oklahoma (the "Jones A and B Delivery Point"). Applicant indicates that the gas to be delivered at the Jones A and B Delivery Point is that gas purchased by Cities Service from the Jones A No. 1 and B No. 1 wells located in Sections 13 and 14, Township 1N., Range 12 E.C.M., Texas County, Oklahoma.

It is stated that in order to reduce the volumes of gas owed to Applicant by Cities Service, the new agreement also provides for volumes of gas to be delivered by Cities Service to Applicant in excess of the volumes delivered by Applicant to Cities Service, although under no circumstances would the total daily deliveries by Cities Service under the agreement exceed 1,500 Mcf.

Applicant states that all gas received by it from Cities Service under the foregoing arrangements would be sold by Applicant to Southern Union pursuant to existing certificates at various points of delivery along Applicant's transmission line in Beaver and Texas Counties, Oklahoma, and in Sherman County, Texas. Applicant further states that all such gas would be distributed and resold by Southern Union through existing distribution facilities to present and future customers of Southern Union. Such sales by Western to Southern Union would be made in accordance with Applicant's Rate Schedule G-N.

Applicant indicates that it requests authorization to continue to use the Adams' Tap and associated facilities, but that it does not propose to construct any new facilities in this instant docket.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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.77-24978 Filed 8-26-77;8:45 am]

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[Docket No. CP77-531]

## WESTERN GAS INTERSTATE CO.

### Application

AUGUST 22, 1977.

Take notice that on July 27, 1977, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Tex. 75201 filed in Docket No. CP77-531 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of up to $500,000 of gas transmission facilities during the period ending March 31, 1978, and the operation of such facilities for the transportation of gas for Southern Union Supply Company (Susco) pursuant to the Gas Transportation Agreement dated July 31, 1977 between Applicant and Susco, 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 authorization requested is necessary to provide the means by which Applicant can transport to the interstate pipeline systems of El Paso Natural Gas Company (El Paso) gas produced from certain wells in which Susco has an interest. Susco desires to make such production available primarily to Southern Union Gas Company and Gas Company of New Mexico, both of which are distribution divisions of Susco's parent, Southern Union, it is said. The project is part of an expansion of Susco's first supplemental supply project which was approved by the Commission on April 20, 1977, it is stated.

Applicant indicates that the order of April 20, 1977 in Docket No. RI76-138, et al., approved the sale of gas produced from three wells in Lea County, N. Mex. to Southern Union, El Paso, and Applicant under separate purchase agreements. Applicant states that in order to allow the addition of new production sources to this supplemental supply project and to minimize the filing burden and delays that result if separate certificate applications are required for each new pipeline, it is hereby requesting authority to construct up to $500,000 of such gas transportation facilities as may be required and transport such gas pursuant to said Gas Transportation Agreement.

It is indicated that the Gas Transportation Agreement provides that Applicant would construct and operate the facilities necessary to deliver Susco's production to El Paso and other pipelines, if appropriate, for (a) further transportation by El Paso and such others and eventual sale by Susco to Southern Union and (b) sale to the transporting pipeline. It is said that the rate for such transportation would be calculated on a cost-of-service basis, that, after the initial rate period, the rate would be determined and filed every six months as part of Applicant's FPC Gas Tariff Original Volume No. 2, and that this cost-of-service approach would allow recovery of the actual costs of rendering the transportation service including a reasonable rate of return on investment and allowances for depreciation and income taxes. It is further stated that since the cost-of-service rates are to be based on actual data for six-month cost-determination period, and in the absence of actual data at the start-up of operations, the initial rate is to be 31.26 cents per Mcf, based on estimated data.

Applicant indicates that the first arrangement under the blanket certificate requested involves the production from two wells, (the Chaco No. 1 and No. 2 Wells) located in San Juan County, New Mexico, requiring approximately one mile of 2-inch pipeline, with appurtenances, commencing at the wellhead of each of the two wells and terminating at a point of interconnection with the El Paso line in the NE/4, Section 18, T-26-N, R-12-W, San Juan County, N. Mex. It is said that the total estimated cost of the Chaco Pipeline is $23,200 to be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not

serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time 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.77-24900 Filed 8-26-77;8:45 am]

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[Docket No. RI77-118]

### W. R. YINGER (OPERATOR), ET AL.

#### Petition for Special Relief

AUGUST 19, 1977.

Take notice that on July 20, 1977, W. R. Yinger (Operator), et al. (Petitioner), 1000 City Center Building, Main and Broadway, Oklahoma City, Okla. 73102, filed in Docket No. RI77-118 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 C.F.R. § 2.76). Petitioner seeks to collect a rate of $1.32 per Mcf for the sale of natural gas to Cities Service Gas Company (Cities) from the Carlson 2-25 Well located in the Lookout Field, Woods County, Okla. Petitioner states that the subject well was previously connected to Signal Oil and Gas Company's (predecessor-in-interest to Aminoil USA, Inc.) gathering system. Petitioner further states that the gathering system was abandoned, and the subject well has been shut-in since October 1972. Petitioner proposes to construct a gathering line of 1¾ miles in length to Cities' pipeline and to install a compressor station.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 12, 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 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.77-24888 Filed 8-26-77;8:45 am]

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## FEDERAL RESERVE SYSTEM

### FIRST NATIONAL BOSTON CORP.

#### Acquisition of Bank

First National Boston Corporation, Boston, Massachusetts, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Blackstone Valley National Bank, Northbridge, Massachusetts. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. 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 September 20, 1977.

Board of Governors of the Federal Reserve System, August 23, 1977.

GRIFFITH L. GARWOOD,
*Deputy Secretary of the Board.*

[FR Doc.77-29948 Filed 8-26-77;8:45 am]

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### POLICY ON UNIONIZATION AND COLLECTIVE BARGAINING

The Board of Governors of the Federal Reserve System has adopted a policy on unionization and collective bargaining, effective August 22, 1977. The policy is set forth below.

SECTION 1. *Definition of a labor organization.* When used in this part, the term "labor organization" means any lawful organization of any kind, or any employee representation group, which exists for the purpose, in whole or in part, of dealings with the Board of Governors of the Federal Reserve System (hereinafter referred to as the "Board") concerning grievances, personnel policies and practices, or other matters affecting the working conditions of its employees, but the term shall not include any organization, (a) which asserts the right to strike or to take a job action against the Government of the United States, or any legal entity thereof regardless of form, or to assist or participate in any such strike or job action, or which imposes a duty or obligation to conduct, assist or participate in any such strike, or (b) which fails to agree to refrain from seeking or accepting support from any organization which employs coercive tactics, or (c) which advocates the overthrow of the constiutional form of the Government in the United States, or (d) which discriminates with regard to the terms or conditions of membership because of race, color, sex, creed, age or national origin.

SEC. 2. *Membership in a labor organization.* (a) Any employee of the Board is free to join and assist any existing labor organization or to participate in the formation of a new labor organization, or to refrain from any such activities, except however, Board staff who are executives, officials, and supervisory personnel, secretaries to officials and executives including Governors, administrative or confidential assistants to executives, and employees engaged in personnel work shall not be represented by any labor organization.

(b) The rights of employees described in paragraph (a) of this section do not extend to participation in the management of a labor organization, or acting as a representative of any such organization, where such participation or activity would be incompatible with law or the official duties of an employee.

(c) Notwithstanding anything stated in paragraph (a) of this section, professional employees of the Board shall not be represented by a labor organization which represents other employees unless a majority of the professional employees eligible to vote specifically elect to be represented by such labor organization. However, the professional employees of the Board may, if they so choose, be represented by a separate labor organization of their own, or by no labor organization at all.

SEC. 3. *Recognition of a labor organization.* (a) Any labor organization shall be recognized as the exclusive bargaining representative of the employees in an appropriate unit of the Board when that organization has been selected by the employees in said unit pursuant to the procedure set forth in Section 5. A unit shall be established only on the basis of a clear and identifiable community of interest among the employees concerned, and which unit will allow effective dealings and promote the efficiency of the Board's operations, but no unit shall be established solely on the basis of the extent to which employees in the proposed unit may have organized.

(b) When a labor organization has been recognized as the exclusive representative of employees in an appropriate unit, it will be entitled to act for and to negotiate agreements covering all employees in the unit and it shall be responsible for representing the interests of all such employees without discrimination and without regard to whether they are members of that labor organization or not. Such labor organization will have the opportunity to be represented at discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, but not as to other matters effecting employees in the unit as defined herein or in Section 7(a)(2). The Board, through its Division of Personnel and such other authorized officials, will have the obligation to meet at reasonable times with representatives of a recognized labor organization to negotiate with respect to personnel policies and

practices and matters affecting general working conditions, but not with respect to such areas of discretion and policy as the purposes and functions of the Board, the compensation of and hours worked by employees, the budget, retirement system or any insurance plans, benefit plans or thrift plans, the determination as to the organization and assignment of personnel to particular work or position, or the manner of performing work or the internal security of the Board.

(c) Any labor organization seeking recognition shall, upon request, submit to the Board's Division of Personnel a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

(d) The exclusive recognition of a labor organization shall not preclude any employees, regardless of labor organization membership, from bringing matters of personal concern to the attention of appropriate officials in accordance with applicable law, rule, regulation, or established Board policy, or from choosing his or her own representative in a grievance or appellate action under applicable statutory authority.

SEC. 4. *Determination of appropriate bargaining unit.* The Board will be responsible for initially determining, in accordance with the guidelines previously set forth in Section 3, whether a unit is considered appropriate for purposes of recognition. However, if a labor organization claims that it holds cards requesting a representation election signed by at least 30 percent of the employees in a unit which that organization considers to be an appropriate bargaining unit, the labor organization and the Board shall each designate a representative who together shall request the American Arbitration Association (hereinafter referred to as the "Association") to submit to them from its National Panel of Professional Labor Arbitrators a list of seven impartial qualified professional Arbitrators. The two designated representatives shall meet promptly and by alternately striking names from the list, arrive at the remaining person who together with the two representatives shall constitute a Special Tribunal in connection with the particular union request to investigate the facts, hold hearings if necessary, and issue a decision as to the appropriateness of the unit for purposes of conducting a representation election for exclusive recognition and as to other related issues submitted for consideration. The impartial Arbitrator shall always act as the Chairman of any Special Tribunal duly constituted under this section. The expenses for this proceeding, including the fees of the Association and of the impartial Arbitrator, shall be borne equally by the labor organization and the Board. If either the Board or the labor organization should disagree with the Special Tribunal's decision, the party in disagreement may appeal to the Federal Reserve Board's Labor Relations Panel, as designated under Section 10, and the decision of the Labor Relations Panel shall be final and binding on the parties.

SEC. 5. *Elections.* (a) Once there has been a final determination of an appropriate bargaining unit under the procedure in Section 4 and a showing by a labor organization that it has cards signed by at least 30 percent of the employees in such unit requesting a representation election, an election shall be ordered by the Special Tribunal. A labor organization shall be recognized as the exclusive bargaining representative of the unit if the labor organization is selected by a majority of all the employees in the unit whether voting or not.

(b) If there is any dispute as to whether a labor organization holds cards signed by at least 30 percent of the employees in the unit designated as appropriate, the dispute shall be resolved by the Special Tribunal as previously constituted. The expenses of such procedure, including the impartial Arbitrator's fee, shall be borne equally by the labor organization and the Board. The decision of the Special Tribunal shall be final and binding and shall not be subject to appeal to the Federal Reserve Board's Labor Relations Panel.

(c) The election shall be held under the auspices of the Association, subject to its election rules and regulations. However, if there should be any conflict between such rules and regulations, and the provisions of this policy, the terms and conditions herein outlined shall be prevailing. The fees charged by the Association for this service shall be shared equally by the labor organization and the Board.

(d) An election to determine whether a labor organization should continue as the exclusive bargaining representative of a particular unit shall be held when requested by a petition or other bona fide showing by at least 30 percent of the employees of that unit. Any dispute as to whether at least 30 percent of the employees requested such an election shall be resolved by the same procedure as that set forth in paragraph (b) of this section. The election shall be held under the auspices of the Association in the same manner described in paragraph (c) of this section. The recognition of a labor organization as the exclusive bargaining representative of a unit shall be revoked if a majority of all the employees in the unit whether voting or not signify approval of such revocation.

(e) Only one election may be held in any unit in a twelve (12) month period to determine whether a labor organization should become, or continue to be recognized as, the exclusive representative of the employees in that unit.

(f)(1) Upon receipt of a request for an election from a labor organization supported by a prima facie showing of a 30 percent interest in the unit claimed appropriate by such labor organization, it shall be incumbent on the Board, labor organizations, and all others to refrain from any conduct, action, or policy that interferes with or restrains employees from making a fair and free choice in selecting or rejecting a bargaining representative consistent with the right of the Board, labor organizations, or employees to exercise privileges of free speech in expression of any views, argument or opinion, or the dissemination thereof, whether in written, printed, graphic or visual form.

(f)(2) The Special Tribunal shall consider and issue a decision relative to the allegations of any party that a violation of sub-section (f)(1) has affected the outcome of the election.

(f)(3) In the event of a proven violation of this section by the Board, labor organization, or by other individuals or organizations which are found sufficient to have prejudicially affected the outcome of an election, appropriate remedial action, such as the setting aside of the results of an election and the ordering of a new election, may be ordered by the Special Tribunal, subject to appeal to the Federal Reserve Board's Labor Relations Panel: *Provided, however*, That the Board cannot be required or directed to recognize a labor organization without an election.

