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federal register

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THURSDAY, JUNE 30, 1977

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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
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	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.

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Executive Order 11999 • June 27, 1977

Relating to Certain Positions in Level V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, Section 2 of Executive Order No. 11861, as amended, placing certain positions in level V of the Executive Schedule, is further amended by adding thereto "(14) Assistant to the Secretary and Land Utilization Adviser, Department of the Interior." and "(15) Executive Assistant and Counselor to the Secretary, Department of Labor.".

Jimmy Carter

THE WHITE HOUSE,
June 27, 1977.

[FR Doc.77-18834 Filed 6-28-77:12:38 pm]

Memorandum of June 27, 1977

Classification of National Security Information

Memorandum for the Director, Office of Drug Abuse Policy, the Deputy Director, Office of Drug Abuse Policy, the Associate Director for Organization, Management and International Affairs, Office of Drug Abuse Policy

THE WHITE HOUSE,
Washington, June 27, 1977.

Pursuant to the provisions of paragraph (A), section 2 of Executive Order No. 11652, I hereby designate the following officials to originally classify national security information or material as "Top Secret":

1. The Director, Office of Drug Abuse Policy

2. The Deputy Director, Office of Drug Abuse Policy

3. The Associate Director for Organization, Management and International Affairs, Office of Drug Abuse Policy

This designation shall be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-18835 Filed 6-28-77;12:39 pm]

rules and regulations

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule changes the grade standards for dehydrated (low-moisture) apples. This action was taken at the request of producers of the product. The effect of the change is to improve the U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples.

EFFECTIVE DATE: July 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-4693).

SUPPLEMENTARY INFORMATION: On page 3178 of the FEDERAL REGISTER of January 17, 1977 (42 FR 3178), there was published a notice of proposed rulemaking to revise the United States Standards for Grades of Dehydrated (Low-Moisture) Apples.

The proposed changes included:

1. Designating the grades as U.S. Grades A, U.S. Grade B, and Substandard, dropping the descriptive names of Fancy and Choice.

2. Eliminating the 500 parts per million limit for sulfur dioxide in the finished product.

Interested persons were given until March 31, 1977, to submit data, views, or arguments regarding the proposed revision.

Seventeen (17) comments were received as a result of the notice of proposed rulemaking.

All respondents favored the change in the grade designations.

Nine (9) comments from consumers expressed dissatisfaction with the proposed elimination of the limit for sulfur dioxide in the finished product. Two (2) consumer responses offered no comment about sulfur dioxide, two (2) stated the existing levels were satisfactory, and one concurred with the proposed eliminations of the limit.

The respondents associated with the food industry either concurred in the elimination of the limit for sulfur dioxide or recommended that an upper limit of one thousand (1,000) parts per million be placed on any sulfur dioxide present. The easing of the limit on sulfur dioxide will permit the manufacture of a better colored product and one that can be prepared from readily available raw materials rather than those that are prepared especially for the manufacture of dehydrated apples. The use of sulfur dioxide in the processing of dried and dehydrated fruits is an old, established practice that is permitted under Food and Drug regulations. Their regulations permit its use, "* * * in such amounts as may be necessary * * *" The amount used in processing is self-limiting because too great an amount of sulfur dioxide will impart an off-flavor to the product. When used in adequate amounts, all traces of the sulfur dioxide are eliminated from the dehydrated applies during cooking.

In addition, one (1) major processor suggested that the present 2.5 percent limit for moisture in U.S. Grade A is unduly restrictive and increases production costs and energy requirements without improving the product. The processor recommended that the moisture limit for U.S. Grade A be increased from 2.5 percent to 3 percent. Other processors were canvassed by telephone as to their opinion about raising the moisture limit to 3 percent. All concurred that it would be desirable. It could well be noted, at this point, that the allowance for moisture in dehydrated apricots and peaches is 7.5 percent.

After considering all of the data, views and arguments presented that are germane, including the proposal set forth in the aforesaid notice, the Department has concluded that:

1. The grades will be designated U.S. Grade A, U.S. Grade B, and Substandard.

2. The presence of sulfur dioxide in the finished product will be limited to 1,000 parts per million.

3. The maximum percentage for moisture in U.S. Grade A will be raised to 3 percent.

4. Editorial changes that will enhance the understanding of the standards will be incorporated.

The proposed revision to the U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples is adopted as set forth below.

Effective date: The revised U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples shall become effective July 31, 1977.

7 CFR Part 52 is amended by revising §§ 52.2341–52.2352 as follows:

Subpart—U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples

Sec.

AUTHORITY: §§ 52.2341 to 52.2352 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

Subpart—U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples

§ 52.2341 Product description.

Dehydrated (low-moisture) apples, hereinafter referred to as "dehydrated apples," are prepared from clean and sound fresh or previously dried (or evaporated) apples from which the peels and cores have been removed and which have been cut into segments. The dried (or evaporated) apple segments may be cut further into smaller segments in preparation for dehydration whereby practically all of the moisture is removed to produce a very dry texture and are prepared to assure a clean, sound, wholesome product. The sulfur dioxide content of the finished product may not exceed 1,000 parts per million. No other additives may be present.

§ 52.2342 Styles.

(a) *Pie pieces.* Pie pieces consist predominantly of parallel-cut, irregularly shaped pieces, approximating $\frac{3}{16}$-inch (5 mm) or less in thickness and $\frac{3}{4}$-inch (19 mm) or longer in their longest dimension.

(b) *Flakes.* Flakes consist predominantly of parallel-cut, irregularly shaped pieces, approximating $\frac{3}{16}$-inch (5 mm) or less in thickness and less than $\frac{3}{4}$-inch (19 mm) in their longest dimension.

(c) *Wedges.* Wedges are fairly thick sectors, approximating no more than $\frac{5}{8}$-inch (16 mm) at their greatest thickness.

(d) *Sauce pieces.* Sauce pieces are small popcorn-like units of varying

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State Laws and regulations.

shapes and sizes, not otherwise conforming to the style of flakes, and in which practically all of the units when free-flowing will pass through 0.446-inch (11.3 mm) square openings. Sauce pieces of this style are considered "finely-cut" when practically all of the units will pass through ⅜-inch (9.5 mm) square openings.

§ 52.2343 Grades.

(a) "U.S. Grade A" is the quality of dehydrated apples in which the moisture content of the finished product is not more than 3 percent, by weight; that have a normal flavor and odor, that have a good color, that are reasonably uniform in size, that are practically free from defects, that have a good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of dehydrated apples in which the moisture content of the finished product is not more than 3.5 percent, by weight: that have a normal flavor and odor, that have a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that have a reasonably good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of dehydrated apples that fail to meet the requirements of U.S. Grade B.

§ 52.2344 Determining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) Factors not rated by score points:
(1) Moisture content.
(2) Flavor and odor.

(b) Factors rated by score points: The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Score points*
Color	20
Uniformity of size	20
Defects	40
Texture	20
Total score	100

(c) The factors of flavor and odor, color, and texture are determined both upon the dehydrated apples and the cooked product as outlined in this subpart.

(d) "Normal flavor and odor" means that the dehydrated apples and the cooked product have a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the dehydrated apples indicative of proper sulfur treatment is not considered objectionable.

§ 52.2345 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2346 Color.

(a) *(A) classification.* Dehydrated apples that have a good color may be given a score of 17 to 20 points. "Good color" means that the dehydrated apples have a reasonably uniform, reasonably bright, light yellow to yellow-white characteristic color which, upon cooking, is a reasonably bright color typical of cooked dehydrated apples that have been properly prepared and processed.

(b) *(B) classification.* If the dehydrated apples have a reasonably good color, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the dehydrated apples have a fairly uniform, fairly bright, light yellow-amber or light yellow to yellow-white characteristic color and which, upon cooking, may be variable in color but is typical of cooked dehydrated apples that have been properly prepared and processed.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2347 Uniformity of size.

(a) *(A) classification.* Dehydrated apples that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" means that the dehydrated apples comply with the requirements of Table I of this paragraph.

TABLE I—*Uniformity of size—U.S. grade A*

[In percent]

Sizes	Pie pieces	Flakes	Wedges	Sauce
Pieces less than ¾ in (19 mm) in longest dimension		95 or more.		
Pieces ¾ in (19 mm) or more in longest dimension	75 or more.			
Pieces 1 in (25.4 mm) or more in longest dimension	35 or more.		95 or more.	
Pieces 3/16 in (5 mm) or less at greatest thickness	98 or more.	98 or more.		
Pieces ¾ in (16 mm) or less at greatest thickness			98 or more.	
Pass through No. 4 sieve	10 or less.			
Pass through No. 8 sieve	5 or less.	10 or less.		10 or less.
Pass through No. 16 sieve		2 or less.		2 or less.
Pass through .446-in sieve				95 or more.

NOTE.—All percentages are percent by weight.

(b) *(B) classification.* If the dehydrated apples are fairly uniform in size a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that the dehydrated apples comply with the requirements of Table II of this paragraph.

TABLE II—*Uniformity of size—U.S. grade B*

[In percent]

Sizes	Pie pieces	Flakes	Wedges	Sauce
Pieces less than ¾ in (19 mm) in longest dimension		85 or more.		
Pieces ¾ in (19 mm) or more in longest dimension	60 or more.			
Pieces 1 in (25.4 mm) or more in longest dimension	25 or more.		85 or more.	
Pieces 3/16 in (5 mm) or less at greatest thickness	98 or more.	98 or more.		
Pieces ¾ in (16 mm) or less at greatest thickness			98 or more.	
Pass through No. 4 sieve	15 or less.			
Pass through No. 8 sieve	5 or less.			
Pass through No. 16 sieve		5 or less.		5 or less.
Pass through .446-in sieve				85 or more.

NOTE.—All percentages are percent by weight.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2348 Defects.

(a) *Definitions of defects.* The factor of defects refers to the degree of freedom from carpel tissue; from units damaged by pieces of peel, bruises, or other discoloration, bitter pit or corky tissue, water core, or damaged by other means; from units damaged by calyxes and stems; and from defects not specifically mentioned as defined in this paragraph.

(1) *Practically free from carpel tissue.* "Practically free from carpel tissue" means that for each 1¾ ounces (49.6 g) of dehydrated apples any carpel tissue that may be present does not exceed in the aggregate an area equil to ½-square inch (3.25 cm^2).

(2) *Reasonably free from carpel tissue.* "Reasonably free from carpel tissue" means that for each 1¾ ounces (49.6 g) of dehydrated apples any carpel tissue that may be present in the aggregate exceeds an area equal to ½-square inch (3.25 cm^2) but does not exceed an area equal to 1-square inch (6.5 cm^2).

(3) *Damaged by pieces of peel.* "Damaged by pieces of peel" means pieces of peel, regardless of color, which in their greatest dimension exceed ¼-inch (6.35 mm).

(4) *Damaged by bruises or other discoloration; bitter pit or corky tissue, water core, and other similar defects.* "Damaged by bruises or other discoloration, bitter pit or corky tissue, water core, and other similar defects" means the appearance or eating quality of the unit is materially affected by such defects.

(5) *Damaged by other means.* "Damaged by other means" means defects not specifically mentioned which materially affect the appearance or edibility of the piece so damaged.

(6) *Damaged by calyxes and stems.* "Damaged by calyxes and stems" means the appearance or eating quality of the unit is materially affected by such defects including portions thereof.

(7) *Defects not specifically mentioned.* "Defects not specifically mentioned" include but are not limited to such apple materials as excessive loose seeds or loose stems which are not considered as damaged units and which singly or collectively materially affect the appearance or edibility of the product.

(b) (*A*) *classification.* Dehydrated apples that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that dehydrated apples of any style are practically free from carpel tissue and defects not specifically mentioned and, in addition, the defects present do not exceed the allowances set forth in Table III.

(c) (*B*) *classification.* If the dehydrated apples are reasonably free from defects, a score of 28 to 33 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the dehydrated apples of any style are reasonably free from carpel tissue and defects not specifically mentioned and, in addition, the defects present do not exceed the allowances set forth in Table III.

TABLE III—*Defects*

Defects	U.S. grade A		U.S. grade B	
	Pie pieces, wedges (percent by weight)	Flakes, sauce pieces (percent by weight)	Pie pieces, wedges (percent by weight)	Flakes, sauce pieces (percent by weight)
Pieces of peel Bruises or other discolorations Bitter pit or corky tissue Water core Other similar defects Damaged by other means Calyxes and stems	10	5	15	8
Provided this maximum is not exceeded: Calyxes and stems	1	½	2	1

(d) (*SStd*) *classification.* Dehydrated apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2349 Texture.

(a) (*A*) *classification.* Dehydrated apples that have a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there is no more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there may be considerable disintegration of the pieces but not to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a reasonably uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce, practically without any hard particles.

(b) (*B*) *classification.* If the dehydrated apples have a reasonably good texture, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and there may be no more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and the pieces may have become disintegrated to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a fairly uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce; and hard particles may be noticeable but not objectionable.

(c) (*SS td*) *classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2350 Explanations of methods and analyses.

(a) *Moisture method.* "Moisture" in dehydrated apples is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Analytical Chemists."

(b) *Cooking procedures.* A representative sample of not less than 2-ounces avoirdupois (about 55 g) to approximately 4-ounces avoirdupois (about 110 g) is recommended for purposes of the cooking procedures in this paragraph. The procedures for cooking to determine compliance with requirements for colar and texture are as follows for the respective styles:.

(1) *Pie pieces.* Add 1 part, by weight, of pie pieces to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 20 minutes.

(2) *Flakes.* Add 1 part, by weight, of the flakes to 5 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(3) *Wedges.* Add 1 part, by weight, of the wedges to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 30 minutes.

(4) *Sauce pieces.* Add 1 part, by weight, of the sauce pieces to 8 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 bring to a boil, and simmer for 30 minutes.

(c) *Sifting methods.* The technique for determining compliance with the requirements for pieces that pass through U.S. Standard No. 4, No. 8, and No. 16 sieves is as follows:

(1) *Pie pieces.* (i) From a 4-ounce (about 110 g) representative sample of dehydrated apple "pie pieces," remove all pieces which are ¾-inch (19 mm) or more in ther longest dimension;

(ii) Place the remainder of the sample on a U.S. Standard No. 4, 8-inch (20.3 cm) diameter, full-height sieve nested on top of a U.S. Standard No. 8, 8-inch (20.3 cm) diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20-inches (50 cm) in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under paragraph (c)(1)(i) of this section) as the percentage which passed through the No. 8 sieve; and

(v) Weigh the material sifted through the No. 4 sieve and remaining on the No. 8 sieve; calculate on the basis of the original sample (under paragraph (c)(1)(i) of this section) and add the percentage which remained on the No. 8 sieve to the percentage which passed through the No. 8 sieve (under paragraph (c)(1)(iv) of this section) as the total percentage which passed through the No. 4 sieve.

(2) *Flakes.* (i) From a 4-ounce (about 110 g) representative sample of dehydrated apple "flakes" remove all pieces which are ¾-inch (19 mm) or more in their longest dimension;

(ii) Place the remainder of the sample on a U.S. Standard No. 8, 8-inch (20.3 cm) diameter, full-height sieve nested on top of a U.S. Standard No. 16, 8-inch (20.3 cm) diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20-inches (50 cm) in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under paragraph (c)(2)(i) of this section) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under paragraph (c)(2)(i) of this section) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under paragraph (c)(2)(iv) of this section) as the total percentage which passed through the No. 8 sieve.

(3) *Sauce pieces.* (i) From a 4-ounce (about 110 g) representative sample of dehydrated apple "sauce pieces" remove all pieces which in their smallest dimensions will not pass readily through 0.446-inch (11.3 mm) square openings by gentle hand pressing;

(ii) Place the remainder of the sample on a U.S. Standard No. 8, 8-inch (20.3 cm) diameter, full-height sieve nested on top of a U.S. Standard No. 16, 8-inch (20.3 cm) diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20-inches (50 cm) in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under paragraph (c)(3)(i) of this section) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under paragraph (c)(3)(i) of this section) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under paragraph (c)(3)(iv) of this section) as the total percentage which passed through the No. 8 sieve.

§ 52.2351 Determining the grade of a lot.

The grade of a lot of dehydrated apples covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83).

§ 52.2352 Score sheet.

Size and kind of container	------
Container mark or identification	------
Label (including SO_2 content, if any)	------
Net weight	------
Moisture content (percent)	------
Style	------

Factors		Score points
Color	20	(A) 17 to 20. (B) 14 to 16.[1] (SStd) 0 to 13.[1]
Uniformity of size	20	(A) 17 to 20. (B) 14 to 16.[1] (SStd) 0 to 13.[1]
Defects	40	(A) 34 to 40. (B) 28 to 33.[1] (SStd) 0 to 27.[1]
Texture	20	(A) 17 to 20. (B) 14 to 16.[1] (SStd) 0 to 13.[1]
Total score	100	

Normal flavor and odor ------

Grade ------

[1] Indicates limiting rule.

Dated: June 23, 1977.

IRVING W. THOMAS,
Acting Deputy Administrator,
Commodity Services, FSQS.

[FR Doc.77-18575 Filed 6-29-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 426.1]

PART 1806—INSURANCE

Subpart A—Real Property Insurance

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations concerning insurance. This action is required because of changes in Agency policy regarding insurance coverage and reporting requirements. The intended effect is to clarify a regulation by providing that an endorsement loan existing insurance policy is sufficient coverage and to limit internal reporting requirements.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Agnes M. Copeland (202-447-4572).

SUPPLEMENTARY INFORMATION: Various paragraphs in §§ 1806.2, 1806.4, and 1806.6 of Part 1806, Chapter XVIII, Title 7, Code of Federal Regulations (41 FR 34571) are amended. The specific amendments are as follows:

1. § 1806.2(c) is amended to clarify that an endorsement to an existing policy is sufficient coverage for subsequent loans for property improved.

2. § 1806.4(a) is amended to change the date to notify borrowers prior to expiration of insurance from "30 days" to "tenth month."

3. § 1806.6(d) is amended to delete "Incidence of Borrower Failure to Maintain Insurance in Force" and to require that "Losses not covered by insurance" be reported.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since one change merely clarifies a regulation and additional changes are procedural and editorial.

Accordingly, various paragraphs of §§ 1806.2, 1806.4 and 1806.6 are amended to read as follows:

§ 1806.2 Companies and policies.

* * * * *

(c) *Evidence of premium payment.* (1) When Form FmHA 426-2 is attached to or the provisions thereof are printed in the policy, or a blanket letter from an insurance company incorporating the provisions of Form FmHA 426-2 in all policies in which the FmHA has a mortgagee interest in effect, in accordance with paragraph (b)(ii) of this section, no evidence of premium or assessment payment is required except for the first year of the loan. When a subsequent FP or Section 502 RH loan is made to build, buy or rehabilitate essential buildings, an endorsement to the existing policy including coverage for the property improved will be sufficient.

* * * * *

§ 1806.4 Examining and general servicing of insurance.

(a) * * *

(2) * * *

(ii) FP and Section 502 RH borrowers will be informed during the tenth month after the date of loan closing of their responsibility to carry insurance. Form FmHA 426-4 will be sent to these borrowers, regardless of whether there is evidence that the insurance has been renewed. Thereafter, the County Supervisor will not be required to further determine whether the borrower has adequately maintained insurance; however, if a further notice of expiration is received in the County Office, the County Supervisor will again notify the bor-

rower by using Form FmHA 426–4 of his responsibility.

* * * * *

§ 1806.6 Failure of borrower to provide insurance.

* * * * *

(d) *Reporting.* (1) The County Supervisor will complete Form FmHA 426–8, "Uninsured Real Property Loss Report," for each known FP and Section 502 RH uninsured loss. Monitoring of insurance is not required for completing this report. This report will be completed within 30 days of the date the property was damaged. If information required by Form FmHA 426–8 is not available within 30 days, the County Supervisor should use his best judgment in completing all form sections.

(2) * * *

(ii) A transmittal memorandum that includes the following tabulation:

Real property insurance report for (Month) ..... (Year) .....

Loan program	Losses			
	Losses covered by insurance		Losses not covered by insurance	
	Number	Estimated amount	Number	Estimated amount
Farmer programs		$		$

(3) The State Director is responsible for reviewing Form 426–8 received for reasonableness; computing a State summary of insured and noninsured losses; and transmitting the State summary and Forms FmHA 426–8 to the National Office, ATTN: Program Evaluation Staff, by the 10th of the following month.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93–357, 88 Stat 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO 29 FR 14764, 33 FR 9850.)

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

Dated: June 17, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–18767 Filed 6–29–77;8:45 am]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

LOAN CLOSING

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This change is made to clarify the use of an applicant's attorney in closing a rural rental housing loan. The circumstances requiring this action are those faced when the loan closing attorney is a member of the applicant entity. The intended effect of this action is to correct an inconsistency within FmHA regulations so that a nonprofit eligible entity which uses an attorney member as a closing attorney is still eligible for FmHA RRH assistance.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, (202–447–7207).

SUPPLEMENTARY INFORMATION. Paragraph (a) of § 1822.95, Subpart D, Part 1822 of Title 7, Code of Federal Regulations is amended to make it consistent with other FmHA regulations and with the intention of the Farmers Home Administration as noted in the Summary section. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the change is to correct an inconsistency within FmHA regulations and, therefore, publication for prior rulemaking is unnecessary.

As amended, paragraph 1822.95(a) reads as follows:

§ 1822.95 Loan closing.

(a) *Applicable instructions.* RRH loans will be closed in accordance with applicable provisions of Part 1807 of this chapter and supplementing State Instructions. Loan dockets for an organization and loan dockets for an individual in special cases will be sent to the OGC for additional closing instructions. A profit or limited profit organization applicant may use its attorney to close the loan in accordance with applicable loan closing instructions: *Provided,* The attorney is not a member, officer, director, trustee, stockholder or partner of the applicant entity. Nonprofit organizations may use an attorney who is a member of their organization. The cost incurred by the organization for legal services must be in accordance with § 1822.85(k). The applicant's qualified, eligible attorney may be a designated attorney or a private attorney.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

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

Dated: June 3, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–18766 Filed 6–29–77;8:45 am]

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980–A]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart A—General

MISCELLANEOUS AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation to include procedures for paying Holder(s) their guaranteed portion of the loan in event of default or servicing problems. These procedures are similar to the methods used for the Business and Industrial Loan Program under Part 1980–E and would apply to all guaranteed loan programs under Part 1980–A. The amendment is intended to provide uniformity in handling the repurchase of guarantee portions from Holder(s). Also, this amendment is intended by adding a new section, to clarify the procedures for lenders requesting termination of the Loan Note Guarantee and/or notification that a loan has been paid in full.

DATES: Effective date: This amendment is effective on June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Darryl H. Evans (202–447–4150).

SUPPLEMENTARY INFORMATION: Section 1980.61(f), and § 1980.63 of Subpart A of Part 1980, Title 7, Code of Federal Regulations (41 FR 47462) are amended; § 1980.67 is added.

Section 1980.61(f) is amended to clarify the requirement that a lender will prepare a Guarantee Fee Report for "each loan requested." This change is necessary administratively to process loans. Section 1980.63 is amended to include the procedures for paying Holder(s) their guaranteed portion of the loan in the event of a default or servicing action. The FmHA County Supervisor will prepare a Form FmHA 449–37, "Request for Check Issuance FmHA's Purchase of Guaranteed Portion," to effect the payment to the Holder(s). Section 1980.67 is added to provide the procedures to be followed by the lender and FmHA if a loan has been paid in full and/or the lender requests FmHA to terminate the Loan Note Guarantee in the event the

lender no longer desired or required the guarantee. The regulations under paragraph 12 of form FmHA 449–34, "Loan Note Guarantee," simply indicates the three options when the guarantee terminates, but does not indicate the procedure to effect the termination.

NOTE.—The Table of Sections is being amended to remove § 1980.67 from the Reserved area.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking, such procedure being unnecessary since the purpose of the changes is clarification, and the changes are procedural and do not impose any additional burden on the applicants and lenders.

As amended and added, the various sections of Subpart A of Part 1980 read as follows:

1. In the Table of Sections "§ 1980.67" is removed from the present group of reserved Sections:

Sections 1980.67–1980.79 [Reserved]. This group is redesignated §§ 1980.68–1980.79 [Reserved]. This change reads as follows:

Sec.

* * * * *

1980.67 Lender's request to terminate loan note guarantee.
1980.68–1980.79 [Reserved]

* * * * *

2. In § 1980.61, paragraph (f) is revised to read as follows:

§ 1980.61 Issuance of lender's agreement, loan note guarantee and assignment guarantee agreement.

* * * * *

(f) *Payment of guarantee fee.* The lender will prepare and deliver a Form FmHA 449–19, "Guarantee Fee Report," for each loan to be guaranteed and deliver the guarantee fee to the County Supervisor who concurrently delivers the Loan Note Guarantee(s).

* * * * *

3. Section 1980.63 is revised to read as follows:

§ 1980.63 Default by borrowers.

Refer to paragraph XI of Form FmHA 449–35. FmHA may be required to purchase the guaranteed portion of a loan(s) from holder(s) in the event of default or servicing problems. The County Supervisor will coordinate any requests from holder(s) located in close proximity to the local lender. If several holders are located outside the area, the State Director will handle the transaction and notify the County Supervisor. The County Supervisor will prepare a Form FmHA 449–37, "Request for Check Issuance FmHA's Purchase of Guaranteed Portion," for each holder(s) and follow the processing procedures outlined in the FMI.

4. A new § 1980.67 is added to read as follows:

§ 1980.67 Lender's request to terminate loan note guarantee.

The Lender may request FmHA to terminate the Loan Note Guarantee(s) provided the lender holds all the guaranteed portions of the loan. (See paragraph 12 of Form FmHA 449–34.) The lender will provide the County Supervisor with a written notice that the loan is paid in full and/or termination of the Loan Note Guarantee(s) enclosing the original Form(s) FmHA 449–34 for cancellation. Within 30 days, the County Supervisor will forward a memorandum to the Finance Office through the State Director. The memorandum will indicate that "the loan(s) is paid in full," and/or "the Loan Note Guarantee(s) has been canceled at the request of the lender."

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10, Pub L. 93–357; 88 Stat. 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9650.)

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

Dated: June 17, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–18765 Filed 6–29–77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 0—CONDUCT OF EMPLOYEES

Employment and Financial Interest Statements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Nuclear Regulatory Commission is making minor amendments to its regulation "Conduct of Employees." Certain employees are required to submit to the appropriate reviewer two copies of statements of employment and financial interest. The Commission has determined that the submission of two copies of the statement is unnecessary. The amendments will require that an employee submit only one copy of the statement.