(f)(4) The Federal Reserve Board Labor Relations Panel will have the authority, subject to approval by the Board of Governors, to draft a Code of Pre-Election Conduct for promulgation by the Board of Governors for the guidance of Special Tribunals in administering the provisions of this section.

SEC. 6. *Unfair labor practices.* (a) It shall be an unfair labor practice for the Board: (1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 2(a); (2) to dominate or interfere with the formation or administration of any labor organization, or to contribute financial or other support to it; (3) to encourage or discourage membership in any labor organization by discrimination in regard to hire or tenure of employment or any term or condition of employment; (4) to refuse to bargain collectively with the representatives of its employees subject to the provisions of Section 3(b).

(b) It shall be an unfair labor practice for a labor organization, its agents or representatives: (1) To restrain or coerce employees in the exercise of the rights guaranteed in Section 2(a); (2) to cause or attempt to cause the Board to discriminate against an employee in violation of paragraph (a)(3) of this section; (3) to refuse to bargain collectively with the Board, provided the labor organization is the representative of its employees.

(c) Notwithstanding anything previously stated in this section, the expression of any view, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice, if such expression contains no threat of reprisal or force, or promise of benefit.

(d) The Federal Reserve Board Labor Relations Panel will have the authority, subject to approval by the Board of Governors, to promulgate rules and regulations, including appropriate penalties, to remedy or prevent the unfair labor practices listed herein.

SEC. 7. *Approval of agreement and required contents.* (a) Any agreement entered into with a labor organization as the exclusive representative of employees in a unit must be approved by the Board of Governors. All agreements with labor organizations shall also be subject to the following requirements which shall be expressly stated in the agreement and shall be applicable to all supplemental, implementing, subsidiary or informal agreements between the Board and the labor organization:

(1) The administration of all matters covered by the agreement shall be governed by the provisions of applicable laws and the Federal Reserve Act of 1913, as amended, and all regulations, and the agreement shall at all times be applied subject to such laws and regulations.

(2) The management of the Board shall retain the right in accordance with applicable laws and regulations: To direct employees of the Board; to hire, promote, transfer, assign, and retain employees; to relieve employees from duties because of lack of work or for other legitimate reasons; to maintain the efficiency of the System and the operations entrusted to the Board by law; to determine the methods, means and personnel by which such operations are to be conducted; and to take whatever actions may be necessary to carry out the functions of the Board in situations of emergency.

SEC. 8. *Grievance Procedures.* (a) An agreement entered into with a labor organization as the exclusive representative of employees in a unit may contain grievance procedures applicable only to employees in such unit. However, these procedures may not in any manner diminish or impair any rights which would otherwise be available to any employee in the absence of an agreement providing for such procedures under applicable statute or regulation.

(b) Grievance procedures established by an agreement may include provisions for arbitration. However, such arbitration (1) shall be advisory in nature, with any decisions or recommendations subject to the approval of the Board of Governors; (2) shall extend only to the interpretation and application of existing provisions of such agreements and not to changes in or proposed changes in such agreements; (3) shall be invoked by a labor organization only with the express written approval of the individual employee or employees concerned.

SEC. 9. *Time for internal labor organization business, consultations and negotiations.* Solicitation of memberships, dues or other internal employee organization business shall be conducted during the non-duty hours of the employees concerned. Officially requested or approved consultation between management executives and representatives of labor organizations shall, whenever practicable, be conducted on official time, but the Director of the Division of Personnel, or his duly authorized representative, may require that negotiations with a labor organization be conducted during the non-duty hours of the Board.

SEC. 10. *Federal Reserve Board Labor Relations Panel.* There shall be established a Federal Reserve Board Labor Relations Panel which shall consist of three members: One member of the Board of Governors of the Federal Reserve System, who shall be Chairman of the Panel, and two public members, all of whom shall be selected by the Board of Governors: *Provided, however,* The public members shall not be connected with the Federal Reserve System in any way. The Panel shall be responsible for the duties assigned to it as set forth in this policy.

SECTION 11. *Amendment.* This policy may be amended upon appropriate legal notice to all labor organizations recognized, or seeking recognition, under this policy who shall promptly be informed of each change. In no instance shall an amendment be applied retroactively.

Board of Governors of the Federal Reserve System, August 24, 1977.

THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.77-25042 Filed 8-26-77;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

### Meetings of Committees and Task Forces

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of Public Meeting of Committees and Task Forces.

SUMMARY: This notice is an Amendment to Notice of Meeting delivered August 17, 1977 for publication in the FEDERAL REGISTER as required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(a)). This document is intended to notify the general public of their opportunity to attend.

DATES: Task Force on the Administration and Operation of the Bureau of Occupational and Adult Education; Legislative Committee; Technical Assistance Committee; will meet on September 21, 1977 from 7:00-9:00 P.M. in the Ozark Rooms A and B of the Hyatt Regency O'Hare Hotel, 9300 Bryn Mawr, Rosemont, Illinois (Chicago). Manpower Task Force will meet on September 22, 1977 from 7:00-9:00 P.M. in the Pan Am Room B of the same Hotel.

Signed at Washington, D.C. on August 24, 1977.

REGINALD E. PETTY,
*Executive Director, National Advisory Council on Vocational Education, 425 13th Street NW., Suite 412, Washington, D.C. 20004.*

[FR Doc.77-24946 Filed 8-26-77;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing Federal Housing Commissioner

[Docket No. D-77-491]

### CAMDEN, NEW JERSEY AREA OFFICE

### Withdrawal of Certain Low-Income Housing Project Authority

AGENCY: Department of Housing and Urban Development.

ACTION: General Notice of Withdrawal Authority.

SUMMARY: This Notice withdraws certain Low-Income Housing Program Authority from the Camden, New Jersey Area Office with the result that the Newark Area Office will exercise the Authority for this Program previously exercised by the Camden Office.

EFFECTIVE DATE: August 29, 1977 through and including December 27, 1977.

SUPPLEMENTAL INFORMATION: The Secretary is withdrawing from the Camden, New Jersey Area Office Authority delegated (35 FR 16105, October 14, 1970 as amended 40 FR 39921, August 29, 1975) with respect to the Section 8 Housing Assistance Payments Program insofar as it relates to the New Jersey Housing Finance Agency, and is assigning responsibility for the Program throughout the State of New Jersey to the Newark Area Office. The objective is to achieve more consistency in administering the Program and to relieve imbalance between workload and staffing within these two offices. This transfer of responsibilities, however, is being adopted on a trial basis for 120 days.

Accordingly, there is withdrawn from the Director and Deputy Director of the Camden Area Office authority for housing assisted under the Section 8 Housing Assistance Payments Program insofar as it relates to the New Jersey Housing Finance Agency. Authority for this Program derives from the United States Housing Act of 1937, 42 U.S.C. 1437, including the power and authority under Sections 1(1) and 1(2) of Executive Order 11196 with certain exceptions.

(Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535 (d)).)

Issued at Washington, D.C., August 23, 1977.

MORTON BARUCH,
*General Deputy Assistant Secretary for Housing.*

[FR Doc.77-25076 Filed 8-26-77;8:45 am]

### Office of the Secretary

[Docket No. N-77-506]

### PRIVACY ACT OF 1974

### Adoption of New Notice of Systems of Records and Alteration of Existing Notice of System of Records

AGENCY: Office of the Secretary, HUD.

ACTION: Adoption of New Notice of Systems of Records and Alteration of Existing Notice of System of Records.

SUMMARY: As required by law (5 U.S.C. 552a), the Secretary is publishing two new systems of records and an altered system of records that will be maintained by the Department. The new records systems are "Privacy Act Requesters" and "Solar Energy Demonstration Survey Files". The change is necessary to convert the "Equal Opportunity Housing Complaints" records system from a manual to an automated system.

EFFECTIVE DATE: August 29, 1977.

ADDRESS: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, (202) 755-5192.

SUPPLEMENTARY INFORMATION: The new system of records entitled "Privacy Act Requesters" will result from processing requests made under the provisions of the Private Act. The "Solar Energy Demonstration Survey Files" system will consist of demographic, socio-economic, and housing characteristics of purchasers and renters of solar-heated residential dwellings and of occupants of non-solar-heated dwellings in the same development. The conversion from manual to automated processing of the "Equal Opportunity Housing Complaints" will improve complaint tracking and compliance review.

A notice proposing the two new systems of records and the alteration of the existing system of records was published in the FEDERAL REGISTER on May 16, 1977 at 42 FR 24771. No comments were received.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth above.

For the convenience of the public, the Department is reprinting the systems of records in their entirety.

HUD/DEPT-52

**System name:**

Privacy Act Requesters

**System location:**

Headquarters, Regional, Area, and Insuring Offices maintain files of this type. See Appendix A for a complete listing of these offices.

**Categories of individuals covered by the system:**

Individuals inquiring about existence of records about them, and requesting access to and correction of such records under provisions of the Privacy Act.

**Categories of records in the system:**

Personal identification of requester, nature of request, and disposition of the request by the Department.

**Routine uses of records maintained in the system, including categories of users and purposes of such uses:**

See Routine Uses paragraph in the prefatory statement. Other routine uses: none.

**Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:**

**Storage:**

In file folders.

**Retrievability:**

Filed by case number and name of individual.

**Safeguards:**

Records maintained in locked and lockable file cabinets with access limited to authorized personnel.

**Retention and disposal:**

Records are primarily active. Inactive files are normally disposed of after a one-year period.

**System manager and address:**

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

**Notification procedure:**

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

**Record access procedures:**

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

**Contesting record procedures:**

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

**Record source categories:**

Subject individuals.

HUD/PD&R-2

**System name:**

Solar Energy Demonstration Survey Files

**System location:**

Headquarters

**Categories of individuals covered by the system:**

Purchasers and renters of solar heated or cooled housing under the demonstration program; comparative purchasers of conventional heated and cooled housing; prospective purchasers of housing marketed under the demonstration program.

**Categories of records in the system:**

Housing characteristics, reason for moving, utility expenditures, neighborhood characteristics, perception of housing and subdivision, housing costs and financing characteristics, marketing attitudes toward solar energy, operating experience with heating and cooling systems, socio-economic information.

**Routine uses of records maintained in the system, including categories of users and purposes of such uses:**

See Routine Uses paragraph in the prefatory statement. Other routine uses: Real Estate Research Corporation (Chicago, Ill.) for analysis and evaluation of solar energy use and its acceptance by the public.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

In file folders and on magnetic tape/disc/drum.

**Retrievability:**

Name; address; code number; and index.

**Safeguards:**

Computer facilities are secured and accessible only to authorized personnel. The name-address index file will be kept in the Department in lockable file cabinets, with access limited to key authorized personnel.

**Retention and disposal:**

Records will be maintained until follow-up interviews have been completed. Records of survey participants will be destroyed as each cycle ends or the participants leave the program. Hard copy questionnaires will be destroyed at the conclusion of the study, scheduled to end in approximately five years.

**System manager and address:**

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

**Notification procedure:**

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters

location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

**Record access procedures:**

The Department's Rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters location. This location is given in Appendix A.

**Contesting record procedures:**

The Department's Rules for contesting the contents of records and appealing initials denials by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

**Record source categories:**

Subject individuals.

HUD/DEPT–15

**System name:**

Equal Opportunity Housing Complaints.

**System location:**

Housing Discrimination files are located at the office where originated and may also be transferred to associated Area and/or Regional Offices, or the Department's Headquarters. For a complete listing of these with addresses, see Appendix A.

**Categories of individuals covered by the system:**

Individuals filing housing discrimination complaints; individuals, officials, and organizations complained about; managers; grant or project applicants; builders; developers; contractors; appraisers; property owners; mortgagors; candidates for positions; witnesses; attorneys; individuals in disaster and EO files; Titles VI, VIII and IX complainants. Does not include files on HUD employee complaints regarding their employment. Notices regarding these inquiries under the Privacy Act are published by the U.S. Civil Service Commission.

**Categories of records in the system:**

Allegations of housing discrimination; names of complainant and persons or organizations complained about; investigation information; details of discrimination cases; compliance reviews; marketing activity; complaints under Titles VI, VIII and IX; conciliation files; correspondence; affidavits; complaint status reports.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

See Routine Uses paragraph in prefatory statement.

Other routine uses: to non-federal EO-concerned agencies, the U.S. Department of Justice (including the Federal Bureau of Investigation), the U.S. Department of Labor (including the Office of Federal Contract Compliance), U.S. Courts, the Veterans Administration, the Farmers' Home Administration, complainants, respondents, and attorneys-for investigation, preparing litigation, and monitoring compliance.

**Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:**

**Storage:**

Records kept in lockable desks and file cabinets and magnetic tape/disc/drum.

**Retrievability:**

Uusually retrievable by name of complainant and, in some instances, by case file number.

**Safeguards:**

Manual records are stored in lockable file cabinets; computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

**Retention and disposal:**

HUD handbooks establish procedures for retention and disposition of records. Generally retained for two years, then transferred to Federal Records Centers for an aditional five years.

**System manager and address:**

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, SW.
Washington, D.C. 20410

**Notification procedure:**

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

**Record access procedures:**

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

**Contesting record procedures:**

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

**Record source categories:**

Subject and other individuals; Federal and non-federal government agencies; law enforcement agencies; credit bureaus, financial institutions, current and previous employers; corporations or firms; EO counselors and witnesses.

**System exempted from certain provisions of the Act:**

Pursuant to 5 U.S.C. 552a(k)(2), all investigatory material, including conciliation files; in records contained in this System which meet the criteria of these subsections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f)) of the agency regulations in order for the Department's Fair Housing and Equal Opportunity and legal staffs to perform their functions properly. (5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this Notice have been carefully evaluated in accordance with OMB Circular A–107.

Issued at Washingon, D.C., August 16, 1977.

PATRICIA ROBERTS HARRIS,
*Secretary of Housing and Urban Development.*

[FR Doc.77–25081 Filed 8–26–77;8:45 am]

## DEPARTMENT OF THE INTERIOR

### National Park Service

### HEADQUARTERS AREA, CANYON DE CHELLY NATIONAL MONUMENT, ARIZONA

#### Proposed Development Concept Plan Availability of Assessment of Alternatives

An assessment of the alternatives for directing orderly improvements, replacements, and further expansion of visitor and employee facilities at the headquarters area in Canyon de Chelly National Monument near Chinle, Apache County, Arizona, has been prepared by the National Park Service.

Specific issues addressed in the assessment include alternatives for limiting, improving and expanding concession facilities and road circulation. Also discussed are additions to the visitors center, improved monument and concessioner maintenance and storage and employee housing, development of a picnic area, an additional comfort station in the

campground, and a solid waste disposal system.

The assessment of alternatives is available at the following locations: Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501; Navajo Lands Group Office, 111 North Behrend Avenue, Post Office Box 539, Farmington, New Mexico 87401; and from the Superintendent, Canyon de Chelly National Monument, Post Office Box 588, Chinle, Arizona 86503.

Comments on the assessment of alternatives should be sent to the Superintendent at the Chinle, Arizona address above by October 10, 1977. Following review of all public comments received, an alternative or combinations thereof will be selected and a decision will be made as to whether or not the proposals selected will sigificantly affect the environment.

Dated: August 9, 1977.

JOHN E. COOK,
*Regional Director, Southwest Region, National Park Service.*

[FR Doc.77-24927 Filed 8-26-77;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-53]

### JAPAN ENGINEERING DEVELOPMENT CO.

#### Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 C.F.R. 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, an exclusive patent license in Japan for the two NASA owned inventions covered by the Japanese counterparts of: (1) U.S Application for Patent Serial No. 463,837 for "Method of Improving Impact Resistance of Ceramic Bodies and Improved Bodies", filed by NASA on April 24, 1974 and (2) U.S. Patent No. 3,856,534 for "Anti-Fog Composition", issued to NASA on December 24, 1974. Copies of the above U.S. Patent Application can be purchased from the National Technical Information Service, Springfield, Virginia, 22161 at a cost of $3.75 a copy. Copies of the above identified U.S. Patent can be purchased from the U S. Patent and Trademark Office, Department of Commerce, Washington, D.C., 20231 for $.50 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C., 20546.

Dated: August 23, 1977.

S. NEIL HOSENBALL,
*General Counsel.*

[FR Doc.77-24956 Filed 8-26-77; 8:45a.m.]

## NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

### MEETINGS

The National Commission on Electronic Fund Transfers will meet on September 6, 7, and 8, and, as previously scheduled (41 FR 12356) September 9, 1977, at Chatham Bars Inn, Route 28 and Seaview Street, Cape Cod, Massachusetts, beginning at 1:00 p.m., Tuesday, September 6, 1977.

The purpose of the meetings is to consider the recommendations in the Commision's final report.

The meetings will be open to the public on a first-call basis to the extent space permits. Any person interested in attending the meetings should first contact Ms. Janet Miller at (202) 254-7400, to check on the availability of space.

Dated: August 24, 1977.

JAMES O. HOWARD, Jr.,
*General Counsel.*

[FR Doc.77-24950 Filed 8-26-77;8:45 am]

## NATIONAL SCIENCE FOUNDATION

### TASK GROUP 3 OF THE NSF ADVISORY COUNCIL

#### Amendment To Notice of Meeting

Task Group No. 3 of the NSF Advisory Council will be meeting in Washington, D.C. on September 9, 1977.

Please change the room number from 421 to 536, 1800 G Street, N.W. The notice for this meeting originally appeared in the FEDERAL REGISTER on August 25, 1977.

M. REBECCA WINKLER,
*Acting Committee Management Officer.*

AUGUST 23, 1977.

[FR Doc.77-24951 Filed 8-26-77;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

### DETROIT EDISON CO. (ENRICO FERMI ATOMIC POWER PLANT, UNIT NO. 2

#### Order Extending Construction Completion Date

The Detroit Edison Company is the holder of Construction Permit No. CPPR-87 issued by the Atomic Energy Commission [1] on September 26, 1972, for construction of the Enrico Fermi Atomic Power Plant, Unit No. 2 presently under construction at the Company's site in Monroe County, Michigan.

On July 8, 1976, the Company filed a request for an extension of the completion dates because construction has been delayed due to (1) labor problems, (2) delivery problems, and (3) inadequate funds. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Monroe County Library System, Reference Department, 3700 South Custer Road, Monroe, Michigan 48161.

It is hereby ordered that the latest completion date for CPPR-87 is extended from September 30, 1976 to January 1, 1982.

For the Nuclear Regulatory Commission.

Date of Issurance: August 18, 1977.

D. B. VASSALLO,
*Assistant Director for Light Water Reactors, Division of Project Managment*

[FR Doc.77-24958 Filed 8-26-77;8:45 am]

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

[Docket Nos. STN 50-491, STN 50-492 and STN 50-493]

### DUKE POWER CO. (CHEROKEE NUCLEAR STATION, UNITS 1, 2 AND 3)

#### Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Richard S. Salzman

Dated: August 22, 1977.

ROMAYNE M. SKRUTSKI,
*Secretary to the Appeal Board.*

[FR Doc.77-24959 Filed 8-26-77;8:45 am]

[Docket No. 50-341]

### ENRICO FERMI ATOMIC POWER PLANT, UNIT NO. 2

#### Negative Declaration Supporting: Extension of Construction Permit No. CPPR-87

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Detroit Edison Company's (permittee) request to extend the expiration date of the construction permit for the Enrico Fermi Atomic Power Plant, Unit No. 2 (CPPR-87) which is located in Monroe County, Michigan. The permittee requested a six year extension to the permit through September 30, 1982 to allow for completion of construction of the Fermi plant.

The Commission's Division of Site Safety and Environmental Analysis (staff) has prepared an environmental impact appraisal relative to this change to CPPR-87. Based upon this appraisal,

the staff has concluded that an environmental impact statement for this particular action is not warranted because pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this change to the construction permit is not a major federal action significantly affecting the quality of the human environment.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555; and at the Reference Department of the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Bethesda, Maryland, this 18th day of August, 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
*Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.*

[FR Doc.77-24961 Filed 8-26-77;8:45 am]

[Docket No. 50-587]

## GENERAL ELECTRIC CO. AND GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

### Application for Consideration of Issuance of Facility Export License

Please take notice that General Electric Company and General Electric Technical Services Company, Incorporated (GETSCO), San Jose, California, have submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a boiling water reactor with a thermal power level of 2,894 megawatts to Switzerland and that the issuance of this license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that the export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in the Act and the Commission's regulations.

Unless before September 28, 1977, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to General Electric Company and GETSCO a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland this 22nd day of August, 1977.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
*Assistant Director, Export/Import and International Safeguards, Office of International Programs.*

[FR Doc.77-24962 Filed 8-26-77;8:45 am]

[Docket No. 50-281]

## VIRGINIA ELECTRIC AND POWER CO., SURRY POWER STATION, UNIT NO. 2

### Order for Modification of License

I

Virginia Electric and Power Company (the Licensee), is the holder of Facility Operating License No. DPR-37 which authorizes the operation of the nuclear power reactor known as Surry Power Station, Unit No. 2 (the facility) at steady state reactor power levels not in excess of 2441 thermal megawatts (rated power). The reactor is a pressurized water reactor (PWR) located at the Licensee's site in Surry County, Virginia.

II

On April 1, 1977, the staff issued an Order for Modification of License No. DPR-37 which addressed operation of Surry Power Station Unit No. 2 under conditions in which steam generator tubes have been plugged as a result of tube denting caused by corrosion of the tube support plate in the annular spaces between tube and the tube support plate. In order to perform an inspection of the steam generators, the April 1, 1977 Order limited operation to 4 equivalent months. The licensee's fuel cycle for Surry 2 will end on September 15, 1977, and the resulting shutdown will include performance of the required inspection. The NRC staff has evaluated the results of the previous inspection program and has assessed continued safe operation of the facility. This evaluation is set forth in the staff's concurrently issued Safety Evaluation relating to steam generator tube integrity.

With respect to the effect of increased stress in the tube support plate as a result of tube support plate growth, the staff, in their April 1, 1977, Safety Evaluation (SE), concluded that neither buckling of the tube support plate nor damage to the steam generator shell through the wrapper and channel spacer would develop.

Continued growth of the tube support plate continues to impose stresses on the tubes and may result in the development of stress corrosion cracks in denting locations. The staff has considered the effect of the development of stress corrosion cracking during the course of operation of this facility, and has assessed the effect of such cracks in conjunction with steam line break and loss of coolant accident events. The staff has concluded that under the limitations on tube leakage set forth in this Order, the effect of continued denting on the consequences of the steam line break event would be a fraction of Part 100, and the effect on continued denting on LOCA events, as stated in the April 1, 1977 SE, would not be significant. These events are of extremely low probability, and would be especially so for the limited period of approximately 29 days covered by this Order. The limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

After discussion with the staff the licensee has proposed in his July 29, 1977, submittal to continue the limitations applicable to this facility in the manner set forth in the April 1, 1977 Order. The NRC staff believes that the licensee's actions, under the circumstances are appropriate and should be confirmed by NRC order.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20555 and at the Swem Library, College of William and Mary, Willamsburg, Virginia, (1) Licensee's submittals of July 29, 1977 and August 9, 1977, (2) Order for Modification of License dated April 1, 1977, (3) this Order for Modification of License, In the Matter of Virginia Electric and Power Company, Surry Power Station, Unit No. 2, Docket No. 50-281, and (4) the Commission's concurrently issued Safety Evaluation supporting this Order.[1]

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered that Facility Operating License No. DPR-37 is hereby amended by replacing in its entirety existing paragraph 3.E. of the license with the following:

E. *Steam Generator Inspection.*—(1) Unit No. 2 shall be brought to the cold shutdown condition by midnight, September 15, 1977 in order to perform an inspection of the steam generators. Nuclear Regulatory Commission approval shall be obtained before resuming power operation following this inspection.

(2) Primary coolant leakage from the primary system to the secondary system through the steam generator tubes shall be limited to 1.0 gpm for all three steam gen-

[1] A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

erators and shall be limited to 0.3 gpm per steam generator, as described in the NRC Safety Evaluation of April 1, 1977. With any steam generator tube leakage greater than either limit the reactor shall be brought to the cold shutdown condition within 24 hours. Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

(3) Reactor operation will be terminated if primary to secondary leakage which is attributable to 2 or more tubes occurs during a 20 day period. Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

(4) The concentration of radioiodine in the primary coolant shall be limited to 1 uCi/gram during normal operation and to 10 uCi/gram during power transients as defined in Appendix A–1 to the Technical Specifications of the license. Appendix A–1 was issued with the April 1, 1977 Order and shall remain in effect through midnight September 15, 1977.

Dated in Bethesda, Maryland this 17th day of August 1977.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
*Acting Director,*
*Office of Nuclear Reactor Regulation.*

[FR Doc.77-24960 Filed 8-26-77;8:45 am]

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[Docket No. 50-285]

## OMAHA PUBLIC POWER DISTRICT

### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. 40 issued to Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Neb. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications to allow alternate methods of monitoring and controlling doses to personnel authorized to enter high radiation areas and modifications to the reactor coolant sampling requirements.

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 March 14, 1977 and August 13, 1976 (as revised by letter dated May 31, 1977), (2) Amendment No. 28 to License No. DPR–40, 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 Blair Public Library, 1665 Lincoln Street, Blair, Nebr. 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 19th day of August 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc.77-24963 Filed 8-26-77;8:45 am]

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[Docket Nos. STN 50-546 and STN 50-547]

## PUBLIC SERVICE CO. OF INDIANA, INC. (MARBLE HILL NUCLEAR GENERATING STATION) UNITS 1 AND 2

### Reconstitution of Board

Dr. Marvin M. Mann was a member of the Atomic Safety and Licensing Board for the above proceeding. Dr. Mann is unable to continue his service on this Board.

Accordingly, Gustave A. Linenberger, whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland this 23rd day of August 1977.

JAMES R. YORE,
*Chairman, Atomic Safety and Licensing Board Panel.*

[FR Doc.77-24964 Filed 8-26-77;8:45 am]

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[Docket Nos. 50-259, 50-260 and 50-296]

## TENNESSEE VALLEY AUTHORITY

### Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR–33, Amendment No. 28 to Facility Operating License No. DPR–52, and Amendment No. 6 to Facility Operating License No. DPR–68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 & 3 (the facility), located in Limestone County, Ala. The amendments were effective as of July 15, 1977, because of the circumstances involved in plant operation as a consequence of cooling tower operation. Formal issuance of the license amendments occurred on August 18, 1977.