EFFECTIVE DATE: June 30, 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 (301–492–7211).

SUPPLEMENTARY INFORMATION: Because these amendments relate to minor matters, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendments relieve from restrictions under regulations currently in effect, they may become effective without the customary 30-day notice. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 0 are published as a document subject to codification.

1. Section 0.735–28 of Part 0 is amended by revising paragraphs (e)(1), (e)(5), (e)7), and (e)(11) to read as follows:

§ 0.735–28 Confidential statements of employment and financial interests.

* * * * *

(e) *Reviewing statements and reporting conflicts of interest.* (1) The employee shall prepare the statement in duplicate, retain one copy, and submit one copy to the appropriate reviewer (see paragraph (h) of this section).

* * * * *

(5) The reviewer shall in all cases record his opinion as to the presence or absence of a conflict on the statement and forward same to the NRC counselor or deputy counselor.

* * * * *

(7) If the NRC counselor or deputy counselor believes that the statement evidences no question of conflict of interest, he shall record his opinion on the statement, and notify the reviewer.

* * * * *

(11) Upon completion of processing, the statement shall be filed in the office of the counselor or deputy counselor, in a special file maintained for that purpose. If an NRC reviewer subsequently requires a copy of a statement for purposes of carrying out responsibilities under this part, he may request same from the counselor or deputy counselor.

* * * * *

(E. O. 11222; 3 CFR 1964–1965 Comp.; 5 CFR 735.104)

Dated at Bethesda, Md., this 22d day of June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77–18800 Filed 6–29–77;8:45 am]

PART 8—INTERPRETATIONS

Interpretation by the General Counsel of 10 CFR 73.55. Illumination and Physical Search Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission's regulation "Interpreta-

tions" is amended by adding an interpretation by the General Counsel of the requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage set out in the Commission's regulation "Physical Protection of Plants and Materials." The interpretation clarifies the illumination and physical search requirements of the regulation.

EFFECTIVE DATE: This rule becomes effective on June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. C. W. Reamer, Office of the General Counsel, Nuclear Regulatory Commission, Washington, D.C. 20555. Tel. 301-492-8155.

SUPPLEMENTARY INFORMATION: 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 amendment of Title 10, Chapter I, Code of Federal Regulations, Part 8, is published as a document subject to codification.

A new § 8.5 is added to read as follows:

§ 8.5 Interpretation by the General Counsel of § 73.55 of this Chapter. Illumination and Physical Search Requirements.

(a) A request has been received to interpret 10 CFR 73.55(c)(5) and 73.55(d)(1).

10 CFR 73.55(c)(5) provides:

Isolation zones and all exterior areas within the protected area shall be provided with illumination sufficient for the monitoring and observation requirements of paragraphs (c)(3), (c)(4), and (h)(4) of this section, but not less than 0.2 footcandle measured horizontally at ground level.

(b) The requester contends that the regulation is satisfied if 0.2 footcandle is provided only at the protected area boundary and the isolation zone. The language of the regulation is clearly to the contrary. It requires not less than 0.2 footcandle for "all exterior areas within the protected area." This regulation helps effectuate the monitoring and observation requirements of 10 CFR 73.55. For example, 10 CFR 73.55(c)(4) states that "(a)11 exterior areas within the protected area shall be periodically checked to detect the presence of unauthorized persons, vehicles, or materials." In the absence of illumination, such checking could not be fully effective.

(c) The requester also asks whether the illumination requirement extends to the tops and sides of buildings within the protected area. To effectuate the monitoring and observation requirements cited above, illumination must be maintained for the tops and sides of all accessible structures within the protected area. This interpretation is consistent with that given by the Commission's staff to affected licensees and applicants at a series of regional meetings held in March of 1977 and will be reflected in forthcoming revisions to NUREG 0220, Draft Interim Acceptance Criteria for a Physical Security Plan for Nuclear Power Plants (March 1977).

(d) 10 CFR 73.55(d)(1) provides in pertinent part: The search function for detection of firearms, explosives, and incendiary devices shall be conducted either by a physical search or by use of equipment capable of detecting such devices.

(e) The requestor contends that until "equipment capable of detecting such devices" is in place, a licensee need not comply with the search requirement, but can utilize instead previous security programs. This contention is based on the first sentence of 10 CFR 73.55 which provides in pertinent part that the requirements of paragraph (d) of that section shall be met by May 25, 1977, "except for any requirement involving construction and installation of equipment not already in place expressed in (paragraph)(d)(1) * * *" Under this sentence only those requirements of paragraph (d) which involve "construction and installation of equipment" do not take effect on May 25, 1977. Because a "physical search" does not require "construction and installation of equipment", implementation of such searches is required on May 25, 1977. The regulation provides alternatives: "the search function * * * shall be conducted either by a physical search or by use of equipment * * *." Thus when appropriate equipment is in place, the search function need not involve a physical search.

(f) The paragraphs above set forth interpretation of regulations; they do not apply those regulations to particular factual settings. For example, no effort is made to state what lighting system might be used for a given facility; all that is stated is that a system must provide not less than 0.2 footcandle for all exterior areas within the protected area. Similarly, no effort is made to define what is an adequate "physical search"; all that is stated is that, in the absence of appropriate equipment, such searches must begin on May 25, 1977.

Effective date: This amendment becomes effective on June 30, 1977.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201.)

Dated at Washington, D.C., this 17th day of June 1977.

For the Nuclear Regulatory Commission.

JAMES L. KELLEY,
Acting General Counsel.

[FR Doc.77-18473 Filed 6-29-77;8:45 am]

CERTAIN REPORTING DATES CHANGED

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to change reporting dates to correspond to the new Federal fiscal year. The NRC data system is maintained on the fiscal year basis. Statements of tritium inventory are changed from December 31 and June 30 to March 31 and September 30 and statements of source material inventory from June 30 to September 30. The only effect of the amendment is that NRC licensees will submit statements of inventory on a different date than at present.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Eugene Sparks, NRC Division of Safeguards, NMSS, Washington, D.C. 20555, FTS 492-7090 or commercial area code 301.

SUPPLEMENTARY INFORMATION:

The U.S. Nuclear Regulatory Commission is amending 10 CFR 30.55(b), "Tritium reports" (By-product material); 10 CFR 40.64(b), "Reports" (Source material); 10 CFR 150.17(b), "Submission to Commission of source material reports" (Agreement States); and 10 CFR 150.19(b), "Submission to Commission of tritium reports" (Agreement States) to change reporting dates. Statements of tritium inventory are changed from December 31 and June 30 to March 31 and September 30 of each year and statements of source material inventory from June 30 to September 30 of each year.

The first reporting date under this change is September 30, 1977. Within 30 days after September 30, 1977 statements shall be made for: (1) Tritium inventory for the period January 1, 1977, through September 30, 1977, a nine month period; and (2) source material inventory for the period July 1, 1976, through September 30, 1977, a fifteen month period. Thereafter, statements for tritium inventory would be submitted for each successive 6 months and statements for source material inventory for each fiscal year, or each successive 12 months.

This change is made because the U.S. Federal Government changed its fiscal year from July 1 through June 30 to October 1 through September 30 and the NRC computer data retrieval system is maintained on a fiscal year basis. Also, the data system is common to both the Energy Research and Development Administration (ERDA) and the NRC. ERDA has changed accordingly. Thus, facilities under the cognizance of both agencies will avoid different dates for record keeping and reporting.

Inasmuch as the amendments set forth below are of a minor nature, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary and for making the amendments effective on June 30, 1977.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regula-

tions, Parts 30, 40 and 150 are published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

1. In § 30.55 of 10 CFR Part 30, the first sentence of paragraph (b) is amended by deleting "June 30 and December 31" and inserting in lieu thereof "March 31 and September 30".

PART 40—LICENSING OF SOURCE MATERIAL

2. In § 40.64 of 10 CFR Part 40, the first sentence of paragraph (b) is amended by deleting "June 30" and inserting in lieu thereof "September 30".

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

3. In § 150.17 of 10 CFR Part 150, the first sentence of paragraph (b) is amended by deleting "August 29, 1970, and within thirty (30) days after June 30 of each year thereafter," and inserting in lieu thereof "September 30 of each year".

4. In § 150.19 of 10 CFR Part 150, the first sentence of paragraph (b) is amended by deleting "June 5, 1972, and within thirty (30) days after June 30 and December 31 of each year thereafter," and inserting in lieu thereof "March 31 and September 30 of each year".

(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 June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-18801 Filed 6-29-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15785; Amdt. 39-2945]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Viper Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive which requires as inspection and, if necesary, relocation of the ident/data tags on the fuel tubes and realignment of the fuel tubes on Rolls Royce Viper MK. 522 and MK. 601-22 engines installed, or being held for installation, on Hawker Siddeley Model DH/BH-125 series airplanes to prevent interference with the fuel shutoff mechanism.

DATE: Effective August 1, 1977.

ADDRESSES: The applicable Rolls Royce alert service bulletins may be obtained from Rolls Royce (1971), Ltd., Bristol Engine Division, P.O. Box 3, Filton, Bristol BS12 7QE, England. Copies of the alert service bulletins are contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection and, if necessary, relocation of ident/data tags on the fuel tubes and realignment of the fuel tubes on Rolls Royce Viper MK. 601-22 engines installed on Hawker Siddeley Model DH/BH-125 series airplanes was published in the FEDERAL REGISTER at 41 FR 24608. The proposal was prompted by reports of inability to actuate the engine fuel shutoff valve because of interference between the shutoff valve and the engine throttle control rod. This could result in unwanted thrust.

Interested persons have been afforded an opportunity to participate in the making of the amendment with respect to the MK. 601-22 engines. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

Although the notice pertained only to Rolls Royce MK. 601-22 engines, the FAA has determined that the AD should also apply to the Rolls Royce MK. 522 engines because of the identical problem. Since a situation exists that requires the immediate adoption of this regulation with respect to the MK. 522 engines, it is found that notice and public procedure hereon are impracticable and that good cause exists for including the MK. 522 engines in the amendment.

DRAFTING INFORMATION

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

ADOPTION OF AMENDMENT

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

ROLLS ROYCE (1971), LTD. Applies to Bristol Viper MK. 522 and MK. 601-22 engines installed, or being held for installation, on Hawker Siddeley Model DH/BH-125 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent interference between the engine throttle control rod and the high pressure fuel shutoff valve that could result in inability to actuate fuel shutoff, accomplish the following:

(a) For installed engines, within the next 500 hours engine time in service after the effective date of this AD, accomplish the following in accordance with paragraph 2.A of Rolls Royce Alert Service Bulletin 73-A98 (MK. 522 engines) or 73-A13 (MK. 601-22 engines), both dated October 1975, or an FAA-approved equivalent:

(1) Relocate the ident/data tags fitted to the fuel tube, P/N DF-21-389.

(2) Check for adequate clearance between the fuel tube, P/N DF-21-389, and the H.P. cock control rod, P/N 25CX53-25A.

(3) If the clearance is found not to be adequate during the inspection specified in paragraph (a)(2) of this paragraph, realign the fuel tube to provide adequate clearance.

(b) For other engines, prior to installation on a Model DH/BH-125 airplane, ascertain the location of the ident/data tags on fuel tube P/N DF-21-389 and if it is found to be within 8 inches or less of the union nut, at the b.f.c.u. connection, remove the tags and refit to a lower position on the tube in accordance with the instructions contained in paragraph 2.B of Rolls Royce Alert Service Bulletin 73-A98 (MK. 522 engines) or 73-A13 (MK. 601-22 engines), both dated October 1975, or an FAA-approved equivalent.

NOTE.—The accomplishment instructions contained in Rolls Royce Alert Service Bulletins 73-A13 and 73-A98 are identical.

This amendment becomes effective on August 1, 1977.

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

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

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

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

[FR Doc.77-18415 Filed 6-29-77;8:45 am]

[Docket No. 16988; Amdt. 39-2949]

PART 39—AIRWORTHINESS DIRECTIVES

Agusta A-109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires replacement and recurring inspection of the main rotor hub flap hinge bearings on certain serial numbers of Agusta Model A-109A helicopters. The AD is needed because failure of one or more bearings would affect control of the rotor flaps and jeopardize continued safe flight of the helicopter.

DATE: Effective July 15, 1977. Compliance schedule.—As prescribed in the body of the AD.

ADDRESSES: The applicable Technical Bulletin may be obtained from Costruzioni Aeronautiche Giovanni AGUSTA 21017 Coscina Costa Varese, Italy (Customer Service Division). A copy of the Technical Bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C., 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The FAA has determined that main rotor flap hinge bearings P/N SJ7355/IR7355 installed on Agusta Model A-109A helicopters may be subject to premature failure which could prevent proper operation of the main rotor flaps and jeopardize safe flight of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires replacement of main rotor hub flap hinge bearings on certain serial number Model A-109A helicopters and periodic inspection of these flap hinge bearings on all Model A-109A helicopters after initial bearing replacement.

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

The principal authors of this document are Mr. P. A. Cormaci, Europe, Africa, and Middle East Region, Mr. F. Kelley, Flight Standards Service, and Mr. J. Jeffrey, Office of the Chief Counsel.

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

AGUSTA. Applies to Model A-109A helicopters equipped with main rotor hub flap hinge bearings P/N SJ7355/IR7355.

Compliance is required as indicated, unless already accomplished.

To prevent possible improper operation of the main rotor flaps due to premature failure of any one of the main rotor hub flap hinge bearings, accomplish the following:

(a) For helicopters with serial numbers up to and including S/N 7120, except S/N 7119:

(1) Within the next 10 hours time in service after the effective date of this AD, replace the main rotor hub flap hinge bearings P/N SJ7355/IR7355 in accordance with Part I of Agusta Technical Bulletin No. 109-3, dated May 4, 1977, or an FAA-approved equivalent; and

(2) Within 100 hours time in service after complying with paragraph (a)(1) of this AD, and thereafter at intervals not to exceed 100 hours time in service, or any time abnormal oil leaks occur from flap hinges, perform inspections and replace bearings, as necessary, in accordance with Part II of Agusta Technical Bulletin No. 109-3, dated May 4, 1977, or an FAA-approved equivalent.

(b) For helicopters with serial numbers S/N 7119, S/N 7121 and up, within the next 25 hours time in service after the effective date of this AD, except for those which have been inspected within the previous 75 hours, and thereafter at intervals not to exceed 100 hours time in service or any time abnormal oil leaks occur from flap hinges, perform inspections and replace bearings, as necessary, in accordance with Part II of Agusta Technical Bulletin No. 109-3, dated May 4, 1977, or an FAA-approved equivalent.

(c) Equivalent methods of complying with this AD must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region, c/o American Embassy, APO, New York, N.Y. 09667.

This amendment becomes effective July 15, 1977.

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

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

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

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

[FR Doc.77-18646 Filed 6-29-77;8:45 am]

[Docket No. 77-NW-9-AD; Amdt. 39-2944]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive to require inspections of the Body Station (B.S.) 910 floor beam lower flanges on Boeing Model 727 series airplanes.

Cracking has occurred at the lower flange-to-web radii of the B.S. 910 floor beam on two airplanes. One in-flight depressurization incident occurred as a result of the cracking.

DATE: Effective date August 5, 1977. Compliance times: As prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Region, Engineering and Manufacturing Branch, 9010 East Marginal Way South, Seattle, Wash. 98108.

Boeing service bulletin(s) specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Gerald R. Mack, Airframe Field Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making (NPRM) (42 FR 18861) was published on April 11, 1977, proposing that a new Airworthiness Directive be issued to require inspections of the B.S. 910 floor beam lower flanges on affected Boeing Model 727 series airplanes. Since the B.S. 910 floor beam is located over the main landing gear wheel well and the pressure web is attached to the lower flanges of the beam, cracking can result in loss of pressure.

In response to the proposal, the Air Transport Association (ATA) submitted comments from its member airlines. One comment was that the initial threshold of 20,000 pressurization cycles was not justified since both airplanes which experienced the cracked floor beams had accumulated approximately 28,000 landings. Further, associated comments were made that the initial inspection within 750 pressurization cycles of airplanes with 20,000 pressurization cycles would impose an economic burden. Therefore, the ATA requested the AD require the initial inspection within 1,000 cycles on all airplanes with 25,000 or more total cycles. One operator requested that 1,600 cycles be considered for the initial inspection since the proposed 750 cycle initial inspection is unreasonably severe and may result in flight delays and cancellations. One commentator suggested if the 25,000-cycle threshold was not acceptable to the FAA, that a higher initial inspection time of 2,000 cycles be considered for airplanes with less than 25,000 cycles total time. The FAA does not concur with the comments regarding a higher threshold. Metallurgical examination of two failed flanges, left and right side, indicated that considerable cracking initiated as stress corrosion. The crack on one side propagated completely as the result of fatigue. The crack on the other side possessed sites of both stress corrosion and fatigue, with stress corrosion as the dominant mechanism. Since the propagation rate of stress corrosion cracking is not predictable, the FAA believes a substantial margin is necessary for the threshold. Therefore, the 20,000 pressurization cycle threshold has been retained. After review of the available data and comments received, the FAA has determined that an initial inspection compliance time of 1,000 pressurization cycles will provide sufficient protection.

Several commentators objected to the time intervals of the proposed repetitive inspections of 1,000 and 2,000 pressurization cycles for the low frequency eddy current method and conventional eddy current or dye penetrant methods, respectively, stating that the times were too restrictive and not justified based on the failures thus far. The FAA does not

agree. The proposed times were established from results of examining actual in-service, failed beams and known capabilities of the inspection methods.

A comment was received regarding proposed paragraph F which would allow the number of pressurization cycles to be considered identical to the number of landings, subject to acceptance by the assigned FAA maintenance inspector. The commentator stated that operators have used landings as pressurization cycles for some time without FAA approval for individual cases, and therefore, suggested either the word "landing" be used in lieu of pressurization cycles or the words "subject to acceptance by the assigned FAA maintenance inspector" be deleted. Since the number of landings will always equal or exceed the number of pressurization cycles, the FAA concurs that approval by an FAA maintenance inspector is not necessary.

DRAFTING INFORMATION

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

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 Model 727 series airplanes listed in Boeing Service Bulletin No. 727-53-134, Revision 3, or later FAA approved revisions, and certificated in all categories. Compliance required as indicated.

To detect cracking in the Body Station 910 floor beam, accomplish the following:

A. Within the next 1,000 pressurization cycles for airplanes with more than 20,000 pressurization cycles on the effective date of this AD, or prior to the accumulation of 21,000 pressurization cycles for airplanes with less than 20,000 pressurization cycles on the effective date of this AD, inspect the lower flanges of the B.S. 910 floor beam for cracks per paragraph B below. If inspected within the last 1,000 pressurization cycles prior to the effective date of this AD per paragraph B.2, reinspect in accordance with paragraph E. Beams found cracked are to be repaired per paragraph C.

B. Inspect the B.S. 910 floor beam in accordance with one of the following:

1. Low frequency eddy current inspection procedures of Figure 3 of Boeing Service Bulletin No. 727-53-134, Revision 3 or later FAA approved revisions.

2. Eddy current or dye penetrant inspection procedures of Figure 2 of Boeing Service Bulletin No. 727-53-134, Revision 3, or later FAA approved revisions.

3. A manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. If cracks are detected in the beam, repair in accordance with Boeing Service Bulletin No. 727-53-134, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, prior to further flight except that the airplane may be flown unpressurized in accordance with FAR 21.197 to a base where the repair can be accomplished.

D. Airplanes which have had the straps or repair doubler installed in accordance with Boeing Alert Service Bulletin No. 727-53-124, or FAA approved equivalent, must be inspected once in accordance with paragraph B of this AD within 3,000 pressurization cycles from the effective date of this AD, in lieu of compliance with the compliance times specified in paragraphs A and E, unless already accomplished. Beams found cracked are to be repaired in accordance with paragraph C.

E. Repeat the inspections per paragraph B.1 at intervals not to exceed 1,000 pressurization cycles or per paragraph B.2 at intervals not to exceed 2,000 pressurization cycles.

F. Terminating action of this AD consists of inspection per paragraph B and installation of the preventive modification straps or repair doubler in accordance with Boeing Alert Service Bulletin No. 727-53-124, Revision 1, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

G. For the purpose of complying with this AD, the number of pressurization cycles may be considered to be identical to the number of landings.

H. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective August 5, 1977.

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

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

Issued in Seattle, Wash., on June 22, 1977.

C. B. WALK, Jr.,
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.77-18645 Filed 6-29-77;8:45 am]

[Docket No. 15046; Amdt. 39-2950]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Puma Model SA 330 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires periodic inspection of the formed sheet beams under the forward engine mount attachment fittings for cracks, and for repair and modification, as necessary, on certain Aerospatiale Puma SA 330F and SA 330G helicopters to preclude failure of the forward engine mount support structure.

DATES: Effective August 1, 1977. Compliance is required within the next 50 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time in service since the last inspection.

ADDRESSES: The applicable service bulletins may be obtained from Aerospatiale Helicopter Corporation, 1701 West Marshall Drive, Grand Prairie, Tex. 75050.

A copy of each of the applicable service bulletins is contained in the Rules Docket for this amendment in Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspection of the formed sheet beams under the forward engine mount attachment fittings for cracks, and for repair and modification, as necessary, on certain Aerospatiale Puma SA 330F and SA 330G helicopters was published in the FEDERAL REGISTER at 40 FR 48519. The proposal was issued as a result of cracks occurring in the formed sheet beams.

Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted. Accordingly, the proposal is adopted without change.

DRAFTING INFORMATION

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and Middle East Region, Mr. N. S. Dobi, Flight Standards Service, and Mr. Richard J. Burton, Office of Chief Counsel.

ADOPTION OF THE AMENDMENT

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE.

Applies to Puma Model SA 330F and SA 330G helicopters that have not been modified in accordance with Puma Service Bulletin No. 53.13.

Compliance is required within the next 50 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time in service since the last inspection, until accomplishment of Puma Service Bulletin No. 53.13, dated May 29, 1974, or an FAA-approved equivalent.

To prevent possible failure of the forward engine mount support structure, accomplish the following:

(a) Inspect for cracks in beams under attachment fittings for the forward engine mounts located between frames 3245 and 3550 in accordance with subparagraph 1C(1) of Puma Service Bulletin No. 05.35, dated April 9, 1974, or an FAA-approved equivalent.

(b) If cracks are found which exceed the criteria for continued service set forth in subparagraph 1C(2) of Puma Service Bulletin No. 05.35, before further flight, except that the helicopter may be flown in accordance with FAR §§ 21.197 and 21.199, to a base where the work can be performed, replace the beams in accordance with Puma Service Bulletin No. 53.13, dated May 29, 1974, 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.

This amendment becomes effective August 1, 1977.

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

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

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

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

[FR Doc.77-18647 Filed 6-29-77;8:45 am]

[Docket No. 15120; Amdt. 39-2951]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Alouette III Helicopter Models SE3160 and SA316B

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires replacement or modification of the Houdaille AV4S2 hydraulic dampers in the directional control system on the Aerospatiale Alouette III helicopter Models SE3160 and SA316B to preclude possible binding in the tail rotor directional control.

DATES: Effective August 1, 1977. Compliance required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESS: The applicable service bulletin may be obtained from Aerospatiale Helicopter Corporation, 1701 West Marshall Drive, Grand Prairie, Texas 75051. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C.

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, Tel. 513. 38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement or modification of the Houdaille AV4S2 hydraulic dampers in the directional control system on Aerospatiale Alouette III helicopter Models SE-3160 and SA316B was published in the FEDERAL REGISTER at 40 FR 50726. The proposal was issued as a result of reports that binding of the AV4S2 hydraulic dampers causes discontinuities in the control force required for tail rotor directional control and thereby jeopardizes safe operation.

Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted. Accordingly, the proposal is adopted without substantive change.

DRAFTING INFORMATION

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and Middle East Region, Mr. C. A. Christie, Flight Standards Service, and Mr. Richard J. Burton, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly SUD AVIATION). Applies to Alouette III Helicopter Model SE 3160 and SA 316B, certificated in all categories.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Alouette Service Bulletin No. 05.38, as revised June 14, 1971.

To prevent possible binding of the tail rotor directional control, either replace the Houdaille type AV4S2 hydraulic damper with type AV4S3, or modify the type AV4S2 hydraulic damper by incorporating Houdaille Kit 10.338, in accordance with subparagraph 1C(2)(b) of Alouette Service Bulletin 05.38 as revised June 14, 1971, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

This amendment becomes effective August 1, 1977.

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

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

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

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

[FR Doc.77-18648 Filed 6-29-77;8:45 am]

[Docket No. 77-GL-14; Amdt. 39-2942]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel-Schebler/Tillotson Division Model HA-6, Part Number A10-5200 Carburetor

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a modification to provide positive retention of the idle needle assembly of Marvel-Schebler/Tillotson Division Model HA-6, Part Number A10-5200 carburetor. Inadequate retention of the idle needle assembly has resulted in engine failure. The modification required by this AD is intended to prevent the idle needle's movement from its proper position.

DATES: Effective date: July 6, 1977.

Compliance schedule: Compliance required within the next 25 hours time in service, unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 to a base where the modification can be performed.

ADDRESS: Copies of Marvel-Schebler service documents incorporated herein may be obtained from Marvel-Schebler/Tillotson Division, Borg-Warner Corp., 2195 South Elwin Road, Decatur, Illinois 62525.

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

FOR FURTHER INFORMATION CONTACT:

Gary L. Killion, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018. Telephone: 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: A recent engine failure has been attributed to loss of the idle needle assembly

from a Marvel-Schebler/Tillotson HA–6 carburetor. A second idle needle assembly was found loose on another aircraft with the same model carburetor.

Since this condition is likely to exist or develop in other carburetors of this design an airworthiness directive is being issued to provide positive retention of the idle needle assembly.

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

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final rule is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are Gary L. Killion, Flight Standards Division, Great Lakes Region, and Joseph K. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

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

MARVEL-SCHEBLER/TILLOTSON DIVISION. Applies to Model HA–6, Part Number A10–5200 carburetors, serial numbers CS–( )–100 through CS–( )–345, inclusive, installed on, but not limited to, Rockwell International Commander 112TC and 112TCA aircraft certificated in all categories.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 to a base where the modification can be performed.

To provide positive retention of the idle needle assembly, incorporate Marvel-Schebler/Tillotson Kit No. 666–817 in accordance with Marvel-Schebler/Tillotson Form No. MST–683.

Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Marvel-Schebler/Tillotson Division, Borg Warner Corp., 2195 South Elwin Road, Decatur, Illinois 62525. These documents may also be examined at FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective July 6, 1977.

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

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

Issued in Des Plaines, Illinois on June 20, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

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

[FR Doc.77–18565 Filed 6–29–77;8:45 am]

[Docket No. 77–GL–15; Amdt. 39–2943]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers Two and Three Bladed Full Feathering and Non-Feathering Models

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of certain McCauley two and three bladed propeller models, and as necessary, rework or replacement of the affected ferrules, blade actuating pins and washers in accordance with the manufacturer's service instructions. This action is considered necessary to preclude failure of the blade actuating pin that has resulted in excessive vibration and loss of propeller control in flight. Due to improper modification procedures used by the propeller repair station concerned, this condition is likely to develop in some other propellers it previously reworked.

DATES: Effective date: July 6, 1977.

Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: Copies of McCauley Service Bulletin Nos. 99, 99–1, 99–2, and 99–3 may be obtained from McCauley Accessory Division, Cessna Aircraft Corporation, Box 7, Roosevelt Station, Dayton, Ohio 45417.

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

FOR FURTHER INFORMATION CONTACT:

Henry L. Weiss, Engineering and Manufacturing Branch, Flight Standards Division, AGL–214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone: 312–694–4500, extension 308.

SUPPLEMENTARY INFORMATION: AD 76–19–04: Amendment 39–2727, effective September 27, 1976, requires inspection and rework of certain two bladed constant speed McCauley propellers which were inadvertently modified to McCauley Service Bulletin No. 99 by Hoosier Aircraft Accessory, Inc., Indianapolis, Indiana. The AD was issued after the discrepancy was discovered, because the propeller repair station was unable to recover, inspect, and, as necessary rework the ferrules, blade actuating pins and washers of the affected propellers in accordance with the appropriate manufacturer's service instructions.

In view of the foregoing developments, it was determined that sampling inspections of certain other propeller models, which were required to comply with McCauley Service Bulletin No. 99, be conducted. These were also modified by the aforementioned propeller repair station during the period of December 8, 1972 through June 30, 1975. Since the latter inspections likewise disclosed instances of improper compliance, this AD is considered necessary to ensure that all such propellers have been modified properly in accordance with the correct service instructions.

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

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are H. L. Weiss, Flight Standards Division, Great Lakes Region, and J. K. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

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

MCCAULEY PROPELLERS. Applies to the following two-bladed and three-bladed constant speed "Non-Feathering" and "Full Feathering" type McCauley propellers, which were modified by Hoosier Aircraft Accessory, Inc., Indianapolis, Indiana during the period of December 8, 1972 through June 30, 1975. These propellers are installed on, but not limited to the aircraft models listed below.

Constant speed "nonfeathering" propellers

Model (note 1)	Hub serial No. (note 2)	Aircraft model (note 3)
(A) 2 bladed:		
2A34C22*.....	713477 714270	Maule M-5-220C; M-4-180C, S, T.
D2A34C67*.....	692205	Cessna R172 E, F, G, and H; FR172 E, F, G, and H. Maule M-4-210C, -210S, -210T; M-5-210C.
(B) 3 bladed:		
D3A32C77*.....	661184 726348	Cessna P206A, TP206A, 210F, and T210F.
D3A32C88*.....	724926	Cessna P206, P206 A, B, C, D, E; Cessna TP206 A, B, C, D, E; TU206F (S/N U20602200 and up). Cessna 210 F, G, H, J, K, L; T210 G, H, J, K, and L.

Constant speed "full feathering" propellers

Model (note 1)	Hub serial No. (note 2)	Aircraft model (note 3)
(A) 2 bladed:		
D2AF34C30* or 2AF34C30.*	700468 701342 705241 705242	Beech 48, 58A.
D2AF34C52*.....	728611 730034 730556	Cessna 310I.
2AF34C55*.....	682955 684789 697330 713643 726670 728131 728141	Beech 95-55, 95-A55, 95-B55, 95-B55A, 95-B55B, 95-C55, 95-C55A, D-55, D-55A, E-55, E-55A series.
D2AF34C59* or 2AF34C59.*	642020 723964	Cessna 337; 337 A, B, C, D, E, and F series. Burns BA42.
D2AF34C61* or 2AF34C61.*	66394 675836 683257 684839 686708 691475 727098 736922 741911 745073 750643	Cessna 336; 337, 337 A, B, C, E, and F Series; T337 B, C, D, E, and F series; F337E, F337F.
D2AF34C71*.....	685300 694684	Cessna 310 P, Q, and R; T310 P and Q; 320 D, E, and 340.
D2AF34C81*.....	651926 671750 672239 673494 682298 741088 741102	Cessna 310J, E310J, 310K, 310L, and 310N.
D2AF34C91*	722029	Cessna T337B, T337C, T337D, T337E, and T337F; and FT337E, FT337F.
(B) 3 bladed:		
3AF34C74*.....	661086TR 662363TR 692379	Cessna 411, 411A.
3AF32C75*.....	702047 702051	Beech 95-C55, 95-C55A, D55, D55A, E55, and E55A.
D3AF32C80* or 3AF34C80.*	66986 661000 665633 738455 738586 744076	Cessna 310 K, L, and N. Colemill Executive 600 (STC SA518SO—Cessna 310 J, K, L, and N conversion).
3AF32C87*.....	68588 683600 683602 685410 692770 694218 705807 710281 712311 713792 723589 737625 737974 739577 743892 743893 744411 746518 748219	Cessna 310 P, Q, and R; TP310 P, Q, and R; 320 D, E, and F; 340 Colemill Executive 600 (STC SA518SO—Cessna 310I Conversion); Riley (STC SA1181SW—Cessna 340 Conversion).
3AF32C92* or 3AF32C92.*	682034 682054 685899 686191 720868 721301 733370 734880	Cessna 421, 421 A, and B.
3AF32C93.....	722256 722257	Cessna 414.

*Denotes suffix letter(s). Some models have 1 or more suffix letter designations, others have none.

NOTES.—(1) and (2)—Propeller model and hub serial numbers are stamped on the side of the propeller hub. The listing of hub serial numbers refers to specific hub serial numbers not series. In the event a spinner is installed, the spinner should be removed to check the model and hub (S/N) designations. The aircraft's records should likewise be checked to ensure that the model and hub serial number coincide with the records. In the event an error is noted, the records should be corrected accordingly. Prior to further flight, spinners should be reinstalled where applicable. (3)—If no listing of aircraft serial numbers is indicated, applies to all applicable serial numbers of a particular aircraft model or series.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To preclude the possibility of blade actuating pin failures resulting from using an incorrect actuating pin, or improper rework of the ferrules and installation of the blade actuating pins and washers (i.e., a blind actuating pin hole not tapped to the proper depth can cause stripped threads on the ends of the actuating pin resulting in severe stress and may prevent actuating pin from seating properly on the washer), accomplish the following:

A. Disassemble the propeller and inspect the blade actuating pins, washers and ferrules for proper conformity and installation in accordance with McCauley Service Bulletins No. 99 dated December 8, 1972, No. 99-1 dated December 14, 1972, No. 99-2 dated April 23, 1973, and No. 99-3 dated August 11, 1975, or later Federal Aviation Administration approved revisions.

B. Prior to further flight repair or replace as necessary, any improperly installed blade actuating pins, washers and ferrules, and reassemble the propeller in accordance with McCauley Service Bulletins No. 99 dated December 8, 1972, No. 99-1 dated December 14, 1972, No. 99-2 dated April 23, 1973, No. 99-3 dated August 11, 1975, and Service Manuals 710930 and 720415, or later Federal Aviation Administration approved revisions.

C. When the above propellers are released for service, compliance with this Airworthiness Directive shall be noted in the Aircraft's Records.

D. The responsible propeller repair station will notify the Federal Aviation Administration, Chief, Engineering and Manufacturing Branch, AGL-210, 2300 East Devon Avenue, Des Plaines, Illinois 60018, by certified mail of the results of these inspections. The disposition of the affected propeller(s) including the blade and hub serial numbers of the propellers (as received and where applicable, as returned to service) must be reported. (Reporting approved by the Office of Management and Budget under OMB No. 04-R-174).

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Corporation, Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this airworthiness directive which includes incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and the Great Lakes Region.

This amendment becomes effective: July 6, 1977.

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

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

Issued in Des Plaines, Illinois, on June 20, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

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

[FR Doc.77-18566 Filed 6-29-77;8:45 am]

[Docket No. 77-SO-23]

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

Redesignation of Control Zone, Rocky Mount, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Rocky Mount, North Carolina, Control Zone to coincide with the hours of operation of the Rocky Mount Flight Service Station. The hours of the Flight Service Station are being reduced from continuous to 0600 to 2200 hours local time. This reduces the availability of weather observations and necessitates the change in control zone hours of operation to conform to the Flight Service Station hours of operation.

EFFECTIVE DATE: 0901 GMT, August 11, 1977.

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

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR, Part 71, the Rocky Mount Control

Zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A review of the Flight Service Station workload indicated insufficient activity to retain the 24-hour operation. On August 11, 1977, the Flight Service Station hours of operation will be reduced to 0545 to 2200 hours local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division and Richard L. Faber, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, August 11, 1977, as follows:

§ 71.171 [Amended]

In Subpart F, § 71.171 (42 FR 355), the Rocky Mount, South Carolina, Control Zone is amended by adding the following:

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 Airman's Information Manual.

(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):(14 CFR 11:69).)

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

Issued in East Point, Ga., on June 20, 1977.

PHILLIP M. SWATEK,
Director, Southern Region,

[FR Doc.77-18567 Filed 6-29-77;8:45 am]

[Airspace Docket No. 77-GL-02]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace, a transition area, near Bucyrus, Ohio, to accommodate a new instrument approach procedure into the Port Bucyrus-Crawford County Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: This rule making action is necessary to insure segregation of aircraft using the new instrument approach procedure into Port Bucyrus-Crawford County Airport in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude authorized from this procedure may be established below the floor of the 700' controlled airspace. Aeronautical maps and charts will also reflect this action.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 14884 of the FEDERAL REGISTER dated March 17, 1977, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Bucyrus, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective August 11, 1977, as follows:

In § 71.181 (42 FR 440), the following transition area is added:

BUCYRUS, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Port Bucyrus Airport (latitude 40°46'30" N, longitude 82°58'15" W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81, Federal Aviation Regulations (14 CFR 11.61))

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

Issued in Des Plaines, Illinois, on June 16, 1977.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.77-18412 Filed 6-29-77;8:45 am]

[Docket No. 77-SO-22]

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

Redesignation of Control Zone at Anderson, S.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Anderson, South Carolina, Control Zone to coincide with the hours of operation of the Anderson Flight Service Station. The hours of the Flight Service Station are being reduced from continuous to 0600 to 2200 hours local time. This reduces the availability of weather observations and necessitates the change in control zone hours of operation to conform to the Flight Service Station hours of operation.

EFFECTIVE DATE: 0901 G.m.t., August 11, 1977.

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

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR, Part 71, the Anderson Control Zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A review of the Flight Service Station workload indicated insufficient activity to retain the 24-hour operation. On August 11, 1977, the Flight Service Station hours of operation will be reduced to 0545 to 2200 hours local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division and Richard L. Faber, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 11, 1977, as follows:

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 Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) (14 CFR 11:69).)

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

Issued in East Point, Ga., on June 20, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-18411 Filed 6-29-77;8:45 am]

[Docket No. 77-SO-25]

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

Redesignation of Control Zone at Valdosta, Ga. (Valdosta Municipal Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Valdosta, Georgia, Control Zone to coincide with the hours of operation of the Valdosta Flight Service Station and Airport Traffic Control Tower. The hours of the Flight Service Station are being reduced from continuous to part time. This reduces the availability of weather observations and necessitates the change in control zone hours of operation to conform to the Flight Service Station and Airport Traffic Control Tower hours of operation.

EFFECTIVE DATE: 0901 G.m.t., August 11, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR, Part 71, the Valdosta Control Zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A review of the Flight Service Station workload indicates insufficient activity to retain the 24-hour operation. On August 11, 1977, the Flight Service Station hours of operation will be reduced to 0600 to 2200 hours local time daily. This necessitates a reduction in the control zone hours of operation. The Airport Traffic Control Tower will continue to operate from 0700 to 2300 hours local time daily.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division and Ronald R. Hagadone, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 11, 1977, as follows:

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 Airman's Information Manual.

(Sec. 207(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) (14 CFR 11:69).)

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

Issued in East Point, Ga., on June 20, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-18410 Filed 6-29-77;8:45 am]

[Docket No. 16986; Amdt. No. 1079]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730) Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 9) prescribes new, amended, suspended,

or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

* * * *Effective August 18, 1977.*

Auburn, AL—Auburn-Opelika, VOR Rwy 28, Amdt. 5
Auburn, AL—Auburn-Opelika, VOR/DME–A, Amdt. 4
Kankakee, IL—Greater Kankakee, VOR Rwy 4, Amdt. 1
Kankakee, IL—Greater Kankakee, VOR Rwy 22, Amdt. 1
Columbus-West Point-Starkville, MS—Golden Triangle Regional, VOR–D, Amdt. 2
Columbus-West Point-Starkville, MS—Golden Triangle Regional, VOR/DME–E Amdt. 2
West Milford, NJ—Greenwood Lake, VOR–A, Original
Lexington, TN—Franklin-Wilkins, VOR Rwy 33, Amdt. 7
Shelbyville, TN—Bomar Field, Shelbyville Muni., VOR Rwy 18, Original
Shelbyville, TN—Bomar Field, Shelbyville Muni., VOR Rwy 36, Amdt. 11

* * * *Effective August 11, 1977.*

Frankfort, IL—Frankfort, VOR Rwy 27, Amdt. 2
Gardner, MA—Gardner Muni., VOR–A, Amdt. 3
Orange, MA—Orange Muni., VOR–A, Amdt. 5
Ann Arbor, MI—Ann Arbor Municipal, VOR Rwy 6, Amdt. 6
Ann Arbor, MI—Ann Arbor Municipal, VOR Rwy 24, Amdt. 5
Big Rapids, MI—Roben-Hood, VOR–A, Amdt. 1
Charlotte, MI—Fitch H. Beach, VOR Rwy 20, Amdt. 4
Lancaster, OH—Fairfield County, VOR–A, Amdt. 1
Logan, UT—Logan-Cache, VOR Rwy 17, Original
Logan, UT—Logan-Cache, VOR–A, Amdt. 2
Logan, UT—Logan-Cache, VOR–B, Amdt. 1, cancelled
Salt Lake City, UT—Salt Lake City International, VOR Rwy 16L (TAC) Amdt. 6
Salt Lake City, UT—Salt Lake City International, VOR Rwy 16R (TAC) Amdt. 17
Kenosha, WI—Kenosha Municipal, VOR Rwy 14, Amdt. 3

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

* * * *Effective August 11, 1977.*

Rockford, IL—Greater Rockford, LOC BC Rwy 18, Amdt. 9

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective August 18, 1977.*

Kankakee, IL—Greater Kankakee, NDB Rwy 4, Amdt. 4

* * * *Effective August 11, 1977.*

Apalachicola, FL—Apalachicola Muni., NDB Rwy 13, Amdt. 7, cancelled
Rockford, IL—Greater Rockford, NDB Rwy 36, Amdt. 18
Fitchburg, MA—Fitchburg Muni., NDB–A, Amdt. 6
Orange, MA—Orange Muni., NDB–B, Amdt. 3
Charlevoix, MI—Charlevoix Municipal, NDB Rwy 8, Amdt. 2
Charlevoix, MI—Charlevoix Municipal, NDB Rwy 26, Amdt. 2
Jasper, TX—Jasper County-Bell Field, NDB Rwy 17, Amdt. 3
Jasper, TX—Jasper County-Bell Field, NDB–A, Amdt. 1
Logan, UT—Logan-Cache, NDB–B, Amdt. 1
Kenosha, WI—Kenosha Municipal, NDB Rwy 14, Amdt. 6

* * * *Effective July 28, 1977.*

Clarksville, AR—Clarksville Municipal, NDB–A, Original

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective August 11, 1977.*

Rockford, IL—Greater Rockford, ILS Rwy 36, Amdt. 21

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective August 11, 1977.*

Salt Lake City, UT—Salt Lake City International, RADAR–1, Amdt. 13

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective August 18, 1977.*

Auburn, AL—Auburn-Opelika, RNAV Rwy 36, Amdt. 1

* * * *Effective August 11, 1977.*

Lancaster, OH—Fairfield County, RNAV Rwy 10, Original
Houston, TX—Hull Field, RNAV Rwy 17, Amdt. 1
Houston, TX—Hull Field, RNAV Rwy 35, Original

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354 (a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

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 1181, as amended by Executive Order 11949, and OMB Circular A–107.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77–18644 Filed 6–29–77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 26907 et al.; ER–1003, Amdt. 2]

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment terminates the special standards previously governing entry of long-haul motor carriers of general commodities and railroad carriers as air freight forwarders

(monitored entry) as set forth in Subpart H of Part 296. Instead, it treats entry by such persons in the same manner as all other applicants for entry (free entry) except that the period for which the license is granted is limited to a period of ten years from the effectiveness of the Board's decision in *Long-Haul Motor/Railroad Carrier Air Freight Forwarders Authority Case*, Docket 26907, decided June 27, 1977, Order 77-6-126. This rule implements a part of the Board's decision.

DATES: Effective: August 26, 1977. Adopted: June 27, 1977. Petitions for Reconsideration by July 20, 1977.

ADDRESSES: Petitions for Reconsideration should be sent to Docket 26907, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5206).

SUPPLEMENTARY INFORMATION: In *Motor Carrier Air-Freight Forwarder Investigation*, Order 69-4-100, the Board authorized long-haul motor carriers of general commodities to engage in air freight forwarding and international air freight forwarding on a trial basis for a period of five years under a plan of monitored entry designed to assure that their participation would benefit rather than harm air transportation. The program was extended to railroad carriers in *Southern Pacific-Sante Fe Air Freight Forwarder Case*, Order 70-10-100. The provisions establishing the program were incorporated in Part 296 by ER-593 (November 12, 1969, 34 FR 19341) and ER-791 (October 12, 1970, 36 FR 20155). They are codified in 14 CFR 296.80 et seq.

In *Long-Haul Motor/Railroad Carriers Air Freight Forwarder Authority Case, supra*, we undertook a review and appraisal of the efficacy of the experiment we had instituted. In our opinion issued simultaneously herewith (which incorporated and relied upon the initial decision of the administrative law judge) we concluded that the monitored entry program and the special reports called for by the program should be terminated. We concluded further that long-haul motor and railroad carriers should be permitted free entry the same as all other applicants. However, we did determine that the licenses granted to such surface or affiliated carriers either through renewal in the proceeding or through later proceedings would be limited to a period of ten years from the effectiveness of our decision.

For the reasons stated in our decision, and the record upon which it was made, the Board is amending Subpart H of Part 296 in the manner set forth below. The changes made in the regulation were clearly at issue in the proceeding referred to and were fully litigated. This amendment, therefore, will take the form of a final rule. However, interested persons will be afforded a period of 20 days from the date of publication of this amendment in the FEDERAL REGISTER within which to file petitions for reconsideration. The effective date of this amendment shall, like the decision upon which it is based, be 60 days after its adoption.

The Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296) effective August 26, 1977, as follows:

1. Amend the Table of Contents by revising the description of sections listed under Subpart H to read as follows:

Subpart H—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders and International Air Freight Forwarders

* * * * * * *

§ 296.82 * * *
§§ 296.83–296.87 [Reserved]
§ 296.88 * * *

* * * * * * *

2. Amend § 296.80 to read as follows:

§ 296.80 Applicability of subpart.

This subpart sets forth the limited duration of authorizations to long-haul motor carriers, as defined in § 296.1(h), and railroad carriers, as defined in § 296.1(i), to operate in their own names as air freight forwarders or as international air freight forwarders. The regulation does not govern requests of motor carriers and railroad carriers for Board approval of control relationship created when they apply through subsidiaries or other affiliates for authorization as forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statement in this chapter.

3. Amend § 296.81 to read as follows:

§ 296.81 Applicability of other subparts.

The provisions of subparts A through C and E through G of this Part shall be applicable to the processing of applications of long-haul motor carriers or railroad carriers for authority to operate as air freight forwarders and as international air freight forwarders, and to the conduct of such operations.

4. Amend § 296.82 to read as follows:

§ 296.82 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements in this chapter (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers and railroad carriers and other persons owned or controlled by or owning and controlling such carriers which seek or possess authority to operate as air freight forwarders or international air freight forwarders for approval of such control relationships under section 408 of the Act.

§§ 296.83–296.87 [Reserved]

5. Delete and reserve §§ 296.83, 296.84, 296.85, 296.86, and 296.87.

6. Amend § 296.88 to read as follows:

§ 296.88 Duration.

Unless sooner suspended or revoked, an authorization of a long-haul motor carrier or railroad carrier will continue in effect until it expires by its terms or until this subpart is terminated or revoked: *Provided*, That in no event shall such an authorization pursuant to this subpart extend past August 26, 1987.

7. Amend § 296.89 to read as follows:

§ 296.89 Revocation or suspension.

The Board may institute proceedings to revoke the authorizations of one or more long-haul motor carriers or railroad carriers if it has cause to believe that the continued operations of such carrier or carriers will be inconsistent with the public interest. Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of one or more of such motor carriers or railroad carriers, in accordance with procedures specified by § 296.62.

(Secs. 101(3), 102, 204(a), and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 743, and 771 (49 U.S.C. 1301, 1302, 1324, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18769 Filed 6-29-77;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Docket No. 26907 et al.; Reg. PS-74, Amdt. 53]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Applications of Long-Haul Motor Carriers or Railroad Carriers for Authority as Air Freight Forwarders or International Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment to § 399.20 of the Board's Statements of General Policy reflects the termination of the special standards and policies previously governing entry of long-haul motor carriers and railroad carriers as air freight forwarders and international air freight forwarders (monitored entry) as previously set forth in § 399.20. Instead, this amendment establishes a policy of treating and processing applications for entry by such persons in the same manner as all other applicants for entry (free entry) pursuant to the provisions of Part 296, as amended simultaneously herewith. In addition, this amendment makes clear that approval of control of an air freight forwarder or an international air freight forwarder by a long-haul motor carrier or railroad carrier will normally be granted, and that changes in the extent of the operating authority of the affiliated surface carriers need not be submitted for approval. This rule implements a part of the Board's deci-

sion in the *Long-Haul Motor/Railroad Carrier Authority Case*, Order 77-6-126.

DATES: Effective August 26, 1977. Adopted: June 27, 1977. Petitions for Reconsideration by July 20, 1977.

ADDRESSES: Petitions for Reconsideration should be sent to Docket 26907, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5205).

SUPPLEMENTARY INFORMATION: In the preamble to ER-1003, which amended Part 296 to terminate the monitored entry program, and in the *Long-Haul Motor/Railroad Carrier Authority Case*, Order 77-6-126, both of which were adopted today, we traced briefly the development of the monitored entry program and the reasons for its termination.[1] We shall not repeat that material here. By our present action, for the reasons there stated, we are disclosing the policies we will follow in these proceedings in the future. These statements appear in the Code of Federal Regulations and will facilitate public knowledge of the course that will be followed in a given case and minimize the burdens of the administrative process.

The changes now being made in the statement of policy were at issue in the proceeding referred to and were fully litigated. This amendment, therefore, will take the form of a final rule. However, interested persons will be afforded a period of 20 days from the date of publication of this amendment in the FEDERAL REGISTER within which to file petitions for reconsideration. The effective date of this amendment shall, like the decision upon which it is based, be 60 days after its adoption.

The Civil Aeronautics Board hereby amends Part 399 of the Board's Statements of Policy (14 CFR Part 399) effective August 26, 1977, as follows:

Amend § 399.20 by revising paragraphs (a), (c), and (d) and deleting and reserving paragraphs (e) and (f), to read as follows:

§ 399.20 Processing of applications of long-haul motor carriers or railroad carriers for authority as air freight forwarders or international air freight forwarders.

(a) *General.* This policy statement indicates the procedures the Board will use in processing applications of long-haul motor carriers of general commodities and railroad carriers for authorization as air freight forwarders or international air freight forwarders. It will also apply to such carriers' applications for Board approval of the acquisition of such forwarders.

* * * * *

(c) *Applications for forwarding authority.* Where a long-haul motor carrier or railroad carrier applies for authority as an air freight forwarder or an international air freight forwarder its application will be processed in conformity with Part 296 of this chapter in the same manner as the application of any other person.

(d) *Applications for acquisition of control.* Where a long-haul motor carrier applies for Board approval to acquire control of an air freight forwarder or international air freight forwarder, the Board's policy in ordinary circumstances will be as follows:

(1) * * *

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, or the size or geographical extent of the railroad carrier's surface transport authorization and operations, of themselves, as factors indicating that the carrier's control of the air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control, or will otherwise be inconsistent with the public interest, and will normally approve such acquisition.

(3) Changes in the extent of the surface authorization or operations of a long-haul motor or railroad carrier arising from certificate changes, leases, acquisitions or other transactions need not be resubmitted to the Board for approval if the underlying relationship has previously been approved by the Board.

(4) Determinations of applications for acquisitions of control referred to in this section are delegated to the Director, Bureau of Operating Rights, pursuant to § 385.13 of the Board's Organization Regulations.

(e) [Reserved]

(f) [Reserved]

(Secs. 101(3), 102, 204(a), 408, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 743, 767 (as amended), and 771 (49 U.S.C. 1301, 1302, 1324, 1378, and 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18768 Filed 6-29-77;8:45 am]

[1] Our opinion in the cited case incorporates the 100-page opinion of an administrative law judge which was based in turn on a lengthy record of an evidentiary hearing.

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

PART 1511—REQUIREMENTS FOR PACIFIERS

Banning of Hazardous Articles and Establishment of Safety Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues mandatory safety requirements for pacifiers in the form of a regulation banning from interstate commerce pacifiers not meeting the safety requirements. The regulation is designed to address choking and strangulation hazards associated with pacifiers.

EFFECTIVE DATE: February 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 20, 1976 (41 FR 46347), the Consumer Product Safety Commission (CPSC) proposed for public comment a regulation (16 CFR Part 1511) prescribing safety requirements for pacifiers and a regulation (16 CFR 1500.18(a)(8)) banning from interstate commerce, pacifiers not meeting such safety requirements.