These amendments revise the Environmental Technical Specification 2.1 contained in Appendix B to licenses. The change would temporarily increase the maximum temperature measured at the 5 foot depth of the downstream control point from 86° to 90°F.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an Environmental Impact Appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendments dated July 15, 1977, (2) Amendment No. 31 to License No. DRP–33, Amendment No. 28 to License No. DPR–52, and Amendment No. 6 to License No. DPR–68, and (3) the Commission's Environmental Impact Appraisal. 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 Athens Public Library, South and Forrest, Athens, Ala. 35611. 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, Maryland, this 18th day of August 1977.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
*Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc.77-24965 Filed 8-26-77;8:45 am]

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## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 1 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

### Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), Working Group No. 1 of the ACRS Subcom-

mittee on Reactor Safety Research will hold a meeting on September 14–15, 1977 at the American Museum of Atomic Energy, South Tulane Avenue, Oak Ridge, TN 37830. The purpose of this meeting is to review various water reactor safety research programs relating to systems engineering and analytical development.

The agenda for subject meeting shall be as follows:

WEDNESDAY, SEPTEMBER 14, 1977

11:15 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in safety research on the PWR Blowdown Heat Transfer Program at Oak Ridge, TN.

THURSDAY, SEPTEMBER 15, 1977

9:00 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group may meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in safety research on PWR Reflood Heat Transfer Programs carried out under the FLECHT Program.

At the conclusion of these sessions, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than September 6, 1977 to Dr. Andrew L. Bates, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 13, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1919, Attn: Dr. Andrew L. Bates) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be asked only by members of the Working Group, its consultants, and the Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc. being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Dr. Andrew L. Bates, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after September 22 and December 15, 1977, respectively, at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: August 25, 1977.

SAMUEL J. CHILK,
*Secretary of the Commission.*

[FR Doc.77-25051 Filed 8-26-77;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE GREENE COUNTY NUCLEAR POWER PLANT

### Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Greene County Nuclear Power Plant, will hold a meeting on September 21–22, 1977 at the Friar Tuck Inn, Highway 32, Catskill, NY 12424. The purpose of this meeting is to review the application of the Power Authority of the State of New York for a permit to construct the Greene County Nuclear Power Plant.

The agenda for subject meeting shall be as follows:

WEDNESDAY, SEPTEMBER 21 AND THURSDAY, SEPTEMBER 22, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS EACH DAY

The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in an open session to hear presentations by and hold discussions with representatives of the NRC Staff, the Power Authority of the State of New York, and their consultants, pertinent to this review.

At the conclusion of these sessions, each day, the Subcommittee may caucus in an open session to determine whether the matters identified in the Executive Sessions have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than September 14, 1977, addressed to Mr. Robert L. Wright, Jr., ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Catskill Public Library, 1 Franklin Street, Catskill, N.Y. 12414.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 20, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1919 Attn: Mr. Robert L. Wright, Jr.) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be asked only by members of the Subcommittee, its consultants, and Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc. being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Robert L. Wright, Jr., of the ACRS office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after September 29 and December 29, 1977, respectively, at the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the Catskill Public Library, 1 Franklin Street, Catskill, NY 12414.

Copies may be obtained upon payment of appropriate charges.

Dated: August 25, 1977.

SAMUEL J. CHILK,
*Secretary of the Commission.*

[FR Doc.77–25053 Filed 8–26–77;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE ATLANTIC GENERATING STATION

### Meeting; Change in Agenda

The agenda for the meeting of the ACRS Subcommittee on the Atlantic Generating Station scheduled to be held August 31, 1977 has been changed as follows:

At the conclusion of the Executive Session, the Subcommittee will meet to hear presentations by representatives of the NRC Staff, the Public Service Electric and Gas Company, and their consultants, and will hold discussions with these groups pertinent to the review.

Notice of this meeting was published in the FEDERAL REGISTER on August 15, 1977, 42 FR 41193. All other matters pertaining to the meeting remain the same.

Dated: August 25, 1977.

SAMUEL J. CHILK,
*Secretary of the Commission.*

[FR Doc.77–25054 Filed 8–26–77;8:45 am]

[Docket No. 50–571; License No. XR–118]

## BABCOCK & WILCOX

### Issuance of Facility Export License

On November 10, 1976 Babcock & Wilcox submitted an application to the Nuclear Regulatory Commission seeking a license to authorize the export of a pressurized water reactor with a thermal power level of 3,600 megawatts to the Federal Republic of Germany (FRG). Pursuant to 10 CFR 2.105, notice of the application was published in the FEDERAL REGISTER on December 16, 1976 (41 FR 55003).

On February 16, 1977, a timely petition was filed with the Commission on behalf of Burgeraktion Atomschutz Mittelrhein e.V. (Citizen Action Group for Nuclear

Protection, Middle Rhine, Ltd.) for leave to intervene and for a hearing on the application for export of this utilization facility to the FRG.

On June 27, 1977 the Commission issued a memorandum and order in this matter which (1) found that

(a) The subject application meets all applicable licensing requirements of the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974;

(b) NEPA does not require the Commission to prepare an individual environmental statement assessing the site specific impacts of the particular proposed nuclear reactor export on territory within the sovereign jurisdiction of a foreign government;

(c) Insofar as the Commission must consider the impacts of the export on the United States and globally, the environmental impact statement on the effects of United States nuclear export activities previously prepared by the Energy Research and Development Administration (ERDA) satisfies all the Commission's NEPA obligations in the matter; and

(d) The Petitioner lacks standing to intervene in the licensing proceeding as a matter of right;

and (2) directed the Assistant Director for Export-Import and International Safeguards to issue the proposed license to Babcock & Wilcox.

On June 28, 1977, License Number XR–118, was issued to Babcock & Wilcox, Lynchburg, Virginia, authorizing the export of the power reactor to Rheinisch-Westfalisches Elektrizetatswerk, Essen, the Federal Republic of Germany.

The export of this reactor to the FRG is within the purview of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Federal Republic of Germany.

Dated at Bethesda, Md., this 22nd day of August, 1977.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
*Assistant Director, Export/Import and International Safeguards, Office of International Programs.*

[FR Doc.77–25055 Filed 8–26–77;8:45 am]

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[Docket No. STN 50–560]

## FLUOR PIONEER INC.

### BOPSSAR Balance-of-Plant Standard Design and Its Relationship to the RESAR–41 Standard Design; Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated August 1977 and a Preliminary Design Approval No. PDA–11 dated August 17, 1977 for the reference system design of a balance-of-plant portion of a pressurized water reactor nuclear power plant, utilizing the Westinghouse RESAR–41 nuclear steam supply system design, and as described in the application by Fluor Pioneer Inc. (BOPSSAR). The BOPSSAR balance-of-plant design was reviewed by the NRC staff pursuant to Appendix 0 to 10 CFR Part 50. Notice of receipt of the BOPSSAR Safety Analysis Report was published in the FEDERAL REGISTER on February 6, 1976 (41 FR 5460).

The BOPSSAR Safety Analysis Report contains preliminary design information for the balance-of-plan portion of a standard plant. This SER presents the NRC staff's evaluation of the BOPSSAR design and its relationship to the RESAR–41 standard nuclear steam supply system design, described in the Westinghouse Electric Corporation Standard Safety Analysis Report (RESAR–41), Docket No. STN 50–480. A Safety Evaluation Report (NUREG 75/103) and a Preliminary Design Approval No. PDA–3 were issued in December 1975 for RESAR–41.

The Safety Evaluation Report documents the results of the NRC staff's review and evaluation of the BOPSSAR design, and its relationship to the RESAR–41 NSSS design, including Amendments 1 through 14 thereto, and addresses the comments of the Advisory Committee on Reactor Safeguards as reflected in its report to the Commission dated July 20, 1977.

PDA–11 provides NRC staff approval of the preliminary balance-of-plant design described in BOPSSAR and its relationship to the RESAR–41 NSSS design. By the issuance of PDA–11, the NRC staff has determined that the information provided in BOPSSAR (and its relationship to the RESAR–41 NSSS design) is acceptable for referencing in utility applications for construction permits. The BOPSSAR balance-of-plant design and the RESAR–41 NSSS design shall be utilized by and relied upon by the NRC staff and the Advisory Committee on Reactor Safeguards in their review of facility license applications for construction permits incorporating by reference BOPSSAR preliminary standard design, unless there exists significant new information which substantially affects the determinations in PDA–11 or other good cause.

Issuance of PDA–11 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves, subject to the conditions set forth in PDA–11, the design of a facility for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be construction utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA–11 is effective as of its date of issuance and shall expire December 31, 1978, unless earlier superseded by issuance of an appropriate Final Design Approval for the BOPSSAR standard design, or unless extended by the NRC staff. The expiration of PDA–11 on December 31, 1978, shall not affect use of PDA–11 for reference in any construction permit application docketed prior to such date.

A copy of the (1) Preliminary Design Approval No. PDA–11 dated August 17, 1977; (2) the report of the Advisory Committee on Reactor Safeguards dated July 20, 1977; (3) the NRC staff's Safety Evaluation Report, NUREG–0315 dated August 1977; (4) Fluor Pioneer Inc.'s Standard Safety Analysis Report (BOPSSAR), including Amendments 1 through 14 thereto; and (5) WASH–1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants," dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. A copy of PDA–11 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report, NUREG–0315, may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 17th day of August 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
*Chief, Light Water Reactors Branch No. 1, Division of Project Management.*

[FR Doc.77–25057 Filed 8–26–77;8:45 am]

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## 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 review of applications for permits and licenses.

Regulatory Guide 1.108, Revision 1, "Periodic Testing of Diesel Generator Units Used As Onsite Electric Power Systems at Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to periodic inspection and testing of diesel electric power units to ensure that the diesel electric power systems will meet their availability requirements. This guide was

revised to reflect 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 Commissions 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 22nd day of August 1977.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
*Acting Director,*
*Office of Standards Development.*

[FR Doc.77-25056 Filed 8-26-77;8:45 am]

## REGULATORY GUIDE

### Issuance and Availability

The Nuclear Regulatory Commission has issued a revised 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 review of applications for permits and licenses.

Regulatory Guide 1.59, Revision 2, "Design Basis Floods for Nuclear Power Plants," discusses the design basis floods that nuclear power plants should be designed to withstand without loss of capability for cold shutdown and maintenance thereof. The appendices to the guide provide methods for determining estimates for the probable maximum flood, seismically induced floods resulting from dam failures, and probable maximum surges on the Atlantic and Gulf coasts. A recently issued standard, ANSI N170–1976, "Standards for Determining Design Basis Flooding at Power Reactor Sites," contains methods previously included in Appendix A of this guide. The purpose of this revision is to replace the description of these methods with an endorsement of ANSI N170–1976.

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, Atttention: 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 23rd day of August 1977.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
*Acting Director,*
*Office of Standards Development.*

[FR Doc.77-25058 Filed 8-26-77;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9902 (811-2493)]

### CAPITAL LIQUIDITY, INC.

**Filing of Application for an Order Declaring That the Company Has Ceased To Be an Investment Company**

AUGUST 22,1977.

Notice is hereby given that Capital Liquidity, Inc., 4201 Wilshire Boulevard, Los Angeles, California 90010 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 1, 1977, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant, a Maryland corporation, registered under the Act on June 25, 1974. The Applicant states that at a Special Meeting of the Shareholders held on March 4, 1977, 1,000 of the 1,094 outstanding voting shares of Applicant were voted in favor of a plan of liquidation and dissolution ("Plan"). Pursuant to the Plan the Applicant's assets were liquidated at their current market value, the expenses of the Applicant paid and the net assets distributed on a pro-rata basis to the shareholders on May 21, 1977. No shares were voted against the Plan. None of the costs and expenses of implementation of the Plan were borne by the Applicant.

Applicant also states that in accordance with the provisions of the Plan all of the net assets of the Applicant have been distributed to the Shareholders, and active operations of it have ceased. In addition, it is alleged that all liabilities of Applicant have been paid. Applicant filed its Articles of Dissolution with the Maryland State Department of Assessments and Taxation on May 16, 1977. This filing acted to dissolve Applicant in accordance with the requirements of Maryland law.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 19, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-24940 Filed 8-26-77;8:45 am]

[Release No. 9903 (811-2206)]

### TUDOR INDUSTRIES CORPORATION

**Filing of Application for Order Declaring That Applicant Has Ceased To Be an Investment Company**

AUGUST 22, 1977.

Notice is hereby given that Tudor Industries Corporation, 733 Summer Street, Stamford, Conn. 06901, ("Appli-

cant"), a company registered under the Investment Company Act of 1940 (the "Act") as a non-diversified, closed-end, management investment company, filed an application on May 2, 1977, and amendments thereto on June 16, 1977 and August 5, 1977, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 3(a)(3) of the Act includes within the definition of "investment company" any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of Section 3(a)(3), the term "investment securities" is defined to include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority owned subsidiaries of the owner which are not investment companies.

Applicant states that in September, 1971, it registered under the Act because it owned or proposed to acquire investment securities having a value in excess of 40 percent of its assets. It further states that, as of April 28, 1977, it did not own any investment securities and that its assets of $11,809, as of January 1, 1977, to the extent not expended, are held as cash and have not been otherwise invested. Applicant's financial statements, submitted as an exhibit to the application, indicate that it had a federal income tax loss carryforward of approximately $262,900, of which $220,000 expired on June 30, 1977.