The Commission proposed banning and safety requirements for hazardous pacifiers pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261). Section 2(f)(1)(D) provides for the classification of any toy or other article intended for use by children as a hazardous substance upon a determination by regulation, in accordance with section 3(e)(1) of the FHSA (15 U.S.C. 1262), that it presents a mechanical hazard. In addition, section 2(q)(1)(A) of FHSA provides that such toy or article be termed a banned hazardous substance.

The need for this regulation was demonstrated by injury data and death reports. Eight deaths, and seven choking incidents which did not result in death, associated with pacifiers were reported between 1970 and 1975. They were mentioned in the October 20, 1976, proposal. Two of the deaths were due to choking and six to strangulation. Since that time, it has been determined that there were two additional choking deaths that occurred in 1966 and 1971, which were not indicated in the October 1976 proposal.

The regulation has five parts. The first part requires a guard or shield on the

pacifier of sufficient size so that the pacifier cannot be drawn through a test fixture with dimensions similar to a baby's mouth. In addition, the guard or shield is required to have at least two ventilation holes. These holes are intended to provide an emergency oxygen supply as well as a rapid means of removing the pacifier from the child's throat. The second part prescribes a protrusion limitation requirement designed to address the hazard pattern of a child falling forward or rolling over with the pacifier in his/her mouth. The regulation also has a test for the structural integrity of the pacifier and its component parts. Any components or fragments of the pacifier released when subjected to the structural integrity tests are then subject to a small parts test. The last two sections of the regulation address the strangulation hazard that results from tying a pacifier around a child's neck with ribbons, string, or similar attachments. A required warning label would alert parents and others to this hazard. A prohibition against selling pacifiers with ribbons, string, cords, and similar items also addresses this hazard.

The test procedures in the regulation describe the tests which the Commission will perform on pacifiers for compliance and enforcement purposes. Manufacturers, of course, are free to test their own products by more stringent procedures than those prescribed in the standard.

Discussion of Major Comments

The proposal of October 20, 1976, invited interested persons to submit comments on or before November 19, 1976. A total of 10 comments were received: seven from manufacturers (6 domestic and one foreign), one from a retailer, one from a domestic manufacturer's association and one from a foreign Trade Commission.

The major criticisms concerned the definition of a pacifier, the guard or shield requirements, particularly the requirement for ventilation holes, and the cautionary labeling statement.

The principal issues and criticisms raised in the comments and the Commission's response to these points are as follows:

A. Section 1511.2 Definitions. One commentor suggested that the definition of a pacifier be reworded to exclude products that have a nipple but do not have a guard or shield. The Commission does not agree to make the change because the change might allow the sale of products such as hybrid teether/pacifiers that can present the hazards the pacifier regulations is designed to prevent. Ordinary teething rings, however, are excluded by definition from the regulation. Orthodontic pacifiers are included.

The Commission did not intend that regulation to include nipples intended for dispensing liquids from bottles. Therefore, the Commission has changed the definition of pacifier at section 1511.2(a) to make this clear.

B. Section 1511.3 Guard or shield requirements. The proposal provided for an atttempt to pull the pacifier through a 43 mm. (1.70 in.) circular fixture with two pounds of force. The placement of the pacifier in the fixture was required to be in the most adverse orientation, i.e., that which would result in the lowest force to cause the pacifier to be drawn through the aperture. Several commentors criticized these proposed requirements for guards or shields. The commentors stated (1) that the diameter of the opening (43 mm.) in the test fixture in figure 1(a) is too large, (2) that the regulations should define the minimum area measurements and widths of shields, since large oval or eliptical shields could slide through the circular fixture, and (3) that the testing of pacifiers in the most adverse orientation is excessively rigorous.

Commentors recommended reducing the diameter of the opening to various sizes. The Commission finds that the fixture opening diameter is not excessively large since its size is based on sample measurements of children's mouths taken by the Maryland State Department of Health and Mental Hygiene. The Commission believes that a reduction in the dimensional requirements to those recommended by the commentors may not be adequate in preventing entry of the pacifier into a child's mouth and would not reduce or eliminate the risk of injury or death by asphyxiation.

However, the Commission agrees that the requirement that the pacifier be placed in the fixture in the most adverse orientation may be unnecessarily stringent. Tests of pacifiers performed by the Commission's staff showed that many pacifiers with non-circular shields of a generous size such as some orthodontic pacifiers could not comply with the proposed requirement. These same pacifiers, when centered on the opening of the fixture, would comply. Lack of inquiry data on these pacifiers indicates that presently they may not present an unreasonable risk of injury.

Therefore, the regulation has been changed so that the nipple of the pacifier is centered in the circular opening of the fixture and there are slots on either side of the opening. The purpose of the slots is to ensure that pacifiers which have a simple bar at right angles to the nipple axis do not meet the regulations. In the opinion of the Commission such a bar would not be an effective substitute for a guard or shield.

The fixture for testing guard or shield performance, shown in figure 1(a) of the regulation below, is similar to an existing requirement in a Canadian regulation for pacifiers. (P.C. 1974–1102). To relieve manufacturers and distributors from the burden of complying with two regulations with essentially similar requirements, the Commission has reduced the diameter of the circular opening from 1.70 inches (43 mm.) to 1.68 inches (42.7 mm.). The Commission believes the reduction is insignificant and will provide adequate protection. In addition, since the dimensions in the two regulations will be the same, the Commission believes that compliance efforts in the U.S. and Canada could mutually support each other.

One commentor asked that the test force of 2 pounds on the pacifier nipple in the guard or shield performance requirements be reduced to 1 pound because children are not as strong as adults and cannot develop the suction which adults attain. Although the suction of adults was initially used in determining this force, a report of a fatality led the Commission to consider the force that could develop if a child should fall or roll over with a pacifier in it's mouth. The weight of the child's head resting partially on the pacifier can reasonably be expected to develop a force of 2 pounds. Therefore, the Commission finds that a 2 pound force is necessary to allow for a margin of safety.

Two commentors said that the 43 mm dimensional requirement would force pacifier guards or shields to be so large that they could cover a child's nostrils and impair breathing. The Commission is aware of pacifiers currently on the market that meet the dimensional requirements of the proposed guard or shield test and is not aware of any complaints or reports of injuries as a result of the large size of guards or shields on these pacifiers. In addition, the Commission believes the 42.7 mm size is appropriate based on limited data it has obtained from the Maryland Chief Medical Examiner which pertain to the size of infants' mouths. Based on a sample of 25 subjects up to four months of age, the sizes were found to be between 22 mm and 40 mm. Thus, the size requirement of 42.7 mm seems reasonable and the the Commission has not substantially changed the dimensional requirement.

One commentor felt that there is an inconsistency between the guard or shield requirements and the small parts test in section 1511.5(d) because a guard of a certain size would pass the small parts test, and yet fail the 43 mm requirement. The Commission points out that the two tests are designed to address separate hazards. The guard or shield requirement is designed to prevent impaction of the entire pacifier in the child's mouth. The use of the small parts test is intended to insure that if a pacifier should break, the parts would not be readily aspirated, ingested or cause choking. Therefore, the Commission sees no inconsistency in the two provisions.

C. Section 1511.3(b) Ventilation holes. The proposed regulation required the pacificer shield or guard to contain at least two holes, symmetrically located, at least 0.20 inches in minor dimension. No hole is to be closer than 0.20 inches to the perimeter of the pacifier shield or guard. Commentors on this proposed requirement said that (1) it is ineffective, (2) it is unhygienic because the holes are "dirt traps", (3) it will prevent sucking and thus would destroy the utility of the pacifier, (4) it will weaken the shield thereby increasing the potential of the shield entering the mouth, and (5) it will provide holes by which to attach strings

to fasten the pacifier around a child's neck thereby increasing the hazard rather than reducing it. One commentor recommended that other means of providing air flow, like "V" or "U" notches, be permitted instead of ventilation holes; and another suggested that if there had to be holes, 4 holes would assure alignment with a child's breathing passages.

The Commission's medical staff states that the purpose of the ventilation holes are to (1) provide an auxiliary pathway for air to the lungs to reduce the possibility of anoxia, resulting in death, if a pacifier shield occludes the airway; (2) provide a partial airway through which oxygen can be administered enroute to a medical facility; and (3) provide a means to remove a pacifier impacted in the throat.

The Commission believes the requirement for at least two ventilation holes could reduce the chance for a tragic suffocation death. If one hole is closed by throat tissue, the second hole could still be open to provide an auxiliary air passage or to facilitate removal of the pacifier. If both holes are blocked, oxygen could be administered by inserting a nasal catheter.

Dirt and bacteria trapped in the holes should prove no more harmful than dirt and bacteria found on the pacifier surface or in junctions, as between the nipple and shield of a multipiece pacifier. This dirt and bacteria should be removed regardless of where it is on the pacifier: surface, junctions, or ventilation holes. Therefore, the Commission believes the holes are not "unhygienic."

As for the comment that the ventilation holes would prevent sucking, the Commission points out that the child sucks the nipple and not the shield. If the child should be able to get a substantial portion of the shield into its mouth, the Commission's Office of the Medical Director believes the holes will assist in preventing the child from sucking the pacifier into the oral pharynx, since negative pressure would not be generated.

Some commentors stated the holes will weaken the shield or guard. The Commission's Engineering Science laboratory punched or drilled ventilation holes in several shields to see if they would weaken the shield and found that the strength of the shield was not measurably affected.

The Commission believes the cautionary labeling required on pacifiers by § 1511.7 will adequately address the possible danger of adults tying strings through ventilation holes to fasten the pacifier around the child's neck. The labeling warns of the strangulation hazard from such action.

As for the suggestion that the Commission permit the use of notches instead of ventilation holes, the Commission medical staff believes it does not have the data at this time to develop performance requirements. In addition, since the ventilation holes could serve as a method for removing the pacifier in an emergency, it may be helpful to emergency personnel to know there is a standardized opening for which they are searching. Therefore, the Commission does not make the change suggested.

In regard to the suggestion for 4 holes to assure alignment with breathing passages, the Commission believes that 2 holes will adequately accomplish the intended purpose. The regulation at § 1511.3(b) states that the guard or shield shall contain at least two holes, and therefore four holes could be used if they are symmetrically located.

D. Section 1511.4 Protrusion test. The proposed regulation required that no protrusion from the face of the guard or shield opposite the nipple greater than .63 inches (16 mm) be permitted when measured by applying 2 pounds of force to the protrusion. The comments on this requirement were that it is: (1) unnecessary, (2) unclear, and (3) that the allowed protrusion dimension be increased from 16 to 18 millimeters. One commenter felt that this requirement is necessary. The Commission believes this requirement is necessary to prevent pacifiers from being forcibly pushed into a child's throat by a child rolling face down on a firm surface, while sucking on a pacifier. Therefore, the Commission finds that increasing the permissible protrusion from 16 to 18 mm would only decrease the margin of safety. However, the Commission finds that the wording of the test procedure in this requirement of the proposal may be unclear. Accordingly, § 1511.4 below has been changed to read that during the test, flexible or hinged handles are allowed to buckle or freely rotate during the application of the plane surface. A further change has been made to clarify the distance to be measured when testing a pacifier with a curved shield. The provision now reads: "Measure the distance from the plane surface to the guard or shield at the base of the nipple."

One commentor said that a nipple length of no longer than 30 mm should be required. The Commission has no hazard information or medical information at this time to require that the nipple length be no longer than 30 mm.

E. Section 1511.6 Ribbons, strings, cords or other attachments. The proposed regulation stated that no pacifier could be sold or distributed which featured a ribbon, string, cord or other means of attachment which could fit around a child's neck. The Commission's staff noted that the wording of this requirement is ambiguous. It could be read as qualifying the length of the ribbon, string or cord when its intention is to prohibit entirely such attachments to a pacifier. Therefore, the Commission has changed the wording of this section for clarity.

F. Section 1511.5 Structural integrity tests. The proposed regulation included structural integrity tests in which the nipples and handles or rings are pulled within 10 pounds of force before and after boiling them. Any pacifier components or fragments released as a result of the structural integrity tests are then required to undergo a small parts test designed to determine whether they could be lodged in a child's throat.

The boiling procedure involves six boiling and cooling cycles of 5 minutes each. One commentor said that the boiling test time of the structural integrity test should be no less than 5 minutes, and another said it should be reduced to 3 minutes. A third commentor said he was in agreement with the proposed test requirements. The boiling test time of 5 minutes is based on common sterilizing techniques used by parents and institutions. Accordingly, the Commission has not changed the time for boiling in the heat cycle deterioration test.

The Commission draws attention to the change in the Small Parts Gage shown in figure 2 of the regulation below. The gage in the proposed regulation had included tolerance ranges for gage dimensions and had specified an angle dimension for the cylinder. The Commission has determined to drop the tolerance ranges and delete the angle dimension in the final regulation in order to make the gage dimensions consistent with the previous dimensions of the same cylinder as they appear in the proposed small parts regulation (38 FR 2180, January 23, 1973), a voluntary standard for toys, and a foreign standard for pacifiers. The Commission points out that the dimensions of the gage used for compliance testing shall be no greater than those shown in figure 2.

As a result of federal energy conservation guidelines, published subsequent to the date of the proposal, the Commission believes it is desirable to change the 68° to 78° F temperature range specified in the proposal for room temperature in the heat cycle deterioration test. The Commission has therefore changed the temperature range to 60° to 80° F (16° to 27° C) to allow testing in a typical laboratory, winter or summer, without violating federal energy conservation guidelines.

G. Section 1511.7 Labeling. The proposed regulation required pacifiers to be labeled with the following statement: Warning: Strangulation Danger—Do Not Tie Pacifier Around Child's Neck With Ribbon or String. Some commentors stated that this requirement was not necessary or that it should be worded differently. Several different warning statements were suggested. The Commission believes a warning label is important to alert parents and others caring for children of the hazard. Of the warning statements suggested by commentors, the Commission agrees that the wording: Warning—Do Not Tie Pacifier Around Child's Neck As It Presents A Strangulation Danger is a more appropriate label than that previously proposed since it is the tying of the pacifier that creates the strangulation danger and not the pacifier itself. Accordingly, section 1511.7 has been changed to adopt this suggested labeling requirement.

A retailer suggested that the warning statement on the individually packaged pacifiers should be required to be on the

front panel in at least $^3/_{16}$-inch type. The Commission believes that the requirement that the warning be conspicuous is sufficient to address the hazard, and therefore does not make the suggested change.

H. Section 1500.18(a)(8) Effective date. The proposed effective date was 180 days following the date of publication in the FEDERAL REGISTER of the final form of the regulation. One commentor requested a full year to comply. Other commentors suggested that domestic manufacturers could comply with the proposed regulation within six months.

The Commission recognizes that domestic manufacturers can make the changes necessary to comply with the proposed regulation within 6 months but notes that it would take importers 1 or 2 months longer than domestic manufacturers to comply because of the added time for transoceanic shipping. The Commission therefore believes that the effective date of the regulation should be 240 days after publication, to ensure foreign manufacturers are not at an unfair competitive disadvantage.

ENVIRONMENTAL EFFECTS

The Commission has concluded that the Pacifier Regulation will have no significant effects on the environment and that no environmental impact statement is necessary. The factors leading to this determination are set forth in an environmental assessment of the regulation which is on file with and available from the Commission's Office of the Secretary.

ECONOMIC IMPACT ANALYSIS

The Commission estimates that some 15 million pacifiers are sold annually in the U.S. Most if not all new production will have to be modified to meet the regulation.

Substantial retooling costs may be incurred by some manufacturers to comply with the guard and ventilation hole requirements. These costs are primarily those associated with modification or replacement of injection molding equipment.

The Commission estimates that retail prices of some pacifier models may rise from 2 to 10 cents each. For other models, retail prices will probably not show any increase. Some models of pacifiers may be discontinued, or replaced with other models which can more easily meet the regulation. One manufacturer has indicated that, should major mold changes be required, it may discontinue all pacifier production. It also appears that some wholesale and retail buyers intend to delay buying pacifiers until the regulation is published and complying merchandise is available.

METRIC CONVERSION

Domestic pacifier manufacturers generally produce other children's products. For consistency with previous CPSC regulations for children's products which acknowledge the current measurement practice of the industry, compliance tests prescribed by the regulation below shall be conducted by the Commission staff using the English units of measurement. The metric approximations are provided in the regulation for convenience and information only.

EFFECTIVE DATE AND APPLICABILITY

The effective date will be February 28, 1977. The regulation applies to (1) those pacifiers manufactured outside of the United States that are first brought within a U.S. port of entry after the effective date and (2) those pacifiers manufactured in the U.S. that are first sold interstate after the effective date or are first sold intrastate, if one or more components and/or raw materials were received interstate, after the effective date.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), a new paragraph (a)(8) is added to section 1500.18 and a new Part 1511 is added to Title 16, Chapter II, as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

* * * * *

(8) Any pacifier that does not meet the requirements of 16 CFR Part 1511 and that is introduced into interstate commerce after February 28, 1978.

* * * * *

PART 1511—REQUIREMENTS FOR PACIFIERS

Sec.
1511.1 Scope of Part 1511.
1511.2 Definitions.
1511.3 Guard or shield requirements.
1511.4 Protrusions.
1511.5 Structural integrity tests.
1511.6 Ribbons, strings, cords, or other attachments.
1511.7 Labeling.
1511.8 Metric references.

AUTHORITY: Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262.

§ 1511.1 Scope of Part 1511.

This Part 1511 sets forth the requirements whereby pacifiers (as defined in section 1511.2(a)) are not banned articles under section 1500.18(a)(8) of this chapter.

§ 1511.2 Definitions.

(a) A "pacifier" is an article consisting of a nipple that is intended for a young

child to suck upon, but is not designed to facilitate a baby's obtaining fluid, and usually includes a guard or shield and a handle or ring.

(b) "Guard or shield" means the structure located at the base of the nipple used to prevent the pacifier from being completely drawn into the child's month.

(c) "Handle or ring" means the structure usually located adjacent to the guard or shield used for holding or grasping the pacifier. A hinged handle or ring is one that is free to pivot about an axis parallel to the plane of the guard or shield.

§ 1511.3 Guard or shield requirements.

(a) *Performance requirements.* Place the pacifier in the opening of the fixture illustrated in Figure 1(a) of this part so that the nipple of the pacifier is centered in the opening and protrudes through the back of the fixture as shown in Figure 1(b). For pacifiers with non-circular guards or shields, align the major axis of the guard or shield with the major axis of the opening in the fixture. Apply a tensile force to the pacifier nipple in the direction shown. The force shall be applied gradually attaining but not exceeding 2.0 pounds (8.9 newtons) within a period of 5 seconds and maintained at 2.0 pounds for an additional 10 seconds. Any pacifier which can be completely drawn through an opening with dimensions no greater than those of Figure 1(a) by such a force shall fail the test in this part.

(b) *Ventilation holes.* The pacifier guard or shield shall contain at least two holes symmetrically located and each being at least 0.20 inches (5 millimeters) in minor dimension. The edge of any hole shall be no closer than 0.20 inches (5 millimeters) to the perimeter of the pacifier guard or shield.

§ 1511.4 Protrusions.

(a) *Protrusion limitation.* No protrusion from the face of the guard or shield opposite from the nipple shall exceed 0.63 inches (16mm) when measured in accordance with the procedure specified in paragraph (b) of this section.

(b) *Protrusion test.* Secure the pacifier by clamping the nipple with its axis horizontal. For pacifiers with hinged handles or rings the orientation of the hinge axis shall be horizontal. A plane surface shall be applied to any protrusion from the guard or shield with a force gradually attaining but not exceeding 2.0 pounds (8.9 newtons) applied in a direction along the axis of the nipple. The normal of the plane surface shall be maintained parallel to the axis of the nipple. Any protrusion shall be allowed to flex or rotate about its hinge as the plane surface is applied to it. Measure the distance from the plane surface to the guard or shield at the base of the nipple.

§ 1511.5 Structural integrity tests.

(a) *Nipple.* Hold the pacifier by the shield or guard, grasp the nipple end of the pacifier and gradually apply a tensile force to the pacifier nipple in any possible direction. The force shall be applied gradually, attaining but not exceeding 10.0 pounds (44.5 newtons) within a period of 5 seconds and maintained at 10.0 pounds for an additional 10 seconds.

(b) *Handle or ring.* Hold the pacifier by the shield or guard or base of the nipple, and push or pull on the handle or ring in any possible direction. The force shall be applied gradually attaining but not exceeding 10.0 pounds (44.5 newtons) within a period of 5 seconds and maintained at 10.0 pounds for an additional 10 seconds.

(c) *Heat cycle deterioration.* After the testing prescribed in paragraphs (a) and (b) of this section, all pacifiers shall be subject to the following: Submerge the pacifier in boiling water for 5 minutes and then remove the pacifier and allow it to cool for 5 minutes in room temperature air, 60° to 80° F. (16° to 27° C). After the cooling period, resubmerge the pacifier in the boiling water for 5 minutes. The process shall be repeated for a total of 6 boiling/cooling cycles. After the sixth cycle, the pacifier shall again be subjected to the structural tests in paragraphs (a) and (b) of this section and section 1511.3.

(d) *Small parts.* Any components or fragments which are released as a result of the tests specified in (a), (b) and (c) shall be placed in the truncated cylinder shown in Figure 2, such that the component or fragment is in the lowest position in the cylinder. If the uppermost edge of the component or fragment is below the plane of the top of the cylinder, the pacifier shall fail the test in this section.

§ 1511.6 Ribbons, strings, cords, or other attachments.

A pacifier shall not be sold or distributed with any ribbon, string, cord, chain, twine, leather, yarn or similar attachments.

§ 1511.7 Labeling.

(a) As required by (b) and (c) below, pacifiers shall be labeled with the statement: "Warning—Do not Tie Pacifier Around Child's Neck as it Presents a Strangulation Danger."

(b) The labeling statement required by paragraph (a) of this section shall appear legibly and conspicuously on any retail display carton containing two or more pacifiers.

(c) Each individually packaged pacifier shall bear the labeling statement required in paragraph (a) of this section on the package legibly and conspicuously.

§ 1511.8 Metric references.

For purposes of compliance with the test procedure prescribed by this section 1500.46, the English figures shall be used. The metric approximations are provided in parentheses for convenience and information only.

Dated: June 27, 1977.

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

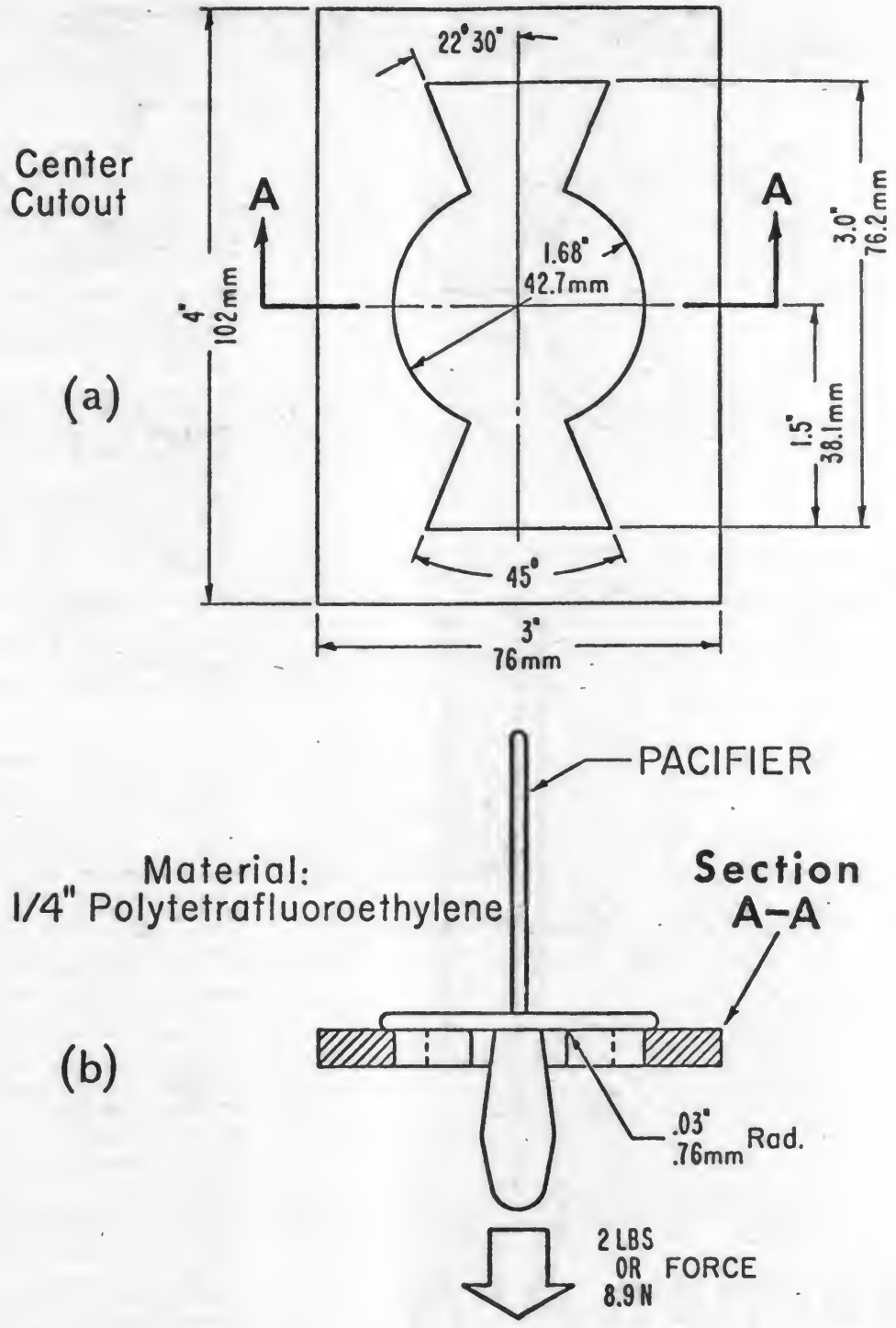

FIG 1 – PACIFIER TEST FIXTURE

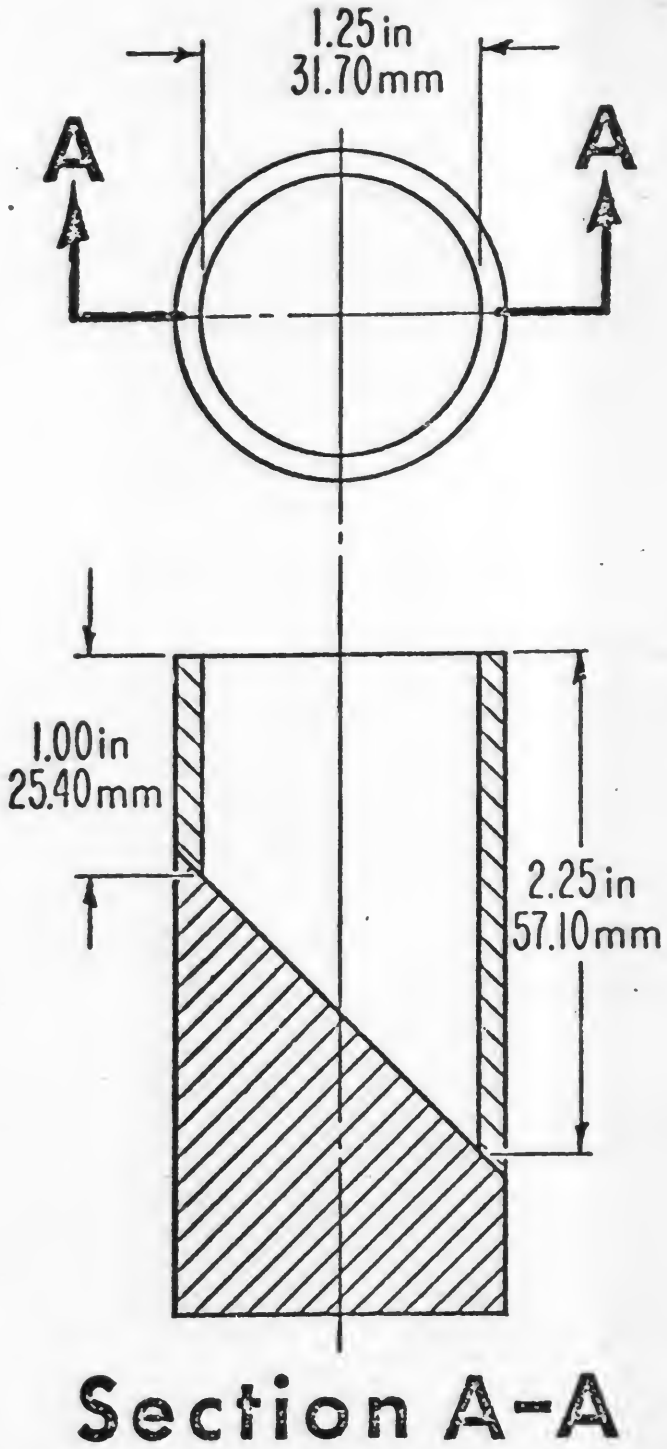

FIG 2-SMALL PARTS GAGE

[FR Doc.77-18778 Filed 6-29-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5835, 34-13630, 35-20077, IC-9817, AS-220]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Rescission of Certain Accounting Series Releases

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of accounting series releases.

SUMMARY: Thirty-six releases in the accounting series and a related Securities Act release which preceded the institution of that series are being rescinded on the basis of a review and determination that the pronouncements and policies stated in the releases have no current application or have been superseded by other pronouncements, rules or standards and are no longer necessary in the administration of the Commission's current rules and regulations. This action will eliminate the need for registrants and other users to retain the releases for reference purposes and will enable the Commission to cease to maintain the releases in its records as well as to omit them from a new compilation of releases in the accounting series currently being prepared.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert R. Love, Office of the Chief Accountant, 500 North Capitol Street, Washington, D.C. 20549 (202) 755-1773.

SUPPLEMENTAL INFORMATION: The new compilation of the releases in the accounting series, which will include all of the releases through No. 195 which remain in effect, is expected to be published in the near future by the United States Government Printing Office. The publication must be ordered from and remittance made payable to:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

COMMISSION ACTION: The Commission hereby rescinds the following releases in the accounting series, Parts 211, 231, 241, 251 and 271 of Title 17, Chapter II, of the Code of Federal Regulations.

The following releases were listed in Part 211 and, in some instances, in additional Parts as indicated.

Release No.:

33-1210; AS-1, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 23, 26, 30, 32, 35, 38, 42, 45, 50, 52, 53, 55, 85, 86, 96 (also: Part 231, No. 4574; Part 241, No. 6990; Part 251, No. 14787; Part 271, No. 3611); 107 (also: Part 241, No. 8024); 133 (also: Part 231, No. 5341; Part 241, No. 9910); 134 (also: Part 231, No. 5345; Part 241, No. 9923); 137 (also: Part 231, No. 5352; Part 241, No. 9938; Part 271, No. 7617).

The following releases were not listed under any of the above cited Parts, but except for Nos. 140 and 145 were included in the prior Compilation of Accounting Series Releases, Nos. 1 through 112.

Release No.:

14	Feb. 20, 1940.
61	May 15, 1947.
63	Aug. 5, 1947.
65	June 21, 1948.
69	July 12, 1950.
140	Jan. 18, 1973.
145	Aug. 2, 1973.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 15, 1977.

[FR Doc.77-18678 Filed 6-29-77;8:45 am]

[Release Nos. 34-13659, 35-20088, IC-9822]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Stock Appreciation Rights

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending the rule which exempts certain acquisitions of securities from the law allowing an issuer to recover the profits made by its insiders on short-term securities transactions. Henceforth, the exemption provided by the rule for cash settlements of stock appreciation rights will not be available unless all exercises of such rights for cash (other than those exercises occurring on certain fixed or automatic maturity dates) are made during a specified ten-day period each quarter following the release of financial information by the issuer. The amendments are intended to further reduce the possibility of misuse of confidential information by corporate insiders in connection with transactions that are exempt under the rule.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755-1240.

SUPPLEMENTARY INFORMATION: The Commission today announced the adoption of amendments to paragraphs (e)(2) and (e)(3) of Rule 16b-3 (17 CFR 240.16b-3) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 77a et seq., as amended by Pub. L. 94-29 (June 4, 1975)). Rule 16b-3 relates to section 16(b) of the Exchange Act and corresponding provisions of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

Section 16(b) is designed to prevent insiders from unfairly using confidential information to profit from short-term trading in an issuer's securities. The section is applicable to every person who beneficially owns, directly or indirectly, more than 10 percent of any class of equity security which is registered under section 12 of the Exchange Act, or who is a director or officer of the issuer of any such security. Section 16(b) states in general that any profit realized by such insiders from any purchase and sale, or any sale and purchase, of any equity security of such issuer within any period of less than six months shall inure to and be recoverable by the issuer. It further provides the Commission with the authority to exempt by rule any transaction not comprehended within that section. Rule 16b-3 was adopted by the Commission pursuant to that authority in order to exempt certain acquisitions of securities from the consequences of section 16(b).

BACKGROUND

On December 22, 1976 the Commission published Release No. 34-13097 (42 FR 754) announcing the adoption of certain amendments to Rule 16b-3. The amendments were intended primarily to provide a "safe harbor" from the short-swing profit recovery provisions of section 16(b) for certain transactions involving stock appreciation rights ("SARs"). The Commission indicated at the time that the amendments would become effective on June 30, 1977, although they could be relied upon prior to that date if affected persons could comply with their requirements.

Subsequent to the adoption of the amendments referred to above, the Commission became aware of the need to modify them in certain respects. Accordingly, on March 17, 1977 the Commission published for comment in Release No. 34-13385 (42 FR 15921) certain proposed changes to them. In essence, the changes were intended to reflect the Commission's view that the conditions of paragraph (e)(3) of the rule should be applicable to the exercise of SARs.

The Commission received many helpful comments from the public in connection with the proposed changes and has given careful consideration to them in formulating the final revisions. In addition, the Commission has determined, in response to the requests of some commentators, to include in this release responses t certoain interpretative problems that have arisen in connection with the amendments relating to SARs.

EXERCISES OF STOCK APPRECIATION RIGHTS

In its initially adopted form, paragraph (e)(3) of Rule 16b-3 provided, among other things, that any election by a participant in an SAR plan to receive cash in full or partial settlement of a stock appreciation right had to satisfy two conditions if the exemption provided by the rule were to be available: (1) The election had to be made during a specified ten-day "window" period each quarter commencing shortly after the release of financial data by the issuer; and (2) the election had to be approved by the administrators of the plan. In formulating that paragraph, the Commission had intended that the two conditions noted above be applicable not only to the election by a participant to receive cash in settlement of his stock appreciation right, but also to his exercise of that right. The paragraph, however, was silent as to its applicability to exercises of SARs, with the result that it reasonably could be construed not to be applicable thereto.

In order to implement its original intention, the Commission proposed to amend paragraph (e)(3) to provide specifically that exercises of SARs are subject to the conditions of that paragraph. The Commission took this action because it believed that the conditions of the paragraph would have little purpose insofar as preventing the misuse of inside information was concerned unless they also were deemed applicable to exercises of SARs.

Several commentators expressed doubt as to whether it was necessary or appropriate to require all exercises of stock appreciation rights for cash to be approved by the plan administrators. Among other things, these persons stated that: (1) Such a condition would place a considerable burden on participants and administrators without adding very much to the other protections of the rule, which appear adequate to prevent the misuse of inside information in connection with SARs; (2) it would make SARs unattractive and perhaps render them useless as a form of executive compensation, due to the fact that other forms of such compensation (e.g., stock options) generally do not require approval for their exercise; and (3) it could create uncertainty in financial planning by participants, since they would be unsure whether their exercises of SARs would be effective on the dates they desired.

In light of the foregoing comments, the Commission has reconsidered the impact of the proposed requirement discussed above and concluded that the benefits which might accrue from it

would not exceed its potential adverse consequences. Accordingly, it has deleted from the revised rule proposed paragraph (e)(3)(iv) thereof, which would have incorporated the requirement into the rule.

Although exercises of stock appreciation rights for cash will not be subject to the approval of others, the Commission has determined that they should nevertheless be subject to the ten-day window period requirement. The Commission's view in this regard is based on its belief that the window period is the most effective means available for preventing the misuse of confidential information by insiders without unduly burdening those involved in an SAR plan. Accordingly, paragraph (e)(3)(iii) of the revised rule specifically provides that such exercises must be made during the window period.

EXCEPTION FOR FIXED OR AUTOMATIC MATURITY DATES

A number of persons who commented on the proposed amendments expressed concern that they might have the effect of destroying the 16b–3 exemption for many stock appreciation rights that have fixed or automatic maturity dates. For example, some SAR plans provide that stock appreciation rights issued thereunder may be exercised only on the dates that related stock options expire. In those circumstances where the options do not expire on dates that fall within a window period, it would not be possible to comply with the window period requirement, with the result that the 16b–3 exemption would be rendered unavailable.

The commentators referred to above pointed out that fixed or automatic maturity dates generally are set well in advance (one to five years in many cases) and are beyond the control of the participant. Thus, they provide little or no opportunity for an insider to misuse confidential information. Accordingly, these commentators expressed the opinion that some relief from the window period requirement should be provided for SARs that are exercisable on such dates.

The Commission agrees generally with the views described above. As a result, it has added at the end of paragraph (e)(3)(iii) of the revised rule a sentence which provides that exercises of SARs which occur on fixed or automatic maturity dates shall not be subject to the window period requirement if the date of exercise is at least six months beyond the date of grant of the SAR and is outside the control of the participant.

OTHER REVISIONS

In addition to the changes already discussed, the Commission has amended paragraph (e) of Rule 16b–3 in certain other respects. The first of these changes involves paragraph (e)(3)(iii). That provision has been revised to make it clear that the window period requirement is applicable both to elections by a participant "to receive cash" in full or partial settlement of his stock appreciation right and to exercises of rights "for such cash," but not to elections and exercises that involve stock or other securities only. This change has been made in order to dispel the concern of some commentators that the broad language used in the proposed version of (e)(3)(iii) (particularly the references therein to "any" election as to the form of payment and "any" exercise of an SAR) reflected an intention on the Commission's part to subject all settlements of SARs, including those involving stock only, to the window period and other requirements of paragraph (e). As noted subsequently in this release, the Commission never has intended to apply the conditions of paragraph (e) to settlements of SARs that involve stock only, inasmuch as the exemption provided by that paragraph is not available for the receipt of stock upon such settlements under any circumstances. Thus, since the exemption is not available for stock settlements, there is no need to comply with its conditions, and the revisions to paragraph (e)(3)(iii) are intended to make this clear.

A second change which has been made involves paragraph (e)(2) of the rule. As initially adopted, that paragraph provided that "[n]either the stock appreciation right nor any related stock option shall be exercisable during the first six months of its term * * *" Several commentators noted that the above language implied that all SARs and related options had to contain a specific prohibition against their being exercised for the first six months of their terms. They pointed out that it is not possible to include such a prohibition in options and SARs granted prior to the adoption of paragraph (e)(2) in December 1976, and that the requirement therefore has an unwarranted ex post facto effect in such circumstances. Moreover, they stated that no real purpose would seem to be served by requiring a specific prohibition in the option or SAR itself. Instead, it should be sufficient that the option or SAR simply not have been exercised for six months. Since the Commission believes there is merit to the above views, it has revised paragraph (e)(2) so that it now reads that "[n]either the stock appreciation right nor any related stock option shall have been exercised during the first six months of their respective terms * * *"

INTERPRETATIVE MATTERS

In reviewing the various comment letters on the proposed amendments, the Commission has become aware of the need to provide guidance to the public on certain recurring interpretative questions that have arisen in connection with the amendments. These interpretative problems and the Commission's views thereon are set forth below.

1. *Applicability of Rule 16b–3(e) to Non-Insiders.* Several commentators indicated that they were unsure whether the conditions of paragraph (e) of Rule 16b–3 must be complied with by persons who are not insiders within the meaning of section 16(b). Because the introductory paragraph of Rule 16b–3 expressly indicates that the exemption provided by the rule is available only for transactions involving an issuer's officers and directors, the Commission believes it is clear that the requirements of paragraph (e) need not be complied with by non-insiders who participate in an SAR plan. Thus, a plan which is bifurcated in its treatment of insiders and non-insiders will be in compliance with Rule 16b–3 as long as all cash settlements of SARs involving officers and directors satisfy the applicable conditions of the rule.

2. *Applicability of Rule 16b–3(e) to Non-Cash Settlements of SARs.* As previously noted herein, some commentators were concerned that the Commission intended to subject all settlements of stock appreciation rights, included those involving securities only, to the requirements of paragraph (e) of the rule. In this regard, the Commission had thought it was clear from the caption to paragraph (e), which reads "Cash Settlements of Stock Appreciation Rights," that non-cash settlements of SARs were not exempt under the paragraph and therefore not subject to its conditions. Moreover, paragraph (e)(5) of the rule specifically states that "[n]othing in this paragraph (e) provides an exemption from Section 16(b) for the acquisition of stock upon the exercise of a stock appreciation right * * *." However, in order to resolve any continuing doubt in this area, the Commission wishes to state that the conditions of paragraph (e) are applicable only when the settlement of a stock appreciation right involves the payment of cash to, or on behalf of, an officer or director of the issuer.

In connection with the foregoing, one commentator inquired whether the 16b–3 exemption would be available for a transaction in which a participant exercises several SARs and elects to receive cash for some rights and securities for others. The Commission's view in this regard is that those exercises of SARs involving cash can be made in reliance upon the exemption provided by the rule if all of its conditions are satisfied, but that any stock acquired upon the exercise of such SARs involves a purchase of securities for which the exemption is unavailable. Those exercises of SARs that involve stock only need not comply with the rule, since it does not provide an exemption for the acquisition of stock upon such exercises.

3. *Inclusion of the Conditions of Rule 16b–3(e) in the Plan Document.* Some commentators questioned whether Rule 16b–3 requires that the conditions of paragraph (e) thereof be specifically set forth in the written document describing the SAR plan. In this regard, it is the Commission's view that while it is preferable to incorporate the conditions of paragraph (e) into the plan document itself, Rule 16b–3 (particularly paragraph (d)(1)(i) thereof) does not require that this be done.

TEXT OF THE REVISIONS

Rule 16b–3 is revised to read as follows:

§ 240.16b–3 Exemption from section 16(b) of acquisitions of shares of stock and stock options and stock appreciation rights under certain stock incentive, stock option or similar plans.

* * * * *

(e) * * *

(2) *Limitation on the right and any related option.* Neither the stock appreciation right nor any related stock option shall have been exercised during the first six months of their respective terms, except that this limitation shall not apply in the event death or disability of the grantee occurs prior to the expiration of the six-month period.

(3) *Administration of the Plan.* (i) The plan shall be administered by either the board of directors, a majority of which are disinterested persons and a majority of the directors acting on plan matters are disinterested persons, or by a committee of three or more persons, all of whom are disinterested persons.

(ii) The board or committee shall have sole discretion either

(A) To determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof) or

(B) To consent to or disapprove the election of the participant to receive cash in full or partial settlement of the right. Such consent or disapproval may be given at any time after the election to which it relates.

(iii) Any election by the participant to receive cash in full or partial settlement of the stock appreciation right, as well as any exercise by him of his stock appreciation right for such cash, shall be made during the period beginning on the third business day following the date of release of the financial data specified in paragraph (e)(1)(ii) of this section and ending on the twelfth business day following such date. This paragraph (e)(3)(iii), however, shall not apply to any exercise by the participant of a stock appreciation right for cash where the date of exercise:

(A) Is automatic or fixed in advance under the plan;

(B) Is at least six months beyond the date of grant of the stock appreciation right; and

(C) Is outside the control of the participant.

* * * * *

(Secs. 16(b), 23(a), 48 Stat. 896, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 18, 89 Stat. 155; (15 U.S.C. 78p(b), 78w(a)). Sec. 17(b), 20(a), 49 Stat. 830, 833; (15 U.S.C. 79q(b), 79t(a)). Secs. 30(f), 38, 54 Stat. 836, 841; (15 U.S.C. 80a–29, 80a–37).)

AUTHORITY

The Commission has adopted the amendments to paragraphs (e)(2) and (e)(3) of Rule 16b–3 discussed herein pursuant to the Securities Exchange Act of 1934, particularly sections 16(b) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17(b) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38 thereof.

OPERATION OF THE AMENDMENTS

The amendments to paragraphs (e)(2) and (e)(3) of Rule 16b–3 adopted today will become effective on June 30, 1977. This is the same date on which the amendments to the rule adopted on December 22, 1976 will become fully effective. With respect to the prior amendments, it should be noted that some of them (specifically, those relating to paragraphs (e)(2) and (e)(3) of the rule) will be superseded by the amendments adopted today.

In arriving at the effective date noted above, the Commission gave consideration to the views of some commentators that a grace period of considerable length should be permitted before the amendments become operative. Such persons appear to assume erroneously that issuers will have to engage in the time-consuming process of soliciting and receiving shareholder approval of any revisions to their SAR plans designed to conform to the requirements of the new amendments. In fact, approval by shareholders will not be required for revisions of that nature. In this regard, paragraph (a) of Rule 16b–3 states that the only types of amendments to existing plans that require shareholder approval are those that materially increase a plan's benefits, or materially increase the number of securities issuable under a plan, or materially modify the eligibility requirements for a plan. Since the newly-adopted amendments to Rule 16b–3 will not involve any of these matters, shareholder approval of conforming plan amendments will not be necessary. Accordingly, such revisions could be implemented immediately by the plan administrators, assuming they had the authority to do so. In any event, the Commission does not believe there is a sufficient basis for deferring the effectiveness of the new amendments beyond June 30.

It should be noted that the amendments adopted today are not intended to operate retroactively. Accordingly, cash settlements of stock appreciation rights occurring during the period December 22, 1976 to June 29, 1977 will not be affected by the new amendments.

Finally, because the amendments adopted today generally represent a relaxation or clarification of amendments previously published for comment pursuant to the Administrative Procedure Act (5 U.S.C. 553), the Commission believes that none of them need to be republished for comment under the Act.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 22, 1977.

[FR Doc.77–18680 Filed 6–29–77;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43n—PREPARATION OF A ROLL OF PERSONS OF GRAND RIVER OTTAWA INDIAN BLOOD TO BE USED AS THE BASIS TO DISTRIBUTE JUDGMENT FUNDS—AMENDMENT

Filing of Application and Deadline for Filing

JUNE 23, 1977.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Amendment of § 43n.4 and waiver of 30-day deferred effective date.

SUMMARY: The purpose of this amendment is to extend the deadline for filing applications for enrollment to share in the judgment funds awarded the Grand River Ottawa Indians and waive the 30-day deferred effective date of the regulations. This extension is necessary to ensure that to the extent possible interested individuals have adequate time to file applications for enrollment to share in these judgment funds.

DATE: These regulations shall become effective June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Miss Janet L. Parks, Division of Tribal Government Services, telephone: 202–343–2985.

SUPPLEMENTARY INFORMATION: The primary author of this document is Dorothy C. Sherwood, Tribal Enrollment Specialist, Bureau of Indian Affairs, telephone 202–343–6921. Beginning on page 26652 of May 25, 1977, FEDERAL REGISTER (43 FR 26652), there was published a notice of final rulemaking. To ensure that to the extent possible interested individuals have adequate time to file applications for enrollment to share in these judgment funds, § 43n.4 is being amended to extend the filing deadline to November 1, 1977.

Since these regulations govern preparation of the roll to distribute judgment funds awarded the Grand River Ottawa Indians the 30-day deferred effective date would serve no purpose and the waiver of the 30-day deferred effective date will be to the advantage of persons of Indian ancestry who want to file applications. The 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations as amended will become effective June 30, 1977.

The authority for the Commissioner to amend these regulations is contained in 5 U.S.C. 301, and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

Section 43n.4 of Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is hereby amended to read as follows:

§ 43n.4 **Filing of applications and deadline for filing.**

(a) Application forms may be obtained from the Superintendent, Michigan Agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan 47983. Completed applications must be received by the Superintendent by close of business on November 1, 1977.

(b) Applications received after that date will be denied for failure to file in time regardless of whether the applicants otherwise meet the requirements for enrollment.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-18643 Filed 6-29-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7492]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Information Reporting Requirements on Certain Winnings From Bingo, Keno, and Slot Machines

AGENCY Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides an amendment to temporary income tax regulations relating to information reporting requirements on certain winnings from bingo, keno and slot machines. These regulations are issued pursuant to a provision of the Tax Reform Act of 1976. These amended regulations apply to all persons engaged in a trade or business and making any payment in the course of that trade or business of winnings of $1,200 or more from a bingo game or slot machine play or $1,500 or more from a keno game.

DATE: The regulations apply to payments made on or after May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Leonard T. Marcinko of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION: This Treasury decision postpones from February 1, 1977, to May 1, 1977, the effective date of regulations which were published under section 6041 of the Internal Revenue Code of 1954. In addition, this Treasury decision changes from $600 to $1,200 the threshold for the requirement that the payor report payments of winnings from a bingo game or slot machine play to the Internal Revenue Service. The threshold amount for the requirement of reporting the winnings from a keno game has been changed from $600 to $1,500 and may be determined by reducing the amount won in one game by the amount wagered in that one game. The amendments promulgated in this Treasury decision were announced by the Internal Revenue Service in Reno, Nevada, by a news release dated May 2, 1977.

DRAFTING INFORMATION

The principal author of this regulation was Leonard T. Marcinko of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENT TO THE REGULATIONS

In order to postpone the effective date and to change the threshold reporting requirement in temporary income tax regulations under section 6041 of the Internal Revenue Code of 1954, published in the FEDERAL REGISTER for January 7, 1977 (42 FR 1471), paragraphs (a) and (b) of § 7.6041-1 of the Temporary Income Tax Regulations under the Tax Reform Act of 1976 (26 CFR Part 7) are amended to read as follows:

§ 7.6041-1 **Return of information as to payments of winnings from bingo, keno, and slot machines.**

(a) *In general.* On or after May 1, 1977, every person engaged in a trade or business and making a payment in the course of such trade or business of winnings (including winnings which are exempt from withholding under section 3402(q)(5)) of $1,200 or more from a bingo game or slot machine play or of $1,500 or more from a keno game shall make an information return with respect to such payment.

(b) *Special rules.* For purposes of paragraph (a) of this section, in determining whether such winnings equal or exceed the $1,200 or $1,500 amount—

(1) In the case of a bingo game or slot machine play, the amount of winnings shall not be reduced by the amount wagered;

(2) In the case of a keno game, the amount of winnings from one game shall be reduced by the amount wagered in that one game;

(3) Winnings shall include the fair market value of a payment in any medium other than cash;

(4) All winnings by the winner from one bingo or keno game shall be aggregated; and

(5) Winnings and losses from any other wagering transaction by the winner shall not be taken into account.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved:

LAURENCE N. WOODWORTH
Assistant Secretary of the Treasury.

JUNE 25, 1977.

[FR Doc.77-18779 Filed 6-28-77;8:45 am]

[T.D. 7494]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Certain Requirements Relating to Ruling Requests in Respect of Certain Exchanges Involving a Foreign Corporation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to ruling requests in respect of certain transfers involving a foreign corporation. It also contains temporary regulations relating to certain exchanges for which a ruling was required but was not obtained. Changes to the applicable tax law were made by the Tax Reform Act of 1976.

DATE: The regulations relating to ruling requests in respect of certain transfers involving a foreign corporation apply to transfers beginning after October 9, 1975. The regulations relating to the special relief provision apply to certain exchanges occurring in any taxable year beginning after December 31, 1962, and before October 4, 1976.

FOR FURTHER INFORMATION CONTACT:

Katherine A. Newell of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3740).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains temporary income tax regulations (26 CFR Part 7) under section 367 of the Internal Revenue Code of 1954, as added by section 1042(a) of the Tax Reform Act of 1976 (the "Act") (90 Stat. 1635) in order to prescribe rules relating to ruling requests in respect of certain transfers involving a foreign corporation. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

RULING REQUESTS IN RESPECT OF CERTAIN TRANSFERS INVOLVING A FOREIGN CORPORATION

Section 367 (a) (1) provides that if, in connection with any exchange described in section 332, 351, 354, 355, 356, or 361, there is a transfer of certain property by a United States person to a foreign corporation, for purposes of determining the extent to which gain will be recognized on such transfer, a foreign corporation shall not be considered to be a corporation unless it is established to the satisfaction of the Secretary that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. The determination that such exchange is not in pursuance of such a plan must be made pursuant to a request filed not later than the close of the 183d day after the beginning of any such transfer of property made in connection with such exchange in such form and manner as may be prescribed by regulations.