According to the application, at a meeting of shareholders held on May 23, 1977, Applicant's shareholders approved, inter alia, the execution, delivery and performance of a reorganization agreement ("Reorganization Agreement") whereby Applicant would acquire all of the outstanding stock of GS International Corporation ("GSI") from the stockholders of GSI in exchange for an aggregate of 1,106,117 shares of Applicant's common stock, such stock to be issued after Applicant's shareholders shall have approved, and Applicant shall have effectuated, a reverse stock split of its outstanding common stock on the basis of one share for each twenty shares presently outstanding. Applicant states that: (1) it had 5,530,585 shares of common stock outstanding prior to such reverse stock split, and (2) upon the issuance of Applicant's stock to the stockholders of GSI, the GSI stockholders will own approximately 80 percent of Applicant's then outstanding shares. Although the proxy solicitation made in connection with the above-referenced meeting of Applicant's shareholders stated that the deregistration of Applicant was a condition to the consummation of the reorganization with GSI, according to the application, all of the provisions of the Reorganization Agreement have been effectuated with the exception of the exchange of Applicant's shares for all of the stock of GSI, which exchange will not take place unless an order deregistering Applicant is granted.

Applicant states that GSI is a Connecticut corporation which was incorporated on May 6, 1976, and that the business activity of GSI consists of (1) the importation of consumer products into the United States for distribution and sale, such products at present being electronic calculators, LED watches and smoke detectors, and (2) the sale of materials, such as integrated circuits, LED displays and other semi-conductor items to foreign assemblers outside the United States. With respect to the importing of consumer products, Applicant states that GSI has entered into a marketing agreement with Minerva Distributors, Ltd. of Thailand ("Minerva") under the terms of which GSI acts as the exclusive distributor for all consumer type electronic products manufactured or assembled by Minerva and that, in addition, GSI makes direct sales of products as principal. Applicant further states that (1) for the period ended February 28, 1977, transactions with Minerva accounted for approximately 59 percent of the total sales of GSI, (2) Minerva also purchases from GSI material used by Minerva in the assembly of consumer products, and (3) substantially all of GSI's sales of materials to foreign assemblers are to Minerva. According to the application, GSI has established a subsidiary corporation operating in Singapore which will be selling in local markets many of the same products being sold by GSI in the United States.

Applicant states that GSI has 25 full-time employees, including its president, Eric Tang, its vice-president, Robert C. Leng, and assembly and supervisory personnel. It states also that for the period June 3, 1976 through February 28, 1977, GSI had sales of $908,921, commissions earned of $25,000, and interest income of $673, which after expenses of the company amounted to net income before federal income tax of $103,836. Applicant states that as of February 28, 1977, GSI had (1) assets of $576,542.50, consisting primarily of $257,325 in inventory and $246,820.42 in accounts receivable, (2) current liabilities of $346,347.56, (3) long-term loan payable of $22,500, and (iv) stockholder's equity of $207,694.94.

Notwithstanding the provisions of Section 3(a)(3) of the Act, summarized above, Section 3(b)(1) of the Act excludes from the definition of investment company any issuer primarily engaged, directly or through a wholly-owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities.

Applicant submits that it owns no investment securities and that upon the consummation of the exchange of Applicant's stock for GSI stock, GSI will become a wholly-owned subsidiary of Applicant. It further submits that GSI is actively engaged in the business of importing and distributing consumer products and the sale of electronic components to assemblers outside the United States, and that such facts indicate that, upon consummation of the proposed reorganization, Applicant, through its wholly-owned subsidiary GSI, will be actively engaged in such business. Applicant states that since January 31, 1977, it has not engaged in any business other than actions taken to carry out the Reorganization Agreement.

Section 8(f) of the Act provides, in part, that where the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that, upon the taking effect of such order, the registration under the Act of such company shall cease to be in effect. Section 8(f) further provides that, if necessary for the protection of investors, such an order may be made upon appropriate conditions.

Applicant has requested an order of the Commission pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company, and has agreed that such order may be conditioned upon: (1) an undertaking to retain Applicant's records for a period of five years from the date an order deregistering Applicant is issued, and (2) consummation of the reorganization with GSI.

Notice is further given that any interested person may, not later than September 16, 1977, at 5:30 P.M., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.77-24941 Filed 8-26-77;8:45 am]

## SMALL BUSINESS ADMINISTRATION

### MIAMI AND JACKSONVILLE DISTRICT ADVISORY COUNCIL

#### Public Meeting

The Small Business Administration Miami and Jacksonville District Advisory Council will hold a combined public meeting at 9 a.m., Friday, September 23, 1977, at the Gold Key Inn, 7100 S. Orange Blossom Trail, Orlando, Fla. 32809, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Thomas A. Butler, District Director, U.S. Small Business Administration, 2222 Ponce de Leon Blvd., 5th Floor, Coral Gables, Fla. 33134 (305–350–5533).

Dated: August 18, 1977.

K. DREW,
*Deputy Advocate for Advisory Councils.*

[FR Doc.77-24929 Filed 8-26-77;8:45 am]

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[Declaration of Disaster Loan Area No. 1362]

### WEST VIRGINIA

#### Declaration of Disaster Loan Area

The Counties of Boone, Logan and Mingo and adjacent counties within the State of W. Va., constitute a disaster area as a result of damage caused by flooding which occurred on August 13–15, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 20, 1977, and for economic injury until the close of business on May 19, 1978, at:

Small Business Administration, District Office, 109 North Third Street, Clarksburg, W. Va.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 19, 1977.

PATRICIA M. CLOHERTY,
*Acting Administrator.*

[FR Doc.77-24930 Filed 8-26-77;8:45 am]

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## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice 563]

### BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

#### Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of State has prepared a draft environmental impact statement for the draft Panama Canal treaty being negotiated between officials of the Governments of the United States of America and the Republic of Panama.

When ratified, the Panama Canal treaty and its supporting agreements will provide a new basis for cooperation between the United States and Panama in the operation and defense of the Panama Canal. It will replace the United States-Panama Treaty of 1903, which has governed canal operations since the waterway's construction, and subsequent amendments.

Copies of the draft environmental impact statement may be obtained by writing to the Office of Environmental Affairs, Department of State, Room 7822, Washington, D.C. 20520. Written comments on the proposed action should be submitted to William H. Mansfield III, Office of Environmental Affairs, Department of State, Room 7820, Washington, D.C., no later than September 28, 1977.

For the Secretary of State.

LINDSEY GRANT,
*Deputy Assistant Secretary for Environmental and Population Affairs.*

AUGUST 26, 1977.

[FR Doc.77-25147 Filed 8-26-77;8:45 am]

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### Agency for International Development

### AID MISSIONS AND OFFICES, LATIN AMERICA REGION—CLASS II

#### Redelegation of Authorities to the Field

SECTION I. DEFINITION

AID MISSIONS AND OFFICES

AID Missions and Offices subject to this redelegation of authorities shall be the AID Missions or Offices located in Barbados, Brazil, Ecuador, Guyana, and Uruguay.

SECTION II. AUTHORITIES

A. *Implementing Authorities* — Authority to negotiate, execute, and implement in accordance with applicable statutes and regulations, all loans, grants, guarantee agreements, and amendments thereto, to their respective countries, whether heretofore or hereafter authorized, including authority:

1. To sign project agreements, trust fund agreements, and grant agreements with foreign governments, foreign government agencies, and international organizations having a membership consisting primarily of such foreign governments;

2. To sign Project Implementation Orders (PIO's or PIPA's); and

3. To approve borrower/grantee contracts financed in whole or in part by an AID loan or grant provided that this approving authority shall be limited to contracts not to exceed $50,000.

B. *Excess Property*—In accordance with the provisions of Section 607 of the Foreign Assistance Act of 1961, as amended, ("the Act"), and of AID Handbook 16, and subsequent to my authorizing such assistance, authority:

1. To execute transfer or transfer/trust agreements with friendly countries or with international organizations having a membership primarily of foreign governments;

2. To make the determinations prescribed in subsection 607(b) of the Act.

C. *Special Development Activities*—Authority to use a total of $50,000 annually of Development Grant Funds for Special Development Activities undertaken pursuant to the provisions of AID Manual Order 1323.1.1 or such other amount as may be authorized by AID/W.

D. *Extension of Terminal Dates*—In accordance with AIDTO Circular A–268 dated July 15, 1977, and any amendments thereto, authority to extend:

1. The terminal date for signing a Project Agreement for a cumulative period not to exceed six months;

2. The terminal date for meeting initial conditions precedent for a cumulative period not to exceed six months;

3. The terminal date for requesting disbursement authorizations for a cumulative period not to exceed one year; and

4. The terminal date for completion of performing services and furnishing goods for a cumulative period not to exceed one year.

E. *Hiring of Third Country Nationals by Contractors*—Subject to the provisions of Section VII of AIDPR 7–6.5101, authority to approve waivers to permit employment by contractors under AID funded contracts of third country nationals on the basis of a written determination that the circumstances necessitated such employment.

SECTION III. REDELEGATION OF AUTHORITIES

Pursuant to the authorities delegated to me as Assistant Administrator for Latin America, I hereby delegate all of the authorities set forth in Section II hereof, retaining for myself concurrent authority to exercise any of the functions herein redelegated to the Director, AID Affairs Officer, or AID Representative, as appropriate, of Missions or Offices included in Section I.

SECTION IV. MISCELLANEOUS

A. The authorities redelegated pursuant to Section III hereof shall be exercised after consultation with a Regional Legal Advisor, or GC/LA, as appropriate, a Regional Contracting Officer or a Regional Engineer or SER/ENGR, as appropriate.

B. The authorities redelegated pursuant to Section III may be redelegated in the discretion of the principal AID Officer, to one additional officer or may be exercised by the person acting in the capacity of the respective Mission Director, AID Affairs Officer or AID Representative.

C. This redelegation of authorities shall become effective on the date of my execution of this document and shall supersede on that date all delegations of authority previously issued to the affected AID Missions or Offices or the United States Embassies by the Assistant Administrator for Latin America and the Deputy U.S. Coordinator of the Alliance for Progress; provided, however, that all actions taken under the delegations of authority which are hereby

superseded shall remain valid and are hereby reaffirmed.

ABELARDO VALDEZ,
*Assistant Administrator for Latin America.*

[FR Doc.77-24989 Filed 8-26-77;8:45 am]

## HOUSING GUARANTY PROGRAM FOR THE REPUBLIC OF KOREA

### Information for Investors

The Agency for International Development (A.I.D.) has advised the Korea National Housing Corp. (KNHC) that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the KNHC an amount not to exceed $5,000,000 and subject to the satisfaction of certain further terms and conditions by the KNHC, A.I.D. will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued, pursuant to authority, contained in Section 221 of the Foreign Assistance Act of 1961, as amended. Proceeds of the loan will be used to finance lower income housing projects and the rehabilitation of squatter areas in the Republic of Korea. This project is referred to as 489-HG-006.

Eligible investors interested in extending a guaranteed loan to KNHC should communicate promptly with counsel for KNHC:

Duncan Cameron, Esquire, Cameron, Hornbostel & Adelman, 1707 H Street, NW., Washington, D.C. 20006.

Investors eligible to receive a guaranty are those specified in Section 238 (c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D.

The KNHC projects a schedule of disbursements covering approximately 24 months from the date of the loan agreement and prospective investors should consider this in proposing a guaranteed loan to the KNHC. In addition, the investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the KNHC.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the KNHC. The KNHC and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Dated: August 11, 1977.

DONALD A. GARDNER,
*Deputy Director, Office of Housing, Agency for International Development.*

[FR Doc.77-24990 Filed 8-26-77;8:45 am]

## Agency for International Development

## AID MISSIONS AND OFFICES

### Redelegation of Authorities to Field Latin America Region—Class I

SEC. I. *Definition—AID Missions and Offices.* AID Missions subject to this redelegation of authorities shall be the AID Missions located in Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru, and ROCAP.

SEC. II. *Authorities—A. Implementing Authorities.* Authority to negotiate, execute, and implement in accordance with applicable statutes and regulations, all loans, grants, guarantee agreements, and amendments thereto, to their respective countries, whether heretofore or hereafter authorized, including authority:

1. To sign project agreements, trust fund agreements, and grant agreements with foreign governments, foreign government agencies, and international organizations having a membership consisting primarily of such foreign governments;

2. To sign Project Implementation Orders (PIO's or PIPA's); and

3. To approve all borrower/grantee contracts financed in whole or in part by an AID loan or grant.

B. *Waiver Authorities.—Procurement of Commodities.* Authority to approve source waivers relating to procurement of commodities under AID loans and grants, subject to the provisions of Chapter 2 of AID Handbook 15, for:

1. Emergency procurement not in excess of $100,000 per transaction from countries included in AID Geographic Code 899;

2. Procurement not in excess of $25,000 per transaction from countries included in AID Geographic Code 899; and

3. Grant-financed procurement not in excess of $100,000 per transaction pursuant to subsection 2A8a.(1) of AID Handbook 15.

C. *Excess Property.* In accordance with the provisions of Section 607 of the Foreign Assistance Act of 1961, as amended, ("the Act"), and of AID Handbook 16, and subsequent to my authorizing such assistance, authority:

1. To execute transfer or transfer/trust agreements with friendly countries or with international organizations having a membership primarily of foreign governments;

2. To make the determination prescribed in subsection 607(b) of the Act.

D. *Special Development Activities.* Authority to use a total of $50,000 annually in Development Grant funds for Special Development activities undertaken pursuant to the provisions of AID Manual Order 1323.1.1 or such other amount as may be authorized by AID/W.

E. *Extension of Terminal Dates.* In accordance with AIDTO Circular A-268 dated July 15, 1977, and any amendments thereto, authority to extend:

1. The terminal date for signing a Project Agreement for a cumulative period not to exceed six months;

2. The terminal date for meeting initial conditions precedent for a cumulative period not to exceed six months;

3. The terminal date for requesting disbursement authorizations for a cumulative period not to exceed one year; and

4. The terminal date for completion of performing services and furnishing goods for a cumulative period not to exceed one year.

F. *Hiring of Third Country Nationals by Contractors.* Subject to the provisions of Section VII of AIDPR 7-6.5101, authority to approve waivers to permit employment by contractors under AID funded contracts of third country nationals on the basis of a written determination that the circumstances necessitate such employment.

SEC. III. *Redelegation of Authorities.* Pursuant to the authorities delegated to me as Assistant Administrator for Latin America, I hereby delegate all of the authorities set forth in Section II hereof, retaining for myself concurrent authority to exercise any of the functions herein redelegated, to the Director, AID Affairs Officer, or AID Representative, as appropriate, of Missions or Offices included in Section I.

SEC. IV. *Miscellaneous.* A. The authorities redelegated pursuant to Section III hereof shall be exercised after consultation with a Regional Legal Adviser or GC/LA, as appropriate, a Regional Contracting Officer, or a Regional Engineer or SER/ENGR, as appropriate.

B. The authorities redelegated pursuant to Section III hereof may, in the discretion of the principal AID officer, be further redelegated to one additional officer or may be exercised by the person acting in the capacity of the respective Mission Director, AID Affairs Officer or AID Representative while the latter is out of the country (with my prior approval).

C. This redelegation of authorities shall become effective on the date of my execution of this document and shall supersede on that date all delegations of authority previously issued to the affected AID Missions or Offices or to the United States Embassies by the Assistant Administrator for Latin America and/or the Deputy U.S. Coordinator of the Alliance for Progress; *Provided, however,* That all actions taken under the delegations of authority which are hereby superseded shall remain valid and are hereby reaffirmed.

Dated: July 27, 1977.

ABELARDO L. VALDEZ,
*Assistant Administrator for Latin America.*

[FR Doc.77-24983 Filed 8-26-77;8:45 am]

## OFFICE OF AID REPRESENTATIVE, THE LEBANON

### Redelegations of Authority Regarding Contracting Functions No. 99.1.90

Pursuant to authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Representative, The Lebanon, the authority to sign U.S. Government contracts, grants, and amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent.

The authority herein delegated may be redelegated in writing, in whole or in part, by said AID Representative only to the person or persons designated by the AID Representative as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the AID Representative, whichever shall first occur. The authority so redelegated by the AID Representative may not be further redelegated.

The authority delegated herein is to be exercised in accordance with AID regulations, procedures and policies in effect at the time this authority is exercised and is not in derogation of the authority of the Director, Office of Contract Management, to exercise any of the functions herein redelegated.

Redelegation of Authority 99.1.72 (40 FR 25077) dated June 3, 1975, is hereby revoked.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms, until modified, revoked, or superseded by action of the Representative to whom I have delegated relevant authority in this delegation.

The authority herein delegated to the AID Representative may be exercised by duly authorized persons who are performing the functions of the AID Representative in an acting capacity.

This redelegation of authority shall be effective on the date of signature.

Dated: August 12, 1977.

HUGH L. DWELLEY,
*Director,*
*Office of Contract Management.*

[FR Doc.77-24982 Filed 8-26-77;8:45 am]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## CITIZENS ADVISORY COMMITTEE ON AVIATION

### Termination

Notice is hereby given of the termination of the Citizens Advisory Committee on Aviation. This committee was sponsored by the Office of Public Affairs of the Federal Aviation Administration (FAA) to advise FAA on problems and matters relating to civil aviation. The Secretary of Transportation has determined that this advisory committee is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

Issued in Washington, D.C., on August 16, 1977.

E. NOOTENBOOM,
*Acting Federal Aviation Administration Committee, Management Officer.*

[FR Doc.77-24920 Filed 8-26-77;8:45 am]

## FLIGHT INFORMATION ADVISORY COMMITTEE

### Termination

Notice is hereby given of the termination of the Flight Information Advisory Committee. This committee was sponsored by the Air Traffic Service of the Federal Aviation Administration (FAA) to advise FAA on matters pertaining to national flight information products and services. The Secretary of Transportation has determined that continuation of this advisory committee is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

Issued in Washington, D.C., on August 16, 1977.

E. NOOTENBOOM,
*Acting Federal Aviation Administration Committee, Management Officer.*

[FR Doc.77-24921 Filed 8-26-77;8:45 am]

## MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

### Termination

Notice is hereby given of the termination of the Microwave Landing System Advisory Committee. This committee was sponsored by the Systems Research and Development Service of the Federal Aviation Administration (FAA) to advise FAA concerning the microwave landing system development program. The Secretary of Transportation has determined that continuation of this advisory committee is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

Issued in Washington, D.C., on August 16, 1977.

E. NOOTENBOOM,
*Acting Federal Aviation Administration Committee, Management Officer.*

[FR Doc.77-24917 Filed 8-26-77;8:45 am]

## SOUTHERN REGION AIR TRAFFIC CONTROL ADVISORY COMMITTEE

### Termination

Notice is hereby given of the termination of the Southern Region Air Traffic Control Advisory Committee. This committee was sponsored by the Air Traffic Division of the Federal Aviation Administration's (FAA's) Southern Region to provide a forum for discussion of mutual air traffic control problems, programs, and ideas of concern to the Southern Region. The Secretary of Transportation has determined that continuation of this advisory committee is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

Issued in Washington, D.C., on August 16, 1977.

E. NOOTENBOOM,
*Acting Federal Aviation Administration Committee, Management Officer.*

[FR Doc.77-24919 Filed 8-26-77;8:45 am]

## UNITED STATES ADVISORY COMMITTEE ON OBSTACLE CLEARANCE REQUIREMENTS

### Termination

Notice is hereby given of the termination of the United States Advisory Committee on Obstacle Clearance Requirements. This committee was sponsored by the Flight Standards Service of the Federal Aviation Administration (FAA) to advise and assist the United States member of the International Civil Aviation Organization Obstacle Clearance Panel in developing and presenting a coordinated United States position concerning obstacle clearance matters under consideration by the panel. The Secretary of Transportation has determined that continuation of this advisory committee is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

Issued in Washington, D.C., on August 16, 1977.

E. NOOTENBOOM,
*Acting Federal Aviation Administration Committee, Management Officer.*

[FR Doc.77-24925 Filed 8-26-77;8:45 am]

## UNITED STATES TERMINAL INSTRUMENT PROCEDURES ADVISORY COMMITTEE

### Termination

Notice is hereby given of the termination of the United States Terminal Instrument Procedures Advisory Committee. This committee was sponsored by the Flight Standards Service of the Federal Aviation Administration (FAA) to advise and assist FAA, United States Coast Guard, and the Department of Defense in developing criteria for the formulation, review, approval, and publication of instrument procedures for use in terminal areas of civil and military airports. The Secretary of Transportation has determined that continuation of this advisory committee is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

Issued in Washington, D.C., on August 16, 1977.

E. NOOTENBOOM,
*Acting Federal Aviation Administration Committee, Management Officer.*

[FR Doc.77-24918 Filed 8-26-77;8:45 am]

## UNITED STATES ADVISORY COMMITTEE ON VISUAL AIDS TO APPROACH AND LANDING

### Termination

Notice is hereby given of the termination of the United States Advisory Committee on Visual Aids to Approach and Landing. This committee was sponsored by the Office of Airports Programs of the Federal Aviation Administration (FAA) to advise and assist the United States member of the International Civil Aviation Organization Visual Aids Panel in the development and presentation of a coordinated United States position concerning airport visual aids to approach and landing. The Secretary of Transportation has determined that continuation of this advisory committee is no longer in the public interest in connection with the performance of duties imposed on FAA by law.

Issued in Washington, D.C., on August 16, 1977.

E. NOOTENBOOM,
*Acting Federal Aviation Administration Committee, Management Officer.*

[FR Doc.77-24929 Filed 8-26-77;8:45 am]

## National Highway Traffic Safety Administration

## TRUCK AND BUS SAFETY SUBCOMMITTEES

### Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Truck and Bus Safety Subcommittees of the National Highway Safety Advisory Committee and the National Motor Vehicle Safety Advisory Council. The Subcommittees will meet on September 19 and 20 at the Hyatt House, 300 Fifth Street, Winston-Salem, N.C.

The Truck and Bus Safety Subcommittees are planning to make site visits to certain trucking firms in the Winston-Salem area on Monday, September 19 in order to collect information on implementation of FMVSS 121 through direct discussions with driver, maintenance and management personnel. Following these visits, at 1:30 to 5:00 p.m. on Monday, September 19, and again at 8:30 a.m. to 5:00 p.m., on Tuesday, September 20, the Subcommittees will hold business meetings at the Hyatt House to discuss their earlier site visits, to receive a status report on NHTSA-sponsored 121-related evaluation studies, to discuss findings from the August 16 and 17 technical meetings held under the auspices of the Subcommittees, and old or new business.

Attendance at the business meetings is open to the interested public but limited to the space available. With the approval of the Chairman, members of the publice may present oral statements at the meeting. Any member of the public may present a written statement to the Subcommittees at any time. This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

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

WM. H. MARSH,
*Executive Secretary.*

[FR Doc.77-24984 Filed 8-26-77;8:45 am]

[Docket No. IP77-7; Notice 1]

## HARBOROUGH CONSTRUCTION CO., LTD. ET AL.

### Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Harborough Construction Co., Ltd. and Crosby Valve and Engineering Co., Ltd. of Leicestershire, England, have petitioned to be exempted from the notification and remedy requirements of the National Traffic and and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205, Motor Vehicle Safety Standard No. 205, Glazing Materials, on the basis that it is inconsequential as it relates to motor vehicle safety.

Petitioners manufactured 30 electric trucks according to specifications of the United States Postal Service which have been in operation in Cupertina, Calif., since March 1974. Motor Vehicle Safety Standard No. 205 allows glazing used in the front side windows in trucks to meet the requirements specified for AS-2 glazing. The trucks in question incorporate glazing made of plastic materials which cannot meet the requirements specified for AS-2 glazing. The reason for the nonconformance is that Postal Service specifications required a window unit larger than the standard sliding window unit in which "the window itself could, after being disengaged, drop down completely within the solid portion of the door frame. Since the sliding doors in the vehicles were curved the bottom section of the glazing material also had to be curved. * * * Glass glazing material could not be secured to accomplish this result, and resort to the plastic material above described was required. * * *" The petitioners argue that the noncompliance is inconsequential as the vehicles have been in active service for over 3 years with no complaints from the Postal Service of a safety nature.

Interested persons are invited to submit written data, views and arguments on the petition of Harborough and Crosby described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: October 17, 1977.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on August 23, 1977.

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

[FR Doc.77-24985 Filed 8-26-77;8:45 am]

# DEPARTMENT OF THE TREASURY

## Customs Service

[T.D. 77-213]

## CERTAIN CONTAINERS USED FOR THE TRANSPORTATION OF CIGARETTE PAPER, CIGARETTE TUBES AND CIGARETTE FILTER TUBING

### Designation as Instruments of International Traffic

AUGUST 23, 1977.

It has been established to the satisfaction of the Customs Service that the following containers are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic:

1. Wood trays; length 22¼ inches, width 3 inches, height 16½ inches; serial number punched in tray; used to transport cigarette papers.

2. Metal magazines; length 28 inches, width 4¼ inches, height 15½ inches; serial number punched in magazine; used to transport cigarette tubes.

3. Angle iron trucks; length 38 inches, width 29½ inches, height 68 inches; serial number punched in truck; used to transport trays and magazines mentioned above.

4. Wood reels; diameter 46 inches, width 15 inches; serial numbers punched in reel; used to transport cigarette filter tubing.

Under the authority of section 10.41(a)(1), Customs Regulations, (19 CFR 10.41(a)(1)), I hereby designate the above-described containers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These articles may be released under the procedures set forth in section 10.41a, Customs Regulations (19 CFR 10.41a). (102315) (BOR-7-07)

J. P. TEBEAU,
*Director, Carriers, Drawback and Bonds Division.*

[FR Doc.77-25039 Filed 8-26-77;8:45 am]

[T. D. 77-214]

## CERTAIN STYROFOAM TRAYS USED FOR TRANSPORTATION OF WORMS

### Designation as Instruments of International Traffic

AUGUST 23, 1977.

It has been established to the satisfaction of the U.S. Customs Service that styrofoam trays measuring approximately 13 inches square by 4 inches in height, outside measurements, with no permanent markings and used for the transportation of worms, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs Regulations, (19 CFR 10.41a (a)(1)), I hereby designate the above-described styrofoam trays as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322 (a)). These articles may be released under the provisions set forth in section 10.41a, Customs Regulations (19 CFR 10.41a). (102312) (BOR-7-07)

J. P. TEBEAU,
*Director, Carriers, Drawback and Bonds Division.*

[FR Doc.77-25040 Filed 8-26-77;8:45 am]

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### Internal Revenue Service

[Delegation Order No. 81 (Rev. 9); Amdt. 1]

## DIRECTOR, PERSONNEL DIVISION

### Delegation of Authority

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority granted the Commissioner of Internal Revenue by 5 U.S.C. 5108(e) to classify supergrade positions in Employee Plans and Exempt Organizations is delegated to the Director, Personnel Division. The text of the Delegation Order appears below.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Glory H. Washington, Room 723-Warner Building, 501 13th Street NW., Washington, D.C. 20004, 202-376-0515 (Not toll-free).