Under the transitional rule provided in section 367(d), section 367(a) (1) shall apply in the case of any exchange beginning before January 1, 1978, without regard to whether or not there is a transfer of property described in section 367 (a) (1), and section 367(b) shall not apply.

Paragraph (c) of § 7.367–1 of the temporary regulations provides rules relating to the form, time, and manner for filing a request under section 367(a) (1). Paragraph (e) of § 7.367–1 provides rules in the case of an exchange to which section 367(a) (1) applies where there is more than one transfer of property, and a request for ruling is filed in a timely manner with respect to some but not all of such transfers Under paragraph (f) of § 7.367–1, it is provided that failure of the taxpayer to apply for a ruling under section 367(a) (1) with respect to a prior transfer may not always result in recognition of gain because such failure may not be used by the taxpayer to its advantage. These rules relating to nonrecognition of gain follow the Report of the Committee of Conference. H.R. Rep. No. 1515, 94th Cong., 2d Sess. 464 (1976). Paragraph (g) of § 7.367–1 sets forth rules for determining when a transfer begins for purposes of ascertaining when the 183-day period begins to run for timely filing of a request with respect to a transfer.

The provisions of section 367 as amended and of § 7.367–1 are applicable to transfers beginning after October 9, 1975. However, the effective date of section 367, as amended by the Act, does not override the necessity for filing a ruling request under section 367(a) (1), no later than 183 days after the beginning of a transfer.

RELIEF PROVISION

Section 1042(e) (2) of the Act provides that in the case of any exchange described in section 367 of the Code (as in effect on December 31, 1974) in any taxable year beginning after December 31, 1962, and before October 4, 1976, which does not involve the transfer of property to or from a United States person, a taxpayer shall have, for purposes of such Code section, until 183 days after October 4, 1976 (the date of enactment of the Act) to file a ruling request seeking to establish to the satisfaction of the Secretary of the Treasury or his delegate that such exchange was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

Temporary regulations § 7.367–2 provides that an exchange which involves a transfer of property to or from a United States person includes one in connection with which a United States person, as a shareholder, is deemed to have received stock, even if such United States person has not actually received any stock.

DRAFTING INFORMATION

The principal author of this regulation was Katherine A. Newell of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF REGULATIONS

In order to prescribe temporary Income Tax Regulations (26 CFR Part 7) relating to ruling requests in respect of certain transfers involving a foreign corporation pursuant to section 367 of the Internal Revenue Code of 1954, as added by section 1042 of the Tax Reform Act of 1976 (90 Stat. 1634) (the "Act") and pursuant to section 1042(e) (2) of the Act, the following temporary regulations are hereby adopted:

§ 7.367–1 Ruling requests under section 367 relating to certain transfers involving a foreign corporation.

(a) *Scope.* This section prescribes temporary regulations with respect to the application of section 367(a) (1) as amended by section 1042(a) of the Tax Reform Act of 1976 (90 Stat. 1634). Under section 367(d), as amended, in the case of any exchange which begins before January 1, 1978, section 367(a) applies (without regard to whether or not there is a transfer of property described in section 367(a) (1)), and section 367(b) does not apply. Accordingly, the provisions of this section apply to exchanges described in section 367(b) which begin before January 1, 1978.

(b) *General rule.* (1) In the case of an exchange described in section 332, 351, 354, 355, 356, or 361 and to which section 367(a) (1) applies, for purposes of determining the extent to which gain shall be recognized, a foreign corporation shall not be considered to be a corporation unless it is established to the satisfaction of the Commissioner of Internal Revenue that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. A determination (i) that such exchange is not in pursuance of such a plan, or (ii) of the terms and conditions pursuant to which such exchange will be determined to be not in pursuance of such a plan, shall be made only pursuant to a request for ruling which is filed in the form, time, and manner specified in paragraph (c) of this section. A letter setting forth the Commissioner's determination with respect to such exchange will be forwarded to the taxpayer. If the exchange is not carried out in accordance with the plan submitted, or if the terms and conditions imposed under the Commissioner's letter are not met, the determination by the Commissioner that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes will not be given effect.

(2) In the case of a determination by the Commissioner (i) that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes, or (ii) of the terms and conditions pursuant to which such exchange will be determined to be not in pursuance of such a plan, the taxpayer must retain a copy of the Commissioner's letter as authority for treating the foreign corporation as a corporation in determining the extent to which gain is recognized on such exchange.

(3) In the case of an exchange to which section 367(a) (1) applies which has been consummated in full or in part, if prior to the filing of a return with respect to any such exchange—

(i) The taxpayer receives a ruling letter in respect of such exchange, the taxpayer must attach to the return a copy of the ruling letter and any decision on a protest thereto.

(ii) The taxpayer has filed a ruling request in respect of such exchange but has not received a ruling letter pursuant thereto, the taxpayer must attach to the return a statement that such request for ruling has been filed, and the date of such filing.

(iii) The taxpayer has not filed a ruling request in respect of such exchange, the taxpayer must attach to the return a statement that (A) the exchange is one to which section 367(a) (1) applies, (B) no ruling request has been filed with respect to such exchange, (C) the date of the beginning of any transfer in connection with such exchange, which is relevant for determining whether or not a request is filed within the time limit specified in paragraph (c) (4) of this section, and (D) whether the taxpayer intends to file a ruling request within such time limit.

(c) *Form, time, and manner of filing.* A request for a ruling under section 367 (a) (1) with respect to an exchange must—

(1) Set forth the facts and circumstances relating to the plan under which the exchange is to be made and be accompanied by a copy or a complete description of such plan;

(2) Be filed in accordance with all applicable procedural rules set forth in the Statement of Procedural Rules (26 CFR Part 601) and in any revenue procedures which relate to submission to the Internal Revenue Service of requests for ruling which are applicable with respect to the date that such request is filed.

(3) Be executed under penalties of perjury by the taxpayer, whether such requirement is imposed under § 1.367–1 of this chapter or § 601.201(e), of this chapter.

(4) Be filed in compliance with paragraph (c) (1), (2), and (3) of this section at any time before or after, but not later than the close of the 183d day after, the date of the beginning of—

(i) In the case of an exchange described in section 367(a)(1), any transfer of property described in section 367(a)(1) (as defined in paragraph (d) of this section), or

(ii) In the case of an exchange described in section 367(b) to which section 367(a)(1) applies by reason of section 367(d), any transfer of property which is made in connection with such exchange.

Notwithstanding the provisions of this paragraph, or of any other provision relating to procedures for the filing, with the Internal Revenue Service, of a request for ruling, a request for ruling under section 367(a)(1) shall not be deemed filed within the time specified in paragraph (c)(4) of this section unless within such time limit the taxpayer files such a request which meets certain minimum standards. To meet such minimum standards the request must set forth the facts and circumstances relating to the plan under which the exchange is to be made in sufficient detail to appraise the Commissioner of the nature of the exchange and the purpose for which such request is filed, and be executed under penalties of perjury as required in paragraph (c)(3) of this section. However, in the event of a failure to comply exactly with the provisions of paragraph (c) (1) and (2) of this section, the Service may decline to rule on such request until such time as there is such compliance.

(d) *Transfer of property described in section 367(a)(1).* A "transfer of property described in section 367(a)(1)" is a transfer made by a United States person (as defined in section 7701(a)(30)) to a foreign corporation in connection with an exchange described in section 332, 351, 354, 355, 356, or 361, which transfer consists of property other than stock or securities of a foreign corporation which is a party to the exchange or which is a party to the reorganization (as defined in section 368(b)). However, a transfer of such stock or securities by a United States person to a foreign corporation is a transfer of property made in connection with an exchange described in section 367(b), and as such is subject to the requirements of this section if such exchange begins before January 1, 1978.

(e) *Multiple transfers in connection with one exchange.* (1) A foreign corporation will be treated as a corporation with respect to gain realized on any transfer pursuant to an exchange if all the following conditions are met:

(i) The exchange is one to which section 367(a)(1) applies,

(ii) A request for ruling is filed in the form, time, and manner specified in paragraph (c) of this section,

(iii) Pursuant to the ruling request, it is established to the satisfaction of the Commissioner that such exchange, and all transfers described in such ruling request pursuant to such exchange, are not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes,

(iv) Any terms and conditions to which the Commissioner's determination are subject are satisfied, and

(v) The exchange is consummated in accordance with all relevant details of the plan as described in the ruling request.

(2) If all the conditions specified in paragraph (e)(1) of this section were not met solely because there was a prior transfer pursuant to the exchange made more than 183 days before the request was filed, and such prior transfer was not the subject of a request filed in the form, time, and manner specified in paragraph (c) of this section, then—

(i) Except as provided in paragraph (f) of this section, gain shall be recognized on such prior transfer if a ruling request is required with respect to such prior transfer, and

(ii) Such conditions will be considered met if it is established to the satisfaction of the Commissioner that the exchange in its entirety (taking into account the gain recognized that is described in paragraph (e)(2)(i) of this section) is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

(3) If all the conditions specified in paragraph (e)(1) of this section were not met because subsequent to the filing of the original ruling request referred to in paragraph (e)(1) of this paragraph, a subsequent transfer which is not described in the original request is made pursuant to such exchange, then a foreign corporation shall not be considered to be a corporation with respect to gain realized on all transfers made in connection with the exchange. However, if another ruling request is timely filed in the form, time, and manner specified in paragraph (c) of this section with respect to such subsequent transfer, and the conditions specified in paragraph (e)(1) (iii), (iv), and (v) of this section are met with respect to the subsequent request (taking into account all transfers described in the original request and those to which, if applicable, paragraph (e)(2)(i) of this section applies), non-recognition will be afforded with respect to all transfers described in both requests made pursuant to the exchange (other than those to which such paragraph (e)(2)(i) applies).

(f) *Exception.* Under certain circumstances, failure of the taxpayer to apply for a ruling under section 367(a)(1) will not result in recognition of gain because such failure may not be used by the taxpayer to its advantage. In those situations in which the Commissioner deems appropriate, a foreign corporation may be treated as a corporation even in the absence of a ruling.

(g) *Beginning of transfer.* For purposes of section 367(a)(1), a transfer of property made in connection with an exchange shall be considered to begin, not with a board of directors or similar decision, but on the earliest date as of which title, possession of or right to the use of stock, securities, or property passes from one party to the exchange to another party to the exchange. A transfer shall be deemed to have begun even though it is made subject to a condition subsequent that, if there is a failure to obtain a determination that there is no tax avoidance purpose, the transaction will not be completely consummated and, to the extent possible, the assets transferred are to be returned.

(h) Effective date: The provisions of this section apply to transfers beginning after October 9, 1975.

§ 7.367–2 Ruling requests under section 367 as in effect on December 31, 1974.

A transfer of property to or from a United States person will be considered to have occurred in connection with a reorganization even if a United States person, as a shareholder, has not actually transferred or received stock pursuant to such reorganization, if the reorganization is described in section 368(a)(1)(D).

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved:

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

JUNE 24, 1977.

[FR Doc.77–18773 Filed 6–28–77;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

METAL AND NONMETAL MINING OTHER THAN COAL AND LIGNITE MINING

Health and Safety Standards

Correction

In FR Doc. 77–16180 appearing at page 29418 in the issue of Wednesday, June 8, 1977, the following corrections should be made:

1. On page 29423, paragraph 10 should read:

10. Advisory standard 57.19–62 is made mandatory and revised to read as follows:

57.19–62 *Mandatory.* Maximum normal operating acceleration and deceleration shall not exceed 6 feet per second per second. During emergency braking, the deceleration shall not exceed 16 feet per second per second.

2. On page 29424, the third column, paragraphs 8, 10 and 11 should read as follows:

8. Mandatory standard 57.21–34 is revised to read as follows:

57.21–34 *Mandatory.* The quantity of air coursed through the last open crosscut in pairs or sets of entries or through other ventilation openings nearest the face, shall be at least 6,000 cubic feet per minute, or 9,000 cubic feet per minute in longwall and continuous miner sections.

* * * * *

10. Mandatory standard 57.21–39 is revised to read as follows:

57.21–39 *Mandatory.* If methane gas in excess of 1.0 percent is detected in the air not less than 12 inches from the back, face, or rib of an underground working place or places, adjustments shall be made in the ventilation immediately so that the concentration of methane gas in such air is reduced to 1.0 percent or less. While such changes or adjustments are underway and until they have been achieved, power to electric equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions shall be carried out under the direction of the operator or his agent so as not to endanger other areas of the mine.

11. Mandatory standard 57.21–40 is revised to read as follows:

57.21–40 *Mandatory.* If 1.5 percent or higher concentration of methane gas is present in air returning from an underground working place or places, or is present in the air not less than 12 inches from the back, face, or rib of an underground working place, all men other than those persons referred to in section 8(a) of the Federal Metal and Nonmetallic Mine Safety Act shall be withdrawn from the area of the mine endangered by such methane gas until the concentration of methane in such areas is reduced to 1.0 percent or less.

3. On page 29425, the second column, paragraphs 18 and 19 should read as follows:

"18. Mandatory standard 57.21–76 is revised to read as follows:

57.21–76 *Mandatory.* Diesel-powered equipment shall not be taken into or operated in places where methane exceeds 1.0 percent at any point not less than 12 inches from the back, face, or rib.

19. Mandatory standard 57.21–77 is revised to read as follows:

57.21–77 *Mandatory.* Trolley wires and trolley feeder wires shall be on intake air and shall not extend into the last open crosscut or other ventilation opening. Such wires shall be kept at least 150 feet from pillar recovery workings."

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 530—RHODESIAN SANCTIONS REGULATIONS

Extension of Interim Procedures for In-Transit Shipments and Certification of Chromium Materials

Correction

In FR Doc. 77–17759, appearing in the issue of Tuesday, June 21, 1977 on page 31453, the heading should read as it appears above.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3–77–4–R]

PART 127—SECURITY ZONE

Lower Hudson River, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a portion of the Hudson River, New York as a security zone. This security zone is needed because of the presence of five barges carrying fireworks and the presentation of a fireworks display which will create a hazard to navigation. No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port.

EFFECTIVE DATE: This amendment is effective from 8:45 p.m. to 9:45 p.m., Edst, July 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Cdr. R. W. Doherty, Captain of the Port, New York, Governors Island, New York 10004, (212–264–8753).

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rule making and is effective in less than 30 days from the date of publication, because good cause exists and public procedures are impracticable due to insufficient advance notice.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are LTJG Bruce, Project Manager, Office of the Captain of the Port, New York, and LT Smith, Office of the District Legal Officer, Third Coast Guard District, Project Attorney.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.535 to read as follows:

§ 127.353 Lower Hudson River, New York.

The waters within the following boundary is a security zone; a line beginning at 40°49'10" N. latitude, 73°-58'35.2" W. longitude; thence southeasterly to 40°48'51.5" N. latitude, 73°-57'56" W. longitude; (Extensions of this line pass through White Stacks, N.J., and Grant's Tomb, Manhattan) thence southwesterly along the shoreline to 40°47'11" N. latitude, 73°59'06.2" W. longitude; (79th St. Marina) thence northwesterly to 40°47'29" N. latitude, 73°59'47.7" W. longitude; thence northeasterly along the shoreline to the beginning.

(46 Stat. 220, as amended, (§ 1, 63 Stat. 503), § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91), 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: June 3, 1977.

J. L. FLEISHELL,
Captain, U.S. Coast Guard,
Captain of the Port.

[FR Doc.77–18775 Filed 6–29–77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 753–4]

PART 423—STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources; Availability of Document and Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Interim Final Regulation.

SUMMARY: On March 23, 1977, the Environmental Protection Agency promulgated an interim final regulation which establishes pretreatment standards for pollutants introduced to publicly owned treatment works from existing power plants.

The Agency encouraged public participation in the rulemaking and stated that it would consider all comments received not later than May 23, 1977. In order to assist in the development of comments on the interim final regulation the Agency called attention to a document entitled "Supplement for Pretreatment to the Development Document for the Steam Electric Power Generating Point Source Category" which it intended to make available for public distribution in late March. Unfortunately, public availability of this document has been delayed.

"Supplement for Pretreatment to the Development Document for the Steam Electric Power Generating Point Source Category" is now available from EPA

upon request. Copies will be sent to all persons who have previously requested the document. In order to insure the fullest possible opportunity for public comment the comment period is hereby extended and all comments received not later than August 1, 1977, will be considered.

DATE: June 10, 1977.

ADDRESS: Written comments may be submitted in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Attention: Distribution Officer, WH–552.

"Supplement for Pretreatment to the Development Document for the Steam Electric Power Generating Point Source Category" is available upon request from the Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460. Attention: Distribution Officer, WH–552.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Coughlin, 202–426–2560.

Dated: June 13, 1977.

ANDREW J. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77–18654 Filed 6–29–77;8:45 am]

Title 45—Public Welfare

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

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT

Annual Revision of Sample Cases and Benchmark Figures

AGENCY: Office of Education, HEW.

ACTION: Notice of publication of Annual Revision of Sample Cases and Benchmark Figures.

SUMMARY: The Office of Education announces the annual revision of sample cases and benchmark figures for approval of need analysis systems for academic year 1978–79 for use with the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

EFFECTIVE DATE: June 30, 1977.

ADDRESS: Send descriptions of systems and the family contribution figures to Mr. Hubert S. Shaw, Chief, Program Development Branch, Division of Student Financial Aid, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202; 202–245–9717.

FOR FURTHER INFORMATION CONTACT:

Mr. Hubert S. Shaw, Chief, Program Development Branch, Division of Student Financial Aid, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202. (202–245–9717.)

SUPPLEMENTARY INFORMATION:

GENERAL

The Commissioner of Education is revising Appendix A to § 144.13 of the National Direct Student Loan program regulations (45 CFR 144.13), § 175.13 of the College Work-Study program regulations (45 CFR 175.13) and § 176.13 of the Supplemental Educational Opportunity Grant program regulations (45 CFR 176.13) to establish sample cases and benchmark figures for academic year 1978–79. These sections set forth procedures for an annual review and approval by the Commissioner of need analysis systems for dependent students for use in those programs. As a part of this review the Commissioner must publish a set of sample cases and benchmark figures. In order to be approved, a system must generate expected parental contributions for at least 75 percent of the sample cases which are within $50 of the benchmark figures published by the Commissioner for those cases.

Paragraph (b)(2)(v) of each of such sections requires the Commissioner to revise the set of sample cases annually for inflation, in such a way as to maintain, over time, a constant expected parental contribution for families with equal income and asset positions, measured in constant dollars. The original set of sample cases and benchmark figures was published in the FEDERAL REGISTER on October 21, 1975, as Appendix A at page 49273, and was used to approve need analysis systems for dependent students for academic year 1977–78.

Appendix A for 1978–79 has been computed by assuming the rate of inflation for 1977 to be 6 percent.

Appendix A, as set forth below, shall be effective immediately with respect to the approval of need analysis systems for dependent students. Such systems shall be used for making awards to students for academic year 1978–79 and with respect to the filing of institutional applications for Federal funds for that year pursuant to §§ 144.13, 175.13 and 176.13 of Title 45 of the Code of Federal Regulations.

(20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b–1 and 1070b–2.)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program.)

Dated: June 16, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Accordingly, §§ 144.13, 175.13, and 176.13 are amended by revising Appendix A as follows:

APPENDIX A

Net assets	$10,000				$20,000				$30,000				$40,000			
Family size	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Income before taxes:																
$8,000	$50	$0	$0	$0	$300	$10	$0	$0	$560	$270	$0	$0	$830	$540	$260	$0
$12,000	650	360	90	0	900	610	340	40	1,190	870	600	300	1,520	1,160	870	570
$16,000	1,290	950	690	390	1,610	1,240	940	640	2,030	1,580	1,230	910	2,530	1,990	1,580	1,200
$20,000	2,210	1,740	1,380	1,080	2,680	2,130	1,700	1,300	3,250	2,650	2,140	1,670	3,810	3,210	2,660	2,100
$24,000	3,400	2,810	2,280	1,800	3,900	3,320	2,770	2,200	4,460	3,880	3,330	2,780	5,030	4,450	3,890	3,290

NOTE.—The figures above are parental contribution figures which assume:

1. 2 parents, 1 with income.
2. 1 dependent in postsecondary undergraduate education.
3. No business and/or farm assets.
4. Age of main wage earner is equal to 45 yr.
5. 1976 U.S. income tax schedules; joint return, standard deduction.
6. No social security benefits for education.
7. No unusual medical, dental, casualty, theft expenses.
8. No other unusual circumstances.

[FR Doc.77–18896 Filed 6–29–77;8:45 am]

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Annual Loan Limits for Health Professions Students Under the Guaranteed Student Loan Program

AGENCY: Office of Education (OE), HEW.

ACTION: Interim final regulation.

SUMMARY: In Title IV of the Health Professions Educational Assistance Act of 1976 is a new "Federal Program of Insured Loans to Graduate Students in Health Professions Schools," which authorizes the Secretary to insure Loans of up to $10,000 annually to health professions students. In order to meet the contingency that the program is not operational by October 1, 1977, the regulations for the Guaranteed Student Loan Program are being amended to allow health professions students to borrow up to $10,000 annually under that program for the coming academic year.

EFFECTIVE DATE: As required by section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject to it become effective on the forty-fifth day following transmission, subject to the provisions in that section concerning Congressional action and adjournment.

ADDRESSES: Written comments concerning this rule should be sent to the Acting Associate Commissioner, Office of Guaranteed Student Loans, Room 4636,

7th and D Streets SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Robert F. Carmody, Jr. (202–472–2758).

SUPPLEMENTARY INFORMATION: Title IV of the Health Professions Act of 1976 (Pub. L. 94–484) establishes a "Federal Program of Insured Loans to Graduate Students in Health Professions Schools," under which the Secretary is authorized to insure loans made to health professions students from non-Federal sources in amounts up to $10,000 annually. By law, the program becomes effective on October 1, 1977. Responsibility for administration of the program was delegated to the Commissioner of Education by the Secretary on March 9, 1977. A task force has been organized within the Office of Education and is now working on implementation of the program. It is presently uncertain, however, whether the program will be operational by October 1, 1977. The Guaranteed Student Loan Program (Title IV–B of the Higher Education Act of 1965, as amended; 20 U.S.C. 1073 et seq.) is a similar program under which the Commissioner of Education reinsures student loans insured by guarantee agencies, and directly insures those student loans not covered by a guarantee agency program. Unlike the health loan program, the Guaranteed Student Loan Program additionally provides special allowance payments and, in certain cases, Federal interest benefit payments to holders of loans made to eligible undergraduate and graduate students.

Sections 425(a) and 428(b) of the Higher Education Act (20 U.S.C. 1075(a) and 1078(b)) provide that under the Guaranteed Student Loan Program, a graduate or professional student may receive insured loans of up to $5,000 per academic year. The aggregate insured unpaid principal amount (including loans made at the undergraduate level) that a graduate or professional student may have outstanding is $15,000. However, section 425(a)(1)(C) and 428(b)(1)(A)(iii) of the Higher Education Act (20 U.S.C. 1075(a)(1)(C) and 1078(b)(1)(A)(iii)) additionally authorize the Commisssioner to prescribe, by regulation, exceptions to the $5,000 annual lending limit in the case of students engaged in specialized training requiring exceptionally high education costs.

Because of the possibility that the Federal Program of Insured Loans to Graduate Students in Health Professions Schools may not be operational on October 1, 1977, the Commissioner has decided to exercise his authority to prescribe exceptions to the $5,000 annual loan limitation for graduate students under the Guaranteed Student Loan Program on behalf of graduate students in the health professions. The exceptions contained in these regulations are identical to the annual loan maximums which would otherwise be applicable to these students under the Federal Program of Insured Loans to Graduate Students in Health Professions Schools and will be available only until that program becomes fully operational. Specifically, these regulations provide that a graduate student enrolled in a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or public health is eligible for a loan of up to $10,000 per academic year and a student enrolled in a school of pharmacy is eligible for a loan of up to $7,500 per academic year.

This regulation is being issued as a final rule in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)). The delay associated with affording an opportunity for comment makes publication as a proposed rule impracticable and contrary to the public interest. The delay would make it impossible to implement the proposed change prior to the opening of the 1977–1978 academic year, which is the period for which additional benefits to health professions students are needed.

The $15,000 maximum aggregate principal permitted under the Guaranteed Student Loan Program is set by statute and is not changed by this regulation. Since graduate students in health professions typically need a much larger aggregate total than other students, it is likely that this regulation will only benefit those health professions students who have not already borrowed extensively under the Guaranteed Student Loan Program.

(NOTE.—The current compilation of Guaranteed Student Loan Program regulations state that a student many only borrow up to $1,500 per academic year under the program. This provision has been superseded by statutory amendments to the Higher Education Act of 1965, which have set, as a general rule, annual lending limits of $2,500 for undergraduate students and $5,000 for graduate students. These revised figures are reflected, where applicable, in these regulations. These regulations have not been revised in any other respect. They will be fully updated during the course of the comprehensive revision of all Guaranteed Student Loan Program regulations currently being undertaken. See notice of proposed rulemaking, 41 FR 48862, Nov. 5, 1976.)

(Catalog of Federal Domestic Assistance Number 13.460, Guaranteed Student Loan Program.)

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

Dated: June 20, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 21, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

1. 45 CFR 177.12 is amended by revising paragraphs (a)(1) introductory text, (a)(1)(i), (a)(1)(ii) and (a)(2) and adding a new paragraph (a)(1)(xv) as follows:

§ 177.12 Agreements for Federal payments to reduce student interest costs for insured loans.

(a) (1) Except as provided for in § 177.13, interest benefits under insured loan programs shall be available only insofar as the loans to which they relate are covered under an agreement between the guarantee agency and the Commissioner pursuant to section 428(b) of the Act. The Commissioner may enter into such an agreement if he determines that the loan insurance program of the guarantee program:

(i) Authorizes the insurance of not less than $1,000 nor more than $2,500 in the case of a student who has not successfully completed a program of undergraduate education or, except as provided in § 177.12 (a)(1)(xv), $5,000 in the case of a graduate or professional student, except:

(A) That the program may not authorize the insurance of a loan which is made by an eligible lender as described in section 435(g)(1)(D) of the Act or which is made or originated (as defined in section 433(b) of the Act) by an eligible institution to a student who has not successfully completed a program of undergraduate education in an amount in excess of $2,500 or 50 per centum of the estimated cost of attendance (calculated in accordance with section 428(a)(2)(C)(i)), and

(B) That the program may not authorize the insurance of loan in excess of $1,500 for an academic year which is made or originated (as defined in section 433(b) of the Act) by an eligible institution, and is made to a student for his first academic year of postsecondary education, unless the loan is to be disbursed in two or more installments, none of which exceeds one-half of the loan, with the interval between the first and second of such installments being not less than one-third of the period or enrollment for which the student received the loan.

The annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any year in excess of the annual limit;

(ii) Provides that the aggregate insured unpaid principal amount for all loans made under programs covered by this part and Part 178 of this chapter to any student shall not at any time exceed $7,500, in the case of any student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (including any loans made to such person before he became a graduate or professional student);

* * * * *

(xv) Authorizes the insurance of up to $10,000 in the case of a student enrolled in a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or public health; and $7,500 in the case of a student enrolled in a school of pharmacy who has satisfactorily completed three years of training.

(2) The conditions of paragraph (a) (1) (i) and (xv) of this section will be met if the student loan insurance program (i) authorizes advances of not more than the applicable approved amount to a student during any 12-month school period, after taking into account other loans covered by this part which the student has received during such period, or authorizes advances to any student during such 12-month period of not more than an amount which bears the same ratio to the number of credit hours for which a full-time or half-time student borrower is registered during any such 12-month period as the applicable approved amount set forth in paragraph (a) (1) (i) or (ii) of this section minus other loans covered by this part which the student has received during such period multiplied by the sum of the academic years or their equivalent leading to the degree certificate bears to the total sum credit hours required to each such degree or certificate; and (ii) authorizes advances up to at least $1,000 to a full-time student and (if the program includes half-time students) up to at least $500 to a half-time student during any 12-month school period.

2. A new § 177.15 is added which reads as follows:

§ 177.15 Supplemental guarantee agreements.

State and private non-profit student loan insurance programs which have entered into agreements with the Commissioner pursuant to section 428A to the Act may authorize loan insurance to health profession students in the amounts described in § 177.12(xv). (20 U.S.C. 1078A.)

3. 45 CFR 177.43 (a) and (b) are amended to read as follows:

§ 177.43 Limitations governing maximum amount of federally insured loans.

(a) *Annual amounts.* The Commissioner will not insure loans in an academic year of study.

(1) To a student who has not successfully completed a program of undergraduate study in an amount in excess of $2,500, except:

(i) That in the case of a loan to a student who is or will be in his first year of a program of undergraduate education and who has not previously enrolled in such a program which is made by an eligible lender as described in section 435 (g) (1) (D) of the Act or which is made or originated (as defined in section 433 (d) of the Act) by an eligible institution, the loan may not exceed the lesser of $2,500 or 50 per centum of the estimated cost of attendance (calculated in accordance with the provisions of section 428 (a) (2) (C) (i) of the Act),

(ii) That in the case of a loan made or originated (defined in section 433(b) of the Act) by an eligible institution which is made to a student for his first academic year of postsecondary education, the loan may exceed $1,500 only if it is to be disbursed in two or more installments none of which exceed one-half of the loan, with interval between the first and second of such installments being not less than one-third of the period of enrollment for which the student received the loan.

(2) To a student enrolled in a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or public health in an amount in excess of $10,000;

(3) To a student who has satisfactorily completed three years of training and is enrolled in a school of pharmacy in an amount in excess or $7,500; and

(4) To any other graduate or professional student in an amount in excess of $5,000.

(b) *Aggregate amounts.* The Commissioner will not insure any amount of a loan which, together with the outstanding principal on all other loans covered under this part exceeds $7,500 in the case of a student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (including any loans insured under this part made to such student before he became a graduate or professional student).

* * * * *

[FR Doc.77-18249 Filed 6-29-77;8:45 am]

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 246—STATE ORGANIZATION—MEDICAL ASSISTANCE PROGRAMS

Standards of Personnel Administration

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulation.

SUMMARY: The regulation clarifies the merit system policies and simplifies procedures in 45 CFR 205.200, Standards of Personnel Administration, as they apply to the Medicaid program (title XIX of the Social Security Act). The regulation is revised at the request of State agencies and the U.S. Civil Service Commission (CSC) to eliminate unnecessary administrative requirements.

EFFECTIVE DATE: September 28, 1977, or earlier at State option.

FOR FURTHER INFORMATION, CONTACT:

Evelyn Greene, 202-245-0202.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A revision of 45 CFR 205.200 was published on February 18, 1976 (41 FR 7393), to reflect changes in Federal merit system laws and regulations. The Intergovernmental Personnel Act of 1970 (Pub. L. 91-648) transferred from this Department to the U.S. Civil Service Commission (CSC) the authority to prescribe and administer the standards of personnel administration. The instructions developed for a preprinted State plan, based on the revised regulation, revealed two problems. First, the requirement for CSC review of the list of documents attached to the State plan was unnecessary because the documents themselves had been reviewed by the CSC. Second, there was a discrepancy between the regulation and the instructions for the preprinted State plan. The regulation implied that statements of acceptance must be obtained from all local jurisdictions, and the instructions provided that such statements need be obtained only when the State changed from a State-administered to a State-supervised, locally-administered system.

BASIS AND PURPOSE

The purpose of the revision is to clarify policies and simplify procedures. The basis is the request from State agencies and the CSC and the Department's desire to eliminate all unnecessary administrative requirements.

SPECIFIC CHANGES

These regulations have been revised to simplify the language and the merit system procedures as follows:

1. The statement that merit system materials "are part of the State plan" is deleted.

2. States are relieved of the requirement to submit a list of State merit system laws, regulations and policy statements as part of the State plan. Instead, the plan must provide assurance that current merit system materials have been found adequate by the CSC and that any changes will be submitted to them for review.

3. State plan requirements regarding statements of acceptance by local jurisdictions are clearly specified.

4. The statement prohibiting any action by the Secretary regarding selection, tenure, or compensation of State or local employees is deleted because it is not applicable to anyone outside the Department.

RECODIFICATION

Prior to March 8, 1977, the financial assistance, medical assistance, and social services programs (titles I, IV-A, X, XIV, XVI, XIX and XX of the Social Security Act) were under the administration of the Social and Rehabilitation Service (SRS). Many of the policies governing the three programs were issued as single regulations. 45 CFR 205.200 is that kind of regulation. The abolishment of SRS and the transfer of the programs to three separate agencies in the Department, accomplished by Reorganization Order published in the FEDERAL REGISTER on March 9, 1977 (42 FR 13262), require issuance of separate regulations for each program. Revised regulations applicable to the financial assistance and social services programs will be published soon.

Accordingly § 205.200, is amended to delete reference to title XIX; and a new § 246.160 is adopted.

The Department finds that there is good cause to dispense with proposed rule making. The regulations have been developed in cooperation with the Civil Service Commission, and respond to re-

quests for clarification and simplification. The changes do not affect applicants or recipients of the programs or employees of the agencies that administer these programs, or the general public.

45 CFR Chapter II is amended as set forth below:

§ 205.200 [Amended]

1. Paragraph 205 200(a) is amended by deleting "XIX" from line two.

2. Part 246 is amended by adding a new § 246.160 to read as follows:

§ 246.160 Standards of personnel administration.

(a) *Basic requirement* A State plan under title XIX of the Social Security Act shall comply with all the requirements of paragraphs (b) through (g) of this section.

(b) *Methods of personnel administration.* The State plan shall provide that methods of personnel administration will be established and maintained, in the State agencies administering or supervising administration of the program and in local agencies administering the program, in conformity with:

(1) The standards for a Merit System of Personnel Administration, Part 70 of this title, and any standards prescribed by the U.S. Civil Service Commission in accordance with section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding these standards; and

(2) The regulation, Administration of the Standards for Merit System of Personnel Administration, 5 CFR Part 900, Subpart F.

(c) *Compliance of local jurisdictions.* The State plan shall provide that the State agency has in effect methods to assure compliance by local jurisdictions included in the plan.

(d) *Review and adequacy of State laws, regulations, and policies.* The State plan shall provide assurance that current State laws, regulations, and policy statements that effect methods of personnel administration in conformity with the standards specified in paragraph (b) of this section have been determined adequate by the U.S. Civil Service Commission, and provide that any changes to them will be submitted to the Commission for review.

(e) *Statements of acceptance by local agencies.* The State plan shall provide that statements of acceptance of the standards will be obtained from all official local agencies if the State agency changes from a State-administered to a State-supervised, locally-administered, program.

(f) *Affirmation action plan.* The State plan shall provide that the State agency has in effect an affirmative action plan for equal employment opportunity, which includes specific action steps and timetables to assure that opportunity, and meets all other requirements of § 70.4 of this title.

(g) *Submittal of requested materials.* The State plan shall provide that the State agency will submit to the Department of Health, Education, and Welfare, upon request, copies of the affirmative action plan and of the State and local materials which assure compliance with the standards specified in paragraph (b) of this section.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 31, 1977.

DON WORTMAN,
Acting Administrator, Health Care Financing Administration.

Approved: June 25, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-18771 Filed 6-29-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Editorial Amendment Concerning Delegation of Authority to Chief, Field Operations Bureau

AGENCY: Federal Communications Commission.

ACTION: Editorial Amendment.

SUMMARY: This amendment provides editorial changes to Part 0 of the rules; subsection(s) of § 0.314 which delegates authority to Chief, Field Operations Bureau. Specifically, the required change applies to section numbers of Part 95 referenced within § 0.314 which should have been renumbered in accordance with a Commission Order adopted December 14, 1976.

EFFECTIVE DATE: July 5, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Sylvia Sternstein, Field Operations Bureau, 632-7591.

SUPPLEMENTARY INFORMATION:

Adopted: June 20, 1977.

Released: June 22, 1977.

Order. In the matter of editorial amendment of § 0.314 of the Commission's rules and regulations.

1. The Commission has before it the desirability of making certain editorial changes in Part 0 of its rules and regulations.

2. On December 14, 1976, the Commission adopted an Order revising §§ 95.1 through 95.67 of the rules and regulations concerning stations in the Personal Radio Service (FCC 76-1133, 42FR8326, Docket 20120). These revisions were erroneously omitted from subsection (s) of § 0.314, which deals with the delegation of authority to the Chief, Field Operations Bureau and references several of the amended sections.

3. *Accordingly, it is ordered,* Effective July 5, 1977, that Subpart (s) of § 0.314 of the rules and regulations is amended as set forth below. Authority for the amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendment is editorial in nature, the prior notice and effective date provisions of 5 USC 553 do not apply.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Section 0.314(s) is amended to read as follows:

§ 0.314 Additional authority delegated.

* * * * * *

(s) Make determination and notification of incurrence of forfeitures under the provisions of section 510 of the Communications Act, as amended, with reference to violation of §§ 95.501(b), 95.471(c), 95.455(a), 95.437(a) and 95.613 (b) of this Chapter.

* * * * * *

[FR Doc.77-18782 Filed 6-29-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139; Amdt. Nos. 172-36, 173-105, 174-28, 178-41, 179-18]

HAZARDOUS MATERIALS, CARRIAGE, AND SHIPPING SPECIFICATIONS

Conversion of Individual Exemptions to Regulations of General Applicability

Correction

In FR Doc. 77-15653 appearing at page 28132 in the issue for Thursday, June 2, 1977, in § 173.304(a)(2), in the table under the heading "Kind of gas" the entry "Vinyemethyl * * *" should read "Vinylmethyl * * *"

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

[Docket No. 75-16; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

AIR BRAKE SYSTEMS

Agricultural Commodity Trailers

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: The amendment extends indefinitely an existing option for specialized agricultural trailers under Standard No. 121, Air Brake Systems, of meeting the parking brake requirements of the standard or the air-actu-

ated "breakaway" requirements of the Bureau of Motor Carrier Safety. The option exists because the working environment of the trailers can lead to disabling of the parking brakes, and a solution to the underlying technical problems has not been perfected.

DATES: Effective date June 27, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Scott Shadle, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-0852).

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) permitted some bulk agricultural commodity trailers the option, until June 30, 1977, of meeting the parking brake requirements of the standard (actuation by an energy source unaffected by air loss in the service brake system) (S5.6.3) or the air-actuated "breakaway" system that complies with Bureau of Motor Carrier Safety (BMCS) requirements (49 CFR 393.43). Most manufacturers use the stored energy of a compressed spring to apply and maintain the required braking force required by S5.6.3.

Manufacturers petitioned for modification of this parking brake requirement in the case of some agricultural trailers because they often are dropped off near the fields by highway tractors and then towed into the fields by farm tractors. The farm tractors do not have air compressors to recharge the air supply and release the brakes in order to move the vehicles. When the spring brakes are mechanically released to allow movement they may not be re-engaged for highway operation, permitting the trailer to operate on the highway without a secondary means of braking. To avoid the hazard of on-highway operation with disengaged spring brakes, the agency adopted the option for a limited period.

Wesco Truck and Trailer Sales petitioned for extension of the option to December 31, 1978, and Utility Trailer Manufacturing Company petitioned for its indefinite continuation. The agency has an outstanding proposal to broaden the available means to meet the parking and emergency brake requirements for all trailers (40 FR 56920; December 5, 1975). However, because of the comprehensive nature of the proposed revision, it will not be acted on in the immediate future.

Until the broad proposal is made final or until another solution is available, the agency decided that the exclusion for these specialized trailers from the parking and emergency braking requirement should continue, as long as the vehicles are manufactured to comply with the BMCS requirements noted earlier. Accordingly, the agency proposed that the temporary exclusion contained in § 5.6 and § 5.8 of the standard be made permanent.

All comments received on the proposal supported continuation of the option. In the absence of a satisfactory solution to the underlying technical problems, the agency has decided to make final the changes as proposed.

In consideration of the foregoing, the last sentence in paragraphs S5.6 and S5.8 of Standard No. 121 (49 CFR 571.121) are amended by deletion of the phrase "manufactured before June 30, 1977,".

NOTE.—The economic and inflationary impacts of this rulemaking have been evaluated in accordance with OMB Circular A-107, and an Economic Impact Statement is not required.

The agency finds that this amendment may become effective immediately, because the continuation of the option relieves a restriction.

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

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

Issued on June 27, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77-18783 Filed 6-28-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[No. 36511]

ACCOUNTING FOR MARKETABLE EQUITY SECURITIES

AGENCY: Interstate Commerce Commission.

ACTION: Amended rule.

SUMMARY: The Interstate Commerce Commission adopted certain technical changes in the uniform system of accounts for all modes (except express companies). These changes align the systems with generally accepted accounting principles as announced in Financial Accounting Standards Board Statement No. 12, "Accounting for Certain Marketable Securities." The changes were adopted to improve financial reporting to the Commission and to reduce the need for duplicate recordkeeping by carriers who prepare financial statements to shareholders and to the Commission.

EFFECTIVE DATE: January 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Phone No. 202-275-7565.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In December 1975, the Financial Accounting Standards Board (FASB) issued Statement No. 12, "Accounting for Certain Marketable Securities," requiring that marketable equity securities should be carried at the lower of aggregate cost or market value, as determined at each balance sheet date.

The FASB stated that, except for certain industries such as investment companies, broker-dealers, stock life insurance companies and fire and casualty insurance companies:

1. The carrying amount should be the lower of the aggregate cost or market value, determined at the balance-sheet date.

2. Any excess of aggregate cost over market value at the balance-sheet date is accounted for as a valuation allowance.

3. Realized gains and losses and changes in the valuation allowance related to current asset securities should be included in determining net income in the period in which they occur.

4. Accumulated changes in the valuation allowance relating to noncurrent asset securities (including those presented in an unclassified balance sheet) should be included as a separate item in the equity section of the balance sheet.

5. The cost of any security to which 4 above applies should be written down to market value by a charge to income if a market value decline is judged to be other than temporary. The amount to which the security is written down becomes its new cost basis for subsequent application of the Statement. Recoveries in market value in excess of new cost may not be recognized.

Currently, carriers subject to our accounting rules are specifically not permitted to record fluctuations in market values of securities. Cost is the basis of recordation except that the ledger value of securities is written down to the extent of permanent impairment in value or written off entirely if there is no reasonable prospect of realizing any value. In accordance with the standards set forth in FASB Statement No. 12, fluctuations in the market value of certain marketable securities are recorded. However, unrealized gains are only recorded to the extent that unrealized losses on the same portfolio have been previously recorded.

CHANGES IN RULE

We believe the standards set forth in FASB Statement No. 12 will improve financial reporting to the Commission. Accordingly, we have amended the uniform system of accounts for all modes (except express companies) subject to our regulations. These changes clarify the texts of certain accounts as they pertain to FASB Statement No. 12 and they align our accounting rules with generally accepted accounting principles (GAAP) as expressed in the Statement.

Because the changes conform our regulations with GAAP as announced in FASB Statement No. 12, they are anticipated by the industry. Many companies which prepare financial statements to shareholders have already made the changes for those purposes. Thus the changes should be welcomed as they will reduce the need for duplicate bookkeeping. In addition, the changes themselves only require minor revisions in recordkeeping. Small carrier's (with gross op-

erating revenues less than $10 million) would not be required to complete the annual report schedule. Therefore, the impact of such changes on the industry will be minor and a rulemaking proceeding under sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559), for good cause, is not necessary.

Issued at Washington, D.C., June 8, 1977

H. G. HOMME, Jr.
Acting Secretary.

Parts 1201–1210 (except 1203) of Chapter X of Title 49 of the Code of Federal Regulations are amended as follows:

PART 1201—RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Balance Sheet Accounts" line item 724, "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is added immediately after line item 723 "Reserve for adjustment of investment in securities—Cr." and line item 798.1 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after 798 "Retained income; unappropriated".

* * * * *

General Balance Sheet Accounts

* * * * *

724 Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.

* * * * *

798.1 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

REGULATIONS PRESCRIBED

Under "(ii) Definitions" the following definitions are added: (ii) *Definitions.*

* * * * *

26. (a) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(b) "Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the later case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(c) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(d) "Cost," as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

Instruction 6–2 "Recorded value of securities owned," is revised to read:

6–2 *Recorded value of securities owned.* (a) (1) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 702 "Temporary Cash Investments", 721 "Investments in Affiliated Companies", and 722 "Other Investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition 26) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 702 shall be considered the current portfolio and the marketable equity securities in accounts 721 and 722 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition 26.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 702 "Temporary Cash Investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 724 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr." is the valuation allowance for the marketable equity securities recorded in account 721 "Investments in Affiliated Companies" and 722 "Other Investments." Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in the determination of net income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 702 shall be charged to account 551 "Miscellaneous Income Charges" or credited to account 519 "Miscellaneous Income", as appropriate, with a contra entry to the valuation allowance contained within account 702. Changes in the valuation allowance for marketable equity securities included in accounts 721 and 722 shall be recorded in equity account 798.1 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" with a contra entry to valuation account 724.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as realized loss by a charge to account 551 "Other Income Charges" and a credit to account 723 "Reserve for Adjustment of Investment in Securities." The new cost basis shall not be changed for subsequent recoveries in value.

(b) * * *

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INCOME ACCOUNTS

Ordinary Items

519 [Amended]

The text of account 519 "Miscellaneous Income" is amended by adding the item, "Decreases in the valuation allowance (contained within account 702) for the marketable equity securities included in current assets", at the end of the items list in paragraph (a).

551 [Amended]

The text of account 551 "Miscellaneous Income Charges" is amended by adding

the item "Increases in the valuation allowance (contained within account 702) for the marketable equity securities included in current assets" at the end of the items list in paragraph (a).

GENERAL BALANCE SHEET ACCOUNTS

The text of account 702 "Temporary Cash Investments" is amended by adding the following paragraph:

702 Temporary Cash Investments.

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This account shall be subdivided to reflect the marketable equity securities portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 6–2.)

Account 724 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr." number, title, and text is added immediately after the text of account 723 "Reserve for Adjustment of Investment in Securities—Cr." to read:

724 Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 721 and 722. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 6–2.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 723.)

Account 798.1 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" number, title, and text is added immediately after the text of account 798 "Retained Income; Unappropriated" to read:

798.1 Net Unrealized Loss on Noncurrent Marketable Securities.

This account shall include the accumulated changes in account 724 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

799 [Amended]

In account 799 "Form of General Balance Sheet Statement" line item 724 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr." is added immediately after line item 723 "Reserve for Adjustment of Investment in Securities—Cr." and line item 798.1 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately after account 798 "Retained Income; Unappropriated".

PART 1202—ELECTRIC RAILWAYS

List of Instructions and Accounts

Under "General Balance Sheet Accounts" line item 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 406–1 "Reserve for adjustment of investment in securities" and line item 452 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 451 "Unsegregated surplus".

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General Balance Sheet Accounts

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406–2 Allowance for net unrealized loss on noncurrent marketable equity securities.

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452 Net unrealized loss on noncurrent marketable equity securities.

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Definitions

Section 00–2 "Definitions" is amended by adding the following definitions:

00–2 Definitions.

* * * * *

"Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

"Marketable" as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the later case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

"Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

"Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

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Income Accounts

ORDINARY ITEMS

212 [Amended]

The text of account 212 "Miscellaneous income" is amended by adding the item, "Decreases in the valuation allowance (contained within account 413) for the marketable equity securities included in current assets", at the end of the items list.

225 [Amended]

The text of account 225 "Miscellaneous debits" is amended by adding the item, "Increases in the valuation allowance (contained within account 413) for marketable equity securities included in current assets", at the end of the items list.

General Balance Sheet

General instruction 05–7 "Recorded value of securities owned" is revised to read:

05–7 Recorded value of securities owned.

(a)(1) The investment in securities other than those issued or assumed by the accounting company shall be recorded at the money value, at the date of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 413 "Other current assets", 405 "Investments in affiliated companies", and 406 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see 002—Definitions) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 413 shall be considered the current portfolio and the marketable equity securities in accounts 405 and 406 (combined) shall be considered the noncurrent portfolio. The net ledger values of each portfolio shall be the lower of its aggregate cost or market value. (See 002—Definitions.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 413 "Other current assets" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 405 "Invest-

ments in affiliated companies", and 406 "Other investments". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determine aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 413 shall be charged to account 225 "Miscellaneous debits" or credited to account 212 "Miscellaneous income", as appropriate, with a contra entry to the valuation allowance contained within account 413. Changes in the valuation allowance for marketable equity securities included in account 405 and 406 shall be recorded in equity account 452 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 406–2.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 225, "Miscellaneous debits" and a credit to account 406–1, "Reserve for adjustment of investment in securities". The new cost basis shall not be changed for subsequent recoveries in value.

(b) (1) • • •

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05–8 [Amended]

General instructions 05–8 "Form of general balance sheet statements" is revised by adding line item 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" immediately after line item 406–1 "Reserve for adjustment of investment in securities' and by adding line item 452 "Net unrealized loss on marketable equity securities" immediately after line 451 "Unsegregated surplus."

Account 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 406–1 "Reserve for adjustment of investment in securities" to read:

406.2 Allowance for net unrealized or loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 405 and 406. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference (Refer to Instruction 05–7).

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 406–1.)

Account 452 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text are added immediately after the text of account 451 "Unsegregated surplus" to read:

452 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 406.2 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

PART 1204—PIPELINE COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions," line item 1–15 "Accounting for marketable equity securities owned" is added immediately after line item 1–14 "Charges to be just and reasonable."

Under "Balance Sheet Accounts," line item 24 "Allowance for net unrealized loss on noncurrent marketable equity securities—Credit" is added immediately after line item 23 "Reductions in security values—Credit" and line item 75.5 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 75 "Unappropriated retained income."

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GENERAL INSTRUCTIONS

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1–15 Accounting for marketable equity securities owned.

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BALANCE SHEET ACCOUNTS

24 Allowance for net unrealized loss on noncurrent marketable equity securities—Credit.

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75.5 Net unrealized loss on noncurrent marketable equity securities.

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The following definitions are added:

Definitions. • • •

35. "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

"Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (*Provided*, in the later case, That quotations are available from at least three dealers.) Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

"Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

"Cost," as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

General Instructions

General instruction 1–15 "Accounting for marketable equity securities owned" is added immediately after general instruction 1–14 "Charges to be just and reasonable," to read:

1–15 Accounting for marketable equity securities owned.

(a) Accounts 11 "Temporary investments," 20 "Investments in affiliated companies," and 21 "Other investments" shall be maintained in such a manner as to reflect the marketable equity se-

curities' portion (see definition 35) and other securities or investments.

(b) For the purpose of determining net ledger value, the marketable equity securities in account 11 shall be considered the current portfolio and the marketable equity securities in accounts 20 and 21 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition 35.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 11 "Temporary investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 24 "Allowance for net unrealized loss on noncurrent marketable equity securities—Credit" is the valuation allowance for the marketable equity securities included in accounts 20 "Investments in affiliated companies" and 21 "Other investments." Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(c) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 11 shall be charged to account 660 "Miscellaneous income charges" or credited to account 640 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 11. Changes in the valuation allowance for marketable equity securities included in accounts 20 and 21 shall be recorded in equity account 75.5 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 24.

(d) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(e) For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 660 "Miscellaneous income charges" and a credit to account 23, "Reduction in security values—Credit." The new cost basis shall not be changed for subsequent recoveries in value.

Balance Sheet Accounts

The text of account 11 "Temporary investments" is amended by adding the following paragraph:

11 Temporary investments.

* * * * *

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments (See Instruction 1–15).

Account 24 "Allowance for net unrealized loss on noncurrent marketable equity securities—Credit" number, title, and text is added immediately after the text of account 23 "Reduction in security values—Credit" to read:

24 Allowance for net unrealized loss on noncurrent marketable equity securities—Credit.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 20 and 21. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 1–15.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 23.)

Account 75.5 "Net unrealized loss on noncurrent marketable equity securities" number, title and text is added immediately after the text of account 75 "Unappropriated retained income" to read:

75.5 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 24 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

INCOME ACCOUNTS

Ordinary Items

The text of account 640 "Miscellaneous income" is revised to read:

640 Miscellaneous income.

(a) This account shall include income not provided for elsewhere creditable to income accounts for the current year, such as unclaimed wages written off, profit on sales of land and noncarrier, property, profit on sales of investment securities, profit from company bonds reacquired, and decreases in the valuation allowance (contained within account 11) for the marketable equity securities included in current assets.

(b) * * *

The text of account 660 "Miscellaneous income charges" is revised to read:

660 Miscellaneous income charges.

(a) This account shall include income charges not provided for elsewhere chargeable to income accounts for the current year, such as amortization of debt expense, losses on sale or disposition of land and noncarrier property, losses on sales or reductions in value of investment securities (including increases in the valuation allowance within account 11 for the marketable equity securities included in current assets), bad debts, losses on company bonds reacquired, taxes (other than Federal income taxes) on investment securities, trust management expenses, amortization of intangibles which are not restricted to a fixed term, and the difference between the premium and the added cash surrender value of life insurance on officers and employees when the carrier is beneficiary.

(b) * * *

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797 [Amended]

In account 797, Form of Balance Sheet Statement, line item 24, "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Credit" is added immediately after line item 23, "Reductions in Security Values—Credit" and line item 75–5 "Unrealized Loss on Noncarrier Marketable Equity Securities" is added immediately after line item 75 "Unappropriated Retained Income."

PART 1205—REFRIGERATOR CAR LINES

List of Instructions and Accounts

Under "General Balance Sheet Accounts Texts," line item 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is added immediately after line item 723, "Reserve for adjustment of investment in securities—Cr." and line item 798.1 "Net unrealized loss on noncurrent markeable equity securities" is added immediately after line item 798 "Retained Income—Unappropriated".

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General Balance Sheet Accounts Texts

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724 Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.

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798.1 Net unrealized loss on noncurrent marketable equity securities.

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General Instructions

Under "2 Definitions" the following definitions are added:

2 Definitions.

* * * * *

(dd)(1) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(2) "Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic

Quotations System or by the National Quotations Bureau, Inc. (*Provided*, in the later case, That quotations are available from at least three dealers.) Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(3) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio. those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(4) "Cost." as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

Income and Balanced Sheet Accounts Instructions

Instruction 37 is revised to read:

37 Book value of securities owned.

(a)(1) The investment in securities other than those issued or assumed by the accounting company shall be recorded at the money value, at the date of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 702 "Temporary cash investments", 721 "Investments in affiliated companies", and 722 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition (dd)) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 702 shall be considered the current portfolio and the marketable equity securities in accounts 721 and 722 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition (dd)). The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 702 "Temporary cash investment" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is the valuation allowance for the marketable equity securities included in accounts 721 "Investments in affiliated companies" and 722 "Other investments." Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 702 shall be charged to account 551 "Miscellaneous income charges" or credited to account 519 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 702. Changes in the valuation allowance for marketable equity securities included in accounts 721 and 722 shall be recorded in equity account 798.1 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 724.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 551 "Miscellaneous income charges" and a credit to account 723, "Reserve for adjustment of investment in securities—Cr." The new cost basis shall not be changed for subsequent recoveries in value.

(b) * * *

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Income Accounts Text

519 [Amended]

The text of account 519, "Miscellaneous income" is amended by adding the item "Decreases in the valuation allowance (contained within account 702) for the marketable equity securities' portfolio included in current assets," at the end of the items list.

551 [Amended]

The text of account 551, "Miscellaneous income charges" is amended by adding the item "Increases in the valuation allowance (contained within account 702) for marketable equity securities' portfolio included in current assets," at the end of the items list.

General Balance Sheet Accounts

The text of account 702 "Temporary cash investments" is amended by adding the following paragraph:

702 Temporary cash investments.

* * * * *

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 37.)

Account 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." number, title, and text is added immediately after the text of account 723 "Reserve for adjustment of investment in securities—Cr." to read:

724 Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in account 721 and 722. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 37.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 723.)

Account 798.1, "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 798, "Retained income—Unappropriated" to read:

798.1 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 724 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

799 [Amended]

In account 799, "Form of general balance sheet statement" line item 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is added immediately after line item 723, "Reserve for adjustment of investment in securities—Cr." and line item 798.1 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 798 "Retained income—Unappropriated."

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

List of Definitions, Instructions and Accounts

Under "Definitions," line item 1–45 "Terminology relative to accounting for marketable equity securities" is added immediately after line item 1–44 "Termi-

nology relative to compensating balances".

Under "Balance Sheet Accounts," line item 1676 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 1675 "Reserve for adjustment of investment in securities," and line item 2946.5 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after 2946 "Other debits to surplus."

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DEFINITIONS

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1–45 Terminology relative to accounting for marketable equity securities.

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BALANCE SHEET ACCOUNTS

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1676 Allowance for net unrealized on noncurrent marketable equity securities.

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2946.5 Net unrealized loss on noncurrent marketable equity securities.

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DEFINITIONS

Definition 1–45 "Terminology relative to accounting for marketable equity securities" is added to read:

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1–45 Terminology relative to accounting for marketable equity securities.

(a) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(b) "Marketable" as applied to an equity security means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(c) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(d) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

INSTRUCTIONS

The text of paragraph (b) of Instruction 2–15 "Book cost of securites owned" is revised to read:

2–15 Book cost of securities owned.

(a) * * *

(b) (1) Accounts 1060 "Temporary cash investments", 1600 "Investments and advances—Associated Companies", and 1650 "Other investments and advances" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition 1–45) and other securities or investments.

(2) For the purpose of determining net ledger value, the marketable equity securities in account 1060 shall be considered the current portfolio and the marketable equity securities in accounts 1600 and 1650 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value (see definition 1–45). The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 1060 "Temporary cash investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 1676 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 1600 "Investments and advances—Associated companies" and 1650 "Other investments and advances". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(3) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 1060 shall be charged to account 7500 "Other deductions" or credited to account 6500 "Other nonoperating income" as appropriate, with a contra entry to the valuation allowance contained within account 1060. Changes in the valuation allowance for marketable equity securities included in account 1600 and 1650 shall be recorded in equity account 2946.5 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 1676.

(4) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(5) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 7500 "Other deductions" and a credit to account 1675 "Reserve for adjustment of investment in securities". The new cost basis shall not be changed for subsequent recoveries in value.

* * * * *

BALANCE SHEET ACCOUNTS

The text of account 1060, "Temporary cash investments", is amended by adding the following paragraph:

1060 Temporary cash investments.

* * * * *

(c) This account shall also be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 2–15.)

Account 1676, "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 1675, "Reserve for adjustment of investments in securities" to read:

1676 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 1600 and 1650. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 2–15.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 1676.)

Account 2946.5 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 2946 "Other debits to surplus", to read:

2946.5 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 1676 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

Account 2999 "Form for balance sheet statements" is revised to read:

2999 Form for balance sheet statements.

* * * * *

1650	Other investments and advances	$
	(a) Pledged	$
	(b) Unpledged	
	Less:	
	(a) Reserve for adjustment of investments in securities	
	(b) Allowance for net unrealized loss on noncurrent marketable equity securities	
	Total investment securities and advances	
	* * *	
2930	* * *	
2946.5	Net unrealized loss on noncurrent marketable equity securities	( )
2957	Treasury stock	( )
	Total unappropriate surplus	
	Total liabilities and equity	
	Contingent liabilities (not included above)	

INCOME ACCOUNTS

The text of account 6500, "Other non-operating income", is amended by adding the following sentence to the current text:

6500 Other non-operating income.

* * * * *

This account shall also include the current unrealized gain on the marketable equity securities in account 1060, only to the extent the gain is represented by a decrease in the valuation allowance. (See Instruction 2–15.)

NOTE: * * *

The text of account 7500, "Other deductions", is amended by adding the following item:

7500 Other deductions.

* * * * *

(h) Unrealized losses on the marketable equity securities in account 1060 to the extent these losses are represented by an increase in the valuation allowance. (See instruction 2–15.)

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

DEFINITIONS

The following definitions are added:

* * * * *

45. (a) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferrred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(b) "Marketable", as applied to any equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rule of the Securities and Exchange Commission, is not considered restricted.

(c) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(d) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

Paragraph (b) of Instruction 18 "Book cost of securities owned" is revised to read:

18 Book cost of securities owned.

(a) * * *

(b) (1) Accounts 1031, 1032, 1411, 1413, 1419, 1431, 1433, and 1439 (for class I carriers) or accounts 1030, 1410 and 1430 (for class II carriers) shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition 1–45) and other securities and investments.

(2) For the purpose of determining net ledger value, the marketable equity securities in accounts 1031 and 1032, combined (for class I carriers) or account 1030 (for class II carriers) shall be considered the current portfolio. The marketable equity securities in accounts 1411, 1413, 1419, 1431, 1433, and 1439, combined, (for class I carriers) or account 1410 and 1430, combined, (for class II carriers) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition 1–45.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities (class I)" is the valuation allowance for current marketable equity securities included in accounts 1031 and 1032 (for class I carriers). Class II carriers shall subdivide account 1030 to include the valuation allowance for the current portfolio of marketable equity securities contained therein. Account 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" is the valuation allowance for the noncurrent marketable equity securities included in accounts 1411, 1413, 1419, 1431, 1433, and 1439 for class I carriers or 1410 and 1430 for class II carriers. Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(3) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for the current portfolio of marketable equity securities shall be charged to income account 8429/9429 (class I) or 8400/9400 (class II), or credited to account 8410/9410 (class I) or 8400/9400 (class II), as appropriate, with a contra entry to valuation account 1033 (class I) or the valuation account contained with

account 1030 (class II). Changes in the valuation allowance for the noncurrent portfolio of marketable equity securities shall be recorded in equity account 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" with a contra entry to valuation allowance account 1449 (for both class I and II carriers).

(4) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall be accounted for as if it were a realized loss and included in the determination of net income.

(5) The carrier may write down the book cost of any security in recognition of a decline in the value thereof. Securities shall be written off if there is no reasonable prospect of substantial value. A permanent impairment in the value of securities recorded in Account 1410—Investments and Advances—Affiliated Companies (class II), and in accounts 1411 through 1421, inclusive (class I), shall be reflected in Account 1428—Adjustments—Investments and Advances, Affiliated Companies (classes I and II) with concurrent debits to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8429/9429—Other (nonoperating deductions) (class I). A permanent decline in the value of securities recorded in Account 1430—Other Investments and Advances (class II), and in accounts 1431 through 1441, inclusive (class I) shall be reflected in Account 1448—Adjustments—Other Investments and Advances (classes I and II) with debits to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8429/9429—Other (nonoperating deductions) (class I). For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 8429/9429 (class I) or 8400/9400 (class II) and a credit to account 1428. The new cost basis shall not be changed for subsequent recoveries in value.

CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS

* * * * *

BALANCE SHEET—ASSETS

Under Class I Accounts, "Current Assets" section, line item 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities" is added immediately after line item 1032 "Temporary Cash Investments; Other".

Under Class II Accounts, "Investment Securities and Advances" section line item 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately after line item 1448 "Adjustments—Other Investments and Advances".

Under Class I Accounts, "Investment Securities and Advances" section, line item 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately after line item 1448 "Adjustments—Other Investments and Advances".

BALANCE SHEET—LIABILITIES AND EQUITY

Under Class II Accounts, "Stockholders' Equity" section, line item 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities", is added immediately after line item 2652 "Retained Earnings—Unappropriated".

Under Class I Accounts, "Stockholders' Equity" section, line item 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities", is added immediately after line item 2652 "Retained Income—Unappropriated".

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNT EXPLANATIONS

Assets

The text of account 1030 "Temporary Cash Investments" (class II) is amended by adding the following paragraph:

1030 Temporary Cash Investments (class II).

* * * * *

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 18.)

Account 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities (class I)" number, title, and text is added immediately after the text of account 1032 "Temporary Cash Investments; Other (class I)" to read:

1033 Allowance for Net Unrealized Loss on Current Marketable Equity Securities (class I).

This account shall reflect the amount by which aggregate cost exceeds market value for the current marketable equity securities found in accounts 1031 and 1032. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (See Instruction 18.)

Account 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" number, title, and text is added immediately after the text of account 1448 "Adjustments—Other Investments and Advances (classes I and II)" to read:

1449 Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II).

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 1411, 1413, 1419, 1431, 1433 and 1439 for class I carriers, or 1410 and 1430 for class II carriers. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (See Instruction 18.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 1428 or 1448, as appropriate.)

Liabilities and Equity

Account 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" number, title, and text is added immediately after the text of account 2652 "Retained Earnings—Unappropriated (classes I and II)" to read:

2655 Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II).

This account shall include the accumulated changes in account 1449 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

CLASS I AND CLASS II MOTOR CARRIERS OTHER INCOME AND EXPENSE ACCOUNT EXPLANATIONS

The text of account 8400/9400—"Other Nonoperating Income (net) (classes I and II)" is revised to read:

8400/9400 Other Nonoperating Income (net) (classes I and II).

(c) * * *

* * * * *

(8) Changes in the valuation allowance (account 1033 for class I carriers or within account 1030 for class II carriers) for the marketable equity securities' included in current assets.

(9) Other deductions from gross income.

* * * * *

The text of account 8410/9410—"Other Nonoperating Income (class I)" is revised to read:

8410/9410 Other Nonoperating Income (class I).

This account * * * in the profits of others, decreases in the valuation allowance (account 1033) for the marketable equity securities included in current assets, and all other nonoperating income not provided for in accounts 8110/9110, 8210/9210, and 8220/9220.

The text of account 8429/9429—"Other (nonoperating deductions) (class I)" is amended by adding the following sentence:

8429/9429 Other (nonoperating deductions) (class I).

* * * * *

This account shall also include increases in the valuation allowance (account 1033) for the marketable equity securities included in current assets.

CLASS I AND CLASS II MOTOR CARRIERS CONVERSION TABLES

TABLE I–A—CLASS I MOTOR CARRIERS BALANCE SHEET ACCOUNT NUMBERS CONVERSION TABLE [AMENDED]

Under the column entitled "System of accounts effective January 1, 1974:"

Line item 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities" is added immediately above line item 1428 "Adjustments—Investments and Advances—Affiliated Companies".

Line item 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately below line item 1448 "Adjustments—Other Investments and Advances".

Line item 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately below line item 2961 "Other Debits to Retained Earnings".

* * * * *

PART 1208—MARITIME CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Balance Sheet Accounts" line item 329.5 Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 329 "Decline in value of investments" and line item 592 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 591 "Treasury stock".

* * * * *

Balance Sheet Accounts

* * * * *

329.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

* * * * *

592 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

General Instructions

Under (A) "Definitions" the following definitions are added:

(A) Definitions.

* * * * *

(39) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(40) "Marketable" as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(41) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(42) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of any impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

Under (M) "Recorded value of securities owned," paragraphs (1) and (4) and the note at the end are revised to read as follows:

(M) Recorded value of securities owned.

(1) Investments in the securities of any company other than those issued or assumed by the accounting company, where the investment does not represent 20 percent or more of the outstanding voting common stock of the company should be recorded at cost (except see paragraph (4)) and should not be stated in excess of cost. Exceptions to this rule may be approved by the Commission in special circumstances where an investment of less than 20 percent gives the accounting company power to significantly influence the financial and policy making decisions of the investee.

* * * * *

(4) (i) Accounts 120 "Marketable securities," 316 "Securities of related companies," and 328 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definitions (39) and (40)) and other securities or investments.

(ii) For the purpose of determining net ledger value, the marketable equity securities in account 120 shall be considered the current portfolio and the marketable equity securities in accounts 316 and 328 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definitions (41) and (42).) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 120 "Marketable securities" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 329.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 316 "Securities of related companies" and 328 "Other investments." Marketable equity securities accounted for by the equity method (see paragraphs (2) and (3) above) shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(iii) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 120 shall be debited or credited to account 690, "Miscellaneous other income" as appropriate, with a contra entry to the valuation allowance contained within account 120. Changes in the valuation allowance for marketable equity securities included in accounts 316 and 328 shall be recorded in equity account 592 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 329.5.

(iv) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(v) For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 690 "Miscellaneous other income" and a credit to account 329 "Decline in value of investments." The new cost basis shall not be changed for subsequent recoveries in value.

(vi) For other investments in securities (not classified as marketable equity securities) the accounting company shall write down the cost of any investment to the extent of impairment in values; however, mere fluctuations in market value shall not be recorded. Write downs for impairment shall not be delayed beyond the year in which a loss is claimed for

income tax purposes. The loss may be recorded in the accounts by establishing a reserve for such loss through credits to account 329, "Decline in value of investments." Losses attributable to write downs or write offs shall be charged to account 690 "Miscellaneous other income."

(5) * * *

NOTE.—For purposes of this instruction, cost (other than when a new cost basis has been assigned for marketable equity securities—see definition 42) is cash or fair market value of the consideration given at the time of acquisition but excluding amounts of accrued interest and accrued dividends.

Balance Sheet Accounts

The text of account 120 "Marketable securities" is revised by adding the following sentence to paragraph (b):

120 Marketable securities.

* * * * *

(b) * * * However, this account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other marketable securities. (See Instruction (M).)

Account 329.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 329 "Decline in value of investments" to read:

329.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 316 and 328. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction (M).)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 329.)

The text of account 580 "Owners' equity" is revised to read:

580 Owners' equity.

This account shall be divided into the following subaccounts: 581, 585, 587, 590, 591, 592, 593, 598 and 599.

Account 592 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 591 "Treasury stock" to read:

592 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 329.5 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

Revenue Accounts

The text of account 690 "Miscellaneous other income" is amended by adding the following sentence at the end of the current text:

690 Miscellaneous other income.

* * * * *

This account shall also include the changes in the valuation allowance for the marketable equity securities in account 120.

FINANCIAL STATEMENTS

(A) BALANCE SHEET

Under "Assets", subheading "Investments" is revised to read:

Investments:	
316---	Securities of related companies.
319---	Noncurrent notes receivable—affiliated companies.
320---	Noncurrent accounts receivable—affiliated companies.
325---	Cash value of life insurance.
328---	Other investments.
	Subtotal.
	Less: Decline in value of investments. Allowance for unrealized loss on noncurrent marketable equity securities.
	Total investments.

Under "Liabilities", subheading "Retained earnings" is revised to read:

Account No.	*Liabilities*
*	* * * *
Retained earnings:	
593---	Prior period adjustments to beginning retained income accounts.
598---	Restricted.
599---	Unrestricted.
	Total retained earnings.
592---	Less: Net unrealized loss on noncurrent marketable securities.
591---	Treasury stock.
	Total owner's equity.
	Total liabilities and equity.

* * * * *

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Balance Sheet Accounts" line item 132.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 132 "Reserve for revaluation of investments" and line item 280–2 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 280–1 "Treasury stock".

* * * * *

Balance Sheet Accounts

* * * * *

132.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

* * * * *

280–2 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

General Instructions

Under "2 Definitions" the following definitions are added:

2 Definitions.

* * * * *

(ccc) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(ddd) "Marketable" as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(eee) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(fff) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of any impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

The text of paragraph (b) of Instruction 23 "Book cost of securities owned" is revised to read:

23 Book cost of securities owned.

(a) * * *

(b)(1) Accounts 103 "Marketable securities", 130 "Investments in affiliated companies" and 131 "Other investments" shall be maintained in such a manner as

to reflect the marketable equity securities' portion (see definitions (ccc) and (ddd)) and other securities or investments.

(2) For the purpose of determining net ledger value, the marketable equity securities in account 103 shall be considered the current portfolio and the marketable equity securities in accounts 130 and 131 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definitions (eee) and (fff).) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 103 "Marketable securities" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 132.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 130 "Investments in affiliated companies" and 131 "Other investments". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(3) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 103 shall be charged to account 527 "Miscellaneous income charges" or credited to account 507 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 103. Changes in the valuation allowance for marketable equity securities included in accounts 130 and 131 shall be recorded in equity account 280–2, "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 132.5.

(4) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(5) The accounting company shall write down the book cost of any securities to the extent of permanent impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. The amount of the permanent impairment should be charged to account 527 "Miscellaneous income charges" with a corresponding credit to account 132 "Reserve for revaluation of investments".

(6) For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 527 "Miscellaneous income charges" and a credit to account 132 "Reserve for revaluation of investments". The new cost basis shall not be changed for subsequent recoveries in value.

• • • • •

Balance Sheet Accounts

The text of account 103 "Marketable securities" is amended by adding the following paragraph to the current text:

103 Marketable securities.

• • • • • •

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other marketable securities. (See Instruction 23.)

NOTE A: • • •
NOTE B: • • •

Account 132.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 132 "Reserve for revaluation of investments" to read:

132.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 130 and 131. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such differences. (Refer to Instruction 23.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 132.)

Account 280–2 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 280–1 "Treasury stock".

280–2 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 132.5 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

BALANCE SHEET STATEMENT

Account 299 "Form of balance sheet statement" is revised to read:

299 Form of balance sheet statement.

	ASSET SIDE	
•	• • •	
	III. INVESTMENTS	
130	Investments in affiliated companies	$
131	Other investments	
132	Reserve for revaluation of investments	
132.5	Allowance for net unrealized loss on noncurrent marketable equity securities	$
133	Cash value of life insurance	
	Total investments	
•	• • • •	
	XIV. CAPITAL AND SURPLUS	
•	• •	
	RETAINED INCOME	
260	Retained income—appropriated	
280	Retained income—unappropriated	
	Total retained income	
	Total capital and surplus	
	Total liabilities	
280-2	Net unrealized loss on noncurrent marketable equity securities	
280-1	Treasury stock	
	Total capital and surplus	

NOTE.— • • •

INCOME ACCOUNTS

507 [Amended]

The text of account 507 "Miscellaneous income" is amended by adding the item, "10. Decreases in the valuation allowance (contained within account 103) for the marketable equity securities' portfolio included in current assets", at the end of the items list.

527 [Amended]

The text of account 527 "Miscellaneous income charges" is amended by adding the item, "15. Increases in the valuation allowance (contained within account 103) for the marketable equity securities' portfolio included in current assets", at the end of items list.

PART 1210—FREIGHT FORWARDERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "GENERAL BALANCE SHEET ACCOUNTS" line item 133 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 132 "Reserve for adjustment of investments in securities" and line item 279 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 270 "Earned surplus; unappropriated".

* * * * *

General Balance Sheet Accounts

* * * * *

133 Allowance for net unrealized loss on noncurrent marketable equity securities.

* * * * *

279 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

GENERAL INSTRUCTIONS

Instruction 2, "Definitions" is amended by adding the following definitions:

2 Definitions.

* * * * *

(kk) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(ll) "Marketable", as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or when the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(mm) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(nn) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of any impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

GENERAL BALANCE SHEET INSTRUCTIONS

The text of paragraph (a) of Instruction 28 "Recorded value of securities owned" is revised to read:

28 Recorded value of securities owned.

(a)(1) The investment in securities other than those issued or assumed by the accounting company shall be recorded at the money value, at the date of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 102 "Temporary cash investments", 130 "Investments in affiliated companies", and 131 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definitions (kk) and (ll)) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 102 shall be considered the current portfolio and the marketable equity securities in accounts 130 and 131 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definitions (mm) and (nn).) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 102 "Temporary cash investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 133 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 130 "Investments in affiliated companies" and 131 "Other investments". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 102 shall be charged to account 414

"Miscellaneous income charges" or credited to account 403 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 102. Changes in the valuation allowance for marketable equity securities included in accounts 130 and 131 shall be recorded in equity account 279 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 133.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. From long-term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 414 "Miscellaneous income charges" and a credit to account 132 "Reserve for adjustment of investments in securities". The new cost basis shall not be changed for subsequent recoveries in value.

(b) • • •

• • • • •

Instruction 29, "Form of general balance sheet statement" is revised to read:

29 Form of general balance sheet statement.

ASSET SIDE

• • • • •

INVESTMENT SECURITIES AND ADVANCES

130 Investments in affiliated companies.
Pledged
Unpledged

131 Other investments.
Pledged
Unpledged

Less:
Reserve for adjustment of investments in securities.
Allowance for net unrealized loss on noncurrent marketable equity securities.

Total investment securities and advances.

TANGIBLE PROPERTY

• • • • •

CAPITAL AND SURPLUS

• • • • •

270 Earned surplus—Unappropriated:
------' balance.
Surplus prior to January 1, 1943:
------' balance.

279 Net unrealized loss on noncurrent marketable equity securities.

280 Treasury stock
Pledged
Unpledged

• • • • •

General Balance Sheet Accounts

The text of account 102 "Temporary cash investments" is amended by adding a paragraph (c) to read:

102 Temporary cash investments.

• • • • •

(c) This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 28.)

NOTE: • • •

Account 133 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 132 "Reserve for adjustment of investments in securities" to read:

133 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 130 and 131. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 28.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 132.)

Account 279 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 270 "Earned surplus; unappropriated" to read:

279 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 133 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

• • • • •

Income Accounts

403 [Amended]

The text of account 403 "Miscellaneous income" is amended by adding the item, "Decreases in the valuation allowance (contained within account 102) for the marketable equity securities included in current assets", at the end of the items list.

414 [Amended]

The text of account 414 "Miscellaneous income charges" is amended by adding the item "Increases in the valuation allowance (contained within account 102) for the marketable equity securities included in current assets", at the end of the items lists.

• • • • •

NOTES TO FINANCIAL STATEMENTS

Marketable Equity Securities - to be completed by companies with $10.0 million or more in gross operating revenues

1. Changes in Valuation Accounts

		Cost	Market	Dr. (Cr) to Income	Dr. (Cr) to Stockholders Equity
(Current Yr.) as of / /	Current Portfolio				XXXXX
	Noncurrent Portfolio			XXXXX	
(Previous Yr.) as of / /	Current Portfolio			XXXXX	XXXXX
	Noncurrent Portfolio			XXXXX	XXXXX

2. At / / , gross unrealized gains and losses pertaining to marketable equity securities were as follows:

	Gains	Losses
Current	$_____	$_____
Noncurrent	_____	_____

3. A net unrealized gain (loss) of $_____ on the sale of marketable equity securities was included in net income for _____(year). The cost of securities sold was based on the _____(method) cost of all the shares of each security held at time of sale.

Significant net realized and net unrealized gains and losses arising after date of the financial statements but prior to their filing, applicable to marketable equity securities owned at balance sheet date shall be disclosed below:

NOTE: / /- date = Balance sheet date of the current year unless specified as previous year.

SAMPLE

[FR Doc.77-18635 Filed 6-29-77;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 the J. Clark Salyer National Wildlife Refuge, North Dakota, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of J. Clark Salyer 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: (November 11, 1977, through November 20, 1977).

FOR FURTHER INFORMATION CONTACT:

Jon M. Malcolm, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak. 58789, Telephone No. 701–768–3223.

SUPPLEMENTARY INFORMATION:

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

Hunting of deer is permitted on the J. Clark Salyer National Wildlife Refuge, North Dakota, from 12:00 noon to sunset November 11, 1977, and from sunrise to sunset November 12, 1977 through November 20, 1977, on the entire refuge except the headquarters area posted as closed to hunting. This open area is delineated on maps available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. A Special Federal Refuge Permit for antlered deer only is required from November 11 through 13, 1977, and may be obtained by applying to the North Dakota Game and Fish Department, 2121 Lovett