J. S. HENDERSON II,
*Chief, Employment Branch, Personnel Division.*

The authority granted the Commissioner of Internal Revenue by 5 U.S.C. 5108(e) to classify supergrade positions in Employee Plans and Exempt Organizations is delegated to the Director, Personnel Division.

This authority may be redelegated only to Chief, National Office Branch, Chief, Position Management Branch, Chief, Classification Section, and designated Position Classifiers.

This supplements Delegation Order No. 81 (Rev. 9), issued December 15, 1976, which is printed in the FEDERAL REGISTER dated December 20, 1976, Vol. 41, Number 245, Pages 55409-55411.

WILLIAM E. WILLIAMS,
*Acting Commissioner.*

AUGUST 19, 1977.

[FR Doc.77-25020 Filed 8-26-77;8:45 am]

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## INTERSTATE COMMERCE COMMISSION

[Notice No. 466]

### ASSIGNMENT OF HEARINGS

AUGUST 24, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 125433 Sub 94, F-B Truck Line Co., now assigned September 16, 1977, at San Francisco, Calif., will be held in Room 2017, 2nd floor, Federal Bldg., 410 Golden Gate Avenue.

MC 134922 Sub 222, B. J. McAdams, Inc., now assigned September 19, 1977, at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 107993 Sub 49, J. J. Willis Trucking Co., and MC 136762 Sub 12, Osborne Highway Express, now assigned September 20, 1977, at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 121630 Sub 5, Lemore Transportation Inc., d.b.a. Royal Trucking Co., now assigned September 22, 1977, at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 113678 Sub 659, Curtis, Inc., and MC 141804 Sub 44, Western Express, division of Interstate Rental, Inc., now assigned September 26, 1977 at San Francisco, Calif., will be held in Room 510, 211 Main Street.

MC 138018 Sub 33, Refrigerated Foods, Inc., now assigned September 20, 1977 at Denver, Colo., will be held in Tax Court Room, U.S. Federal Bldg., 1961 Stout Street.

MC 143109, Associated Diesel Service, Inc., now assigned September 22, 1977, at Denver, Colo., will be held in Tax Court Room, U.S. Federal Bldg., 1961 Stout Street.

MC 58035 Sub 13, Trans-Western Express, Ltd., now assigned September 26, 1977, at Denver, Colo., will be held in Room 158 U.S. Customs, House, 721 19th Street.

MC 120626 Sub 3, Law Farms and Cattle Co., d.b.a. Law Motor Lines, now assigned September 28, 1977, at Denver, Colo., will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 71459 Sub 55, O.N.C. Freight Systems, now assigned October 3, 1977, at Denver, Colo., will be held in Room 595, U.S. Federal Bldg., 1961 Stout Street.

MC-C-9615, Ridgeway Tours, Inc. v. Keys to Better Living, Inc. et al., now assigned October 5, 1977, at Harrisburg, Pa., will be held in Room 392, Federal Bldg., 228 Walnut Street.

MC 19227 Sub No. 236, Leonard Bros. Trucking Co., Inc., now being assigned September 14, 1977 (1 day) for hearing in Dallas, Tex., will be held in Room 5A15-17, Federal Building, 110 Commerce Street.

MC 134755 Sub 82, Charter Express, Inc., now assigned September 29, 1977, at Pittsburgh, Pa., will be held in Room 819, Post Office and Courthouse, Grant Street.

MC-F-13083, Short Freight Lines, Inc.—Purchase—Red Line Express, Inc., Philip R. Joelson, Trustee in Bankruptcy and MC 108382 Sub 26, Short Freight Lines, Inc.; MC-F-13047, Central Transport, Inc., et al.; V. Short Freight Lines, Inc., et al.; and MC-F-13051, Jones Transfer Company-v-Short Freight Lines, Inc., now assigned October 3, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 135874 Sub No. 88 LTL Perishables, Inc., now being assigned September 29, 1977 (2 days) for hearing at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

MC 142487 Sub 1, J. & K. K. Inc., now assigned September 7, 1977, at Olympia, Wash., is postponed to September 27, 1977 (3 days) on the 7th floor, Conference Room, Highways and Licenses Bldg., 12th and Capitol Way, Olympia, Wash.

MC 134477 Sub No. 157 Schanno Transportation, Inc., now being assigned October 3, 1977 (1 day) at St. Louis, Mo., will be held in Court Room 3, 5th Floor, U.S. Court & Customhouse, 1114 Market Street.

MC 139482 Sub No. 12 New Ulm Freight Lines, Inc., now assigned October 12, 1977, is postponed to November 8, 1977 (9 days) at Chicago, Ill., in a hearing room to be later designated.

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

[FR Doc.77-25021 Filed 8-26-77;8:45 am]

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[Notice No. 215]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to

why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–77077, filed August 5, 1977. Transferee: MIDEAST EXPRESS, INC., 504 First National Bank Bldg., Johnstown, Pa. 15901. Transferor: W. H. MILLS, Jr. (Richard W. Mills and Mary C. Mills, Co-Executors), RD No. 3, Johnstown, Pa. 15904. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, Pa. 19107. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC–88249, issued August 21, 1950, as follows: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points and places in the territory bounded by a line beginning at Lock Haven, Pa., and extending in a southeasterly direction through Middleburg, Pa., to Selinsgrove, Pa., thence in a southwesterly direction through Newport and McConnellsburg, Pa., to Hancock, Md., thence in a southerly direction to Winchester, Va., thence in a westerly direction through Davis, W. Va., to Clarksburg, W. Va., thence in a northerly direction to New Castle, Pa., thence in a northeasterly direction through Franklin, Pa., to Kane, Pa., and thence in a southeasterly direction through Renovo, Pa., to Lock Haven, including points and places on the above-specified boundary line. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77174, filed June 13, 1977. Transferee: BARKLEY TRUCK LINES, INC., 604 Fourth St., P.O. Box 970, Watertown, S. Dak. 57201. Transferor: MARVIN M. BARKLEY, doing business as Barkley Truck Lines, 603 Fourth St., P.O. Box 970, Watertown, S. Dak. 57201. Applicant's representative: Val M. Higgins, Attorney at Law, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificates Nos. MC–97397 (Sub-No. 3), MC–97397 (Sub-No. 11), and MC–97397 (Sub-No. 12), issued July 22, 1975, February 8, 1973, and June 23, 1977, respectively, authorizing transportation of general commodities, with exceptions, between points in South Dakota, and meat and meat products, from Sioux City, Iowa, to Fargo, N. Dak., and from Fargo, N. Dak., to Watertown, S. Dak., and those set forth in Permit No. MC–128530, issued June 26, 1975, authorizing the transportation of seeds, flour, and animal and poultry feed, from Watertown, S. Dak., to specified counties in North Dakota and Minnesota. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

No. MC–FC–77237, filed July 29, 1977. Transferee: MASSAPEQUA MOVERS, INC., 132 Lexington Avenue, West Babylon, N.Y. 11702. Transferor: MURPHY MOVING & STORAGE, INC., doing business as Murphy's Moving and Storage Corporation, 200 Middle Neck Road, Great Neck, N.Y. 11021. Applicant's representative: Ronald I. Shapss, Attorney at Law, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC–22208 issued April 30, 1959, as follows: Household goods, as defined by the Commission, between New York, N.Y. and points on Long Island, N.Y., on the one hand, and, on the other, points and places in Alabama, Kentucky, Michigan, Missouri, Tennessee, and Texas traversing Arkansas and Oklahoma for operating convenience only. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77239 filed August 2, 1977. Transferee: WAEHLER TRUCKING SERVICE, INC., Route 1, Box 65, Lomira, Wis. 53048. Transferor: DONALD L. WAEHLER, doing business as Waehler Trucking Service, Route 1, Box 65, Lomira, Wis. 53048. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC–124809 (Sub-No. 2), issued June 9, 1977, as follows: Contractors' and construction materials and supplies (except commodities in bulk), and new household appliances, from the facilities of The Kindt Corporation at or near Greenville, Beaver Dam, and Lomira Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, and Minnesota; Kitchen cabinets from points in the Upper Peninsula of Michigan (except L'Anse and Dollar Bay), to the facilities of The Kindt Corporation, at or near Greenville, Beaver Dam, and Lomira, Wis.; Shingles, roofing materials, and driveway sealer, (except commodities in bulk) from points in Illinois to the facilities of The Kindt Corporation at or near Greenville, Beaver Dam, Lomira, and Sheboygan, Wis. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77248 filed July 31, 1977. Transferee: BOYD MESSER TRANSFER, INC., P.O. Box 19, Fulton, Kans. 66738. Transferor: BOYD MESSER, doing business as Boyd Messer Transfer, P.O. Box 19, Fulton, Kans. 66738. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Kansas Ave., Topeka, Kans. 66603. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–59338 issued February 14, 1942, as follows: Agricultural implements and parts, building materials, feed, fencing materials, hardware and petroleum products in containers, from Kansas City, Mo., to Fulton, Kans., over specified regular routes; Petroleum products, in bulk, from Potwin, Kans., to Bronaugh, Mo.; Horses, from Yale, Iowa, and points and places within 15 miles of Yale, to Fort Scott, Kans.; Cotton seed feed, From Muskogee Okla., to Fulton, Kans., and points and places within 15 miles of Fulton; Hay, feed, and grain, from Fulton, Kans., and points and places within 15 miles of Fulton, to Nevada, Mo.; Livestock, between Fulton, Kans., and points and places within 15 miles of Fulton, on the one hand, and, on the other, Kansas City, Mo., and Muskogee, Okla.; and household goods and emigrant movables, between Fulton, Kans., and points and places within 15 miles of Fulton, on the one hand, and, on the other, points and places in Missouri, Iowa, and Kansas. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77259, filed August 9, 1977. Transferee: TAGGART SERVICE LTD., 2 Wilson St. West, Perth, Ontario, Canada K7H 2M6. Transferor: L. R. MCDONALD & SONS, LTS. 2 Wilson St. West, Perth, Ontario, Canada K7H 2M6. Applicant's representative: Herbert M. Canter, Benjamin D. Levine, 305 Montgomery St., Syracuse, N.Y. 13202. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–118993 and 18993 Sub-Nos. 2, 8, and 10, issued February 18, 1960, April 19, 1960, October 19, 1964, and February 23, 1972, respectively as follows: *Boats*, not exceeding 20 feet in length, and *their accessories*, from ports of entry on the United States-Canada Boundary line, located in New York and Vermont, to points in New York, New Hampshire, Vermont, Maine and Massachusetts, with no transportation for compensation on return except as otherwise authorized. Also *boats*, not exceeding 20 feet in length, and *moulds therefor*, from Little Falls, Minn., to ports of entry on the United States-Canada Boundary line, located in Michigan, with no transportation for compensation on return except as otherwise authorized. Also *fertilizer*, in containers, from all ports of entry in New York on the United States-Canada Boundary line, to points in New York within 150 miles of Rooseveltown, N.Y.; and also *damaged shipments of fertilizer* and *empty fertilizer containers*, from points in New York within 150 miles of Rooseveltown, N.Y., to all ports of entry in New York on the United States-Canada Boundary line. Also *paper*, as described in Appendix XI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, with restrictions, from Norfolk, N.Y., to the port of entry located on the United States-Canada Boundary line on the Cornwall-Massena International Bridge;

and also *waste paper*, and *commodities* used in the manufacture of paper, with restrictions, from port of entry located on the United States-Canada Boundary line on the Cornwall-Massena International Bridge, to Norfolk, N.Y. Also General commodities (with exceptions) between the port of entry on the United States-Canada Boundary line on the Cornwall-Massena International Bridge, on the one hand, and, on the other, points in Town of Massena, N.Y. Transferee is presently authorized to operate as a common carrier under Certificate No. MC-118993 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77266, filed August 17, 1977. Transferee: NELSON'S WRECKER SERVICE, INC., P.O. Box 323, 2400 N. 9th St. Rd., Lafayette, Ind. 47902. Transferor: GEORGE H. NELSON, doing business as Nelson Wrecker Service, P.O. Box 323, 2400 N. 9th St. Rd., Lafayette, Ind. 47902. Applicant's representative: Brent E. Clary, Attorney-at-Law, P.O. Box 1461, 68 Lafayette Bank and Trust Building, Lafayette, Ind. 47902. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC-139924 (Sub-No. 1), issued June 20, 1975, as follows: Wrecked, disabled, repossessed, and stolen motor vehicles, and replacement vehicles for wrecked, disabled, or stolen motor vehicles, by the use of wrecker equipment only, between points in Minnesota, Iowa, Missouri, Tennessee, Ohio, West Virginia, Pennsylvania, and Illinois, on the one hand, and, on the other, points in Tippecanoe, Benton, White, Carroll, and Warren Counties, Ind.; replacement vehicles for wrecked or disabled motor vehicles, by the use of wrecker equipment only, from points in Tippecanoe, Benton, White, Carroll, and Warren Counties, Ind., to points in Kentucky, Michigan, and Wisconsin, and wrecked, disabled, repossessed, and stolen motor vehicles, by the use of wrecker equipment only, from points in Kentucky, Michigan, and Wisconsin, to points in Tippecanoe, Benton, White, Carroll, and Warren Counties, Ind. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b) of the Act.

No. MC-FC-77270, filed August 18, 1977. Transferee: LAWRENCE TILLERY doing business as Abbs Transfer, P.O. Box 209, South Highway 79, Rapid City, S. Dak. 57701. Transferor: MEL ABBS doing business as Abbs Transfer, South Highway 79, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-139237, issued October 22, 1974, as follows: Used household goods between points in that part of South Dakota west of the Missouri River. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. Homme, Jr.,
*Acting Secretary.*

[FR Doc.77-25022 Filed 8-26-77;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

ADDITION OF ITEMS TO THE AUGUST 25, 1977 MEETING AGENDA

AUGUST 23, 1977.

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10:00 a.m., August 25, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 6a. Docket 29806, Notice of Proposed Rulemaking, EDR–304/SPDR–49; Amendment of minimum seat size for "split" charters (Memo No. 7338, OGC, BOR, BE, BIA).

6b. Docket 30221, Petition for discretionary review of the Initial Decision in the *DOD-Contract Eligible Certification Case* (Memo No. 7352, OGC)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: At the August 23, 1977 Board meeting, the time allotted for the meeting did not permit discussion of all items on the agenda. Accordingly, the following members voted that agency business required that the above items be deleted from the August 23, 1977 meeting agenda and be rescheduled for the August 25, 1977 meeting and that no earlier announcement of change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Elizabeth E. Bailey

[S–1189–77 Filed 8–24–77;3:28 pm]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., August 30, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proposed Revisions to the Commidity Option Rules.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254–6314.

[S–1194–77 Filed 8–25–77;10:40 am]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., September 2, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Hearing Room.

Status: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254–6314.

[S–1196–77 Filed 8–25–77;10:40 am]

4

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 at 9:30 a.m on Wednesday, August 31, 1977, the Federal Deposit Insurance Corporation's Board of Directors will meet, by telephone conference call, in closed session, by authority of section 552b (d) (4), (c) (4), (c) (8), (c) (9) (A) (ii), and (c) (10) of title 5, United States Code, to consider the application of the Anchor Savings Bank, New York (Brooklyn), New York, an insured mutual savings bank, for consent to merge under its charter and title with North New York Savings Bank, White Plains, New York, also an insured mutual savings bank, and to establish the five offices of North New York Savings Bank as branches of the resultant bank.

Dated: August 22, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
*Executive Secretary.*

[S–1186–77 Filed 8–24–77;1:23 pm]

5

AUGUST 24, 1977.

FEDERAL POWER COMMISSION.

TIME AND DATE: August 31, 1977, 10:00 a.m.

PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda.)

*NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202–275–4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, room 1000.

POWER AGENDA—7671ST MEETING—AUGUST 31, 1977, REGULAR MEETING—PART I (10:00 A.M.)

P–1—Docket No. ER77–535 Arkansas Power & Light Company.
P–2—Docket Nos. E–7738 and E–7784, Boston Edison Company.
P–3—Docket Nos. ER77–411, ER77–412, ER77–413, ER77–414, ER77–415, and ER77–416, Illinois Power Company.
P–4—Docket No. ER77–277, Pennsylvania Power Company.
P–5—Docket No. ER77–514, Central Power & Light Company.
P–6—Project No. 553, City of Seattle, Department of Lighting.
P–7—Project No. 120, Southern California Edison Company.

MISCELLANEOUS AGENDA—7671ST MEETING—AUGUST 31, 1977, REGULAR MEETING—PART I

M–1—Docket No. R–424, Accounting for Premium, Discount and Expense of Issue, Gains and Losses on Refunding, and Reacquisition of Long-Term Debt, and Interperiod Allocation of Income Taxes.
M–2—Docket No. RM76–15, Regulation of Small Producers.

GAS AGENDA—7671ST MEETING—AUGUST 31, 1977, REGULAR MEETING—PART I

G–1—Docket Nos. RP73–102, RP73–14, Michigan Wisconsin Pipe Line Corporation.
G–2—Docket No. RP72–6, El Paso Natural Gas Company.
G–3—Docket No. RP76–26, *Orange and Rockland Utilities Inc.* v. *Algonquin Gas Transmission Company.* Docket No. RP76–56, *New Bedford Gas and Edison Light Company* v. *Algonquin Gas Transmission Company.*
G–4—Docket No. RI75–109, Murphy Oil Corporation.
G–5—Phillips Petroleum Company, FPC Gas Rate Schedule Nos. 554, 555, 556, 557, 559,

560. Sun Oil Company, FPC Gas Rate Schedule Nos. 537, 538, 539, 561, 562, 567, 569, 572, 576, 577.
G-6—Docket No. CP75-195, Michigan Wisconsin Pipe Line Company.
G-7—Docket No. CP73-329, Chattanooga Gas Company, a division of Jupiter Industries, Inc. Docket Nos. CP73-336 and CP76-99, East Tennessee Natural Gas Company. Docket No. CP76-109, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Columbia Gas Transmission Corporation.
G-8—Docket No. CP77-496, Washington Gas Light Company. Docket No. CP77-497, Transcontinental Gas Pipe Line Corporation.

POWER AGENDA—767IST MEETING—AUGUST 31, 1977, REGULAR MEETING—PART II

CP-1—Docket No. ER77-418, Northern Indiana Public Service Company.
CP-2—Docket No. ER77-310, Central Telephone & Utilities Corporation.
CP-3—Docket No. ES77-49, The Kansas Power & Light Company.
CP-4—Docket No. ES77-46, Interstate Power Company.
CP-5—Docket No. ES76-1, Commonwealth Edison Company.
CP-6—Project No. 2004, Holyoke Water Power Company.
CP-7—Project No. 2230, City and Borough of Sitka, Alaska.
CP-8—Docket No. ER77-311, Utah Power & Light Company.
CP-9—Docket Nos. ER77-411, ER77-412, ER77-413, ER77-414, ER77-415 and ER77-416, Illinois Power Company.
CP-10—Docket No. ER76-739, Public Service Company of Indiana, Inc.

MISCELLANEOUS AGENDA—7671ST MEETING—AUGUST 31, 1977, REGULAR MEETING—PART II

CM-1—Pacific Northwest River Basins Commission.
CM-2—Ohio River Basin Commission.

GAS AGENDA—7671ST MEETING—AUGUST 31, 1977, REGULAR MEETING—PART II

CG-1—Docket No. RP73-3 (PGA No. 77-3), Transcontinental Gas Pipe Line Corporation.
CG-2—Docket No. RP74-100, National Fuel Gas Supply Corporation.
CG-3—Docket Nos. RP71-125 and RP76-106 (PGA77-3 and AP77-1), Natural Gas Pipeline Company.
CG-4—Docket No. RP76-136, Transcontinental Gas Pipe Line Corporation.
CG-5—Docket No. RP73-8 (PGA No. 77-11), North Penn Gas Company.
CG-6—Chevron Oil Company, Western Division, FPC Gas Rate Schedule Nos. 3 and 48.
CG-7—Docket No. CI77-500, Hunt Oil Company.
CG-8—Docket No. CI76-597, Producer's Gas Company.
CG-9—Docket No. CP77-441, Mississippi River Transmission Corporation.
CG-10—Docket No. CP77-434, Southwest Gas Corporation.
CG-11—Docket No. CP77-298, National Fuel Gas Supply Corporation. Docket No. CP77-340, Transcontinental Gas Pipe Line Corporation. Docket No. CP77-394, Tennessee Gas Pipeline Company, a division of Tenneco Inc. Docket No. CP77-465, Columbia Gas Transmission Corporation. National Fuel Gas Supply orporation.
CG-12—Docket No. CP76-421, Colorado Interstate Gas Company. Docket No. CP76-456, Northern Gas Company. Operating as Peoples Natural Gas Division. Docket No. CP77-464, Panhandle Eastern Pipe Line Company.
CG-13—Docket No. CP77-452, Transcontinental Gas Pipe Line Corporation. Docket Nos. CP77-466, CP77-467 and CP77-468, United Gas Pipe Line Company.
CG-14—Docket No. CP77-489, Southern Natural Gas Company, Natural Gas Pipeline Company of America, Columbia Gulf Transmission Company, United Gas Pipe Line Company.
CG-15—Docket No. CP73-70, Columbia Gulf Transmission Company.
CG-16—Docket No. CP76-537, Michigan Wisconsin Pipe Line Company.
CG-17—Docket No. CP77-454, Florida Gas Transmission Company.
CG-18—Docket No. CP77-470, Texas Gas Transmission Corporation.
CG-19—Docket No. CP77-446, United Gas Pipe Line Company.
CG-20—Docket No. CP77-443, Northern Natural Gas Company.
CG-21—Docket No. CP77-429, Kentucky West Virginia Gas Company.
CG-22—Docket No. CP73-50, Lone Star Gas Company, a division of Enserch Corporation.
CG-23—Docket No. CP76-235, Panhandle Eastern Pipe Line Company.
CG-24—Docket Nos. CP75-17 and CP75-277, Transwestern Pipeline Company.
CG-25—Docket Nos. CS66-72. et al., Reserve Oil and Gas Company and Reserve Oil, Inc., et al.
CG-26—Docket Nos. G-4579, et al., Cities Service Oil Company, et al.
CG-27—Docket Nos. G-11587, et al., Atlantic Richfield Company, et al.
CG-28—Docket No. RP77-107, United Gas Pipe Line Company.
CG-29—Docket No. RP77-35, *Senator Howard M. Metzenbaum* v. *Columbia Gas Transmission Corporation.*
CG-30—Docket No. RP77-6, Sea Robin Pipeline Company.

KENNETH F. PLUMB,
*Secretary.*

[S-1187-77 Filed 8-24-77;1:24 pm]

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6

[F.C.S.C. Meeting Notice No. 11-77]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

*Date, time, and subject matter*

Wednesday, September 7, 1977, at 10:30 a.m., routine business.
Wednesday, September 14, 1977, at 10:30 a.m., routine business.
Wednesday, September 21, 1977, at 10:30 a.m., routine business.
Wednesday, September 28, 1977, at 10:30 a.m., routine business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202/653-6156.

Dated at Washington, D.C. on August 23, 1977.

FRANCIS T. MASTERSON,
*Executive Director.*

[S-1188-77 Filed 8-24-77;3:28 pm]

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7

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, September 6, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Status of Mr. P. Connelly—see memorandum from the Chairman (if necessary).
5. Investigation TA-201-25 (Cattle and Beef)—vote on remedy (if necessary).
6. Investigation AA1921-168 (Pressure-Sensitive Plastic Tape from West Germany (if necessary)).
7. Petitions and complaints (if necessary).
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1191-77 Filed 8-25-77;9:50 am]

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8

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, August 30, 1977.

PLACE: Room 117, 701 E. Street NW., Washington, D.C. 20436.

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. Reorganization.
2. Agenda.
3. Minutes.
4. Ratifications.
5. Petitions and complaints (if necessary).
6. Cattle and beef (Inv. TA-201-25)—vote on injury and approval of report.
7. Gas guzzler tax proposal (Inv. 332-88)—approval of report (if not approved in an action jacket).
8. "Factors affecting world petroleum prices to 1985"—see action jacket ID-77-58.
9. Any items left over from previous agenda.

Portions closed to the public:

1. Reorganization (portions regarding the selections of personnel).

CONTACT PERSON FOR MORE INFORMATION:

*Secretary,*

Kenneth R. Mason, Secretary, 202–523–0161.

[S–1192–77 Filed 8–25–77;9:50 am]

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9

POSTAL RATE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, August 31, 1977.

PLACE: Conference room, Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Item No. 1—Open; Item 2—Closed.

MATTERS TO BE CONSIDERED:

Item 1: FL78 Budget.

Item 2: Draft of Tentative Decision Concerning the Officer of the Commission's Proposal to Revise the Eligibility Requirements for Bulk Third-Class Regular-Rate Mail, Docket No. MC76–3.

By recorded vote the Commission has determined that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone 202–254–5614.

[S–1190–77 Filed 8–25–77;8:51 am]

10

POSTAL RATE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:

42 FR 41522, August 17, 1977.

CHANGE OF MEETING SUBJECT MATTER:

The following closed item is added to the Commission meeting of August 24, 1977:

2. Draft of Recommended Decision Concerning "Request of the United States Postal Service for a Recommended Decision on Deferring the Implementation Date of the Minimum Size Prohibitions", Docket No. MC77–2.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone 202–254–5614.

[S–1195–77 Filed 8–25–77;10:40 am]

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11

SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 41952, August 19, 1977.

PREVIOUS ANNOUNCED TIME AND DATE: Thursday, August 25, 1977, 10 a.m.

CHANGES IN THE MEETING:

Additional item to be considered.

At the open meeting scheduled for Thursday, August 25, 1977, at 10 a.m., the following item will be considered by the Commission in addition to the agenda previously published:

Consideration of the request of George Wasson for a postponement of the effective date of his 45-day suspension from association with any broker or dealer to October 25, 1977.

Chairman Williams, Commissioners Loomis, Evans, and Pollack voted to approve the above change and determined that no earlier notice thereof was possible.

AUGUST 24, 1977.

[S–1193–77 Filed 8–25–77;9:50 am]

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12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, September 1, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

10 a.m.—1. Commission Budget Mark-up (continuation of August 26 meeting) (Closed—Exemption 9).

2. Discussion of Draft Administration Bill for Nuclear Plant Licensing Reform (continuation of August 26 meeting) (Closed—Exemption 9).

2 p.m.—Briefing on Physical Security Requirements (Tentative) (Open).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

Dated: August 25, 1977.

WALTER MAGEE,
*Office of the Secretary.*

[S–1201–77 Filed 8–26–77;9:44 am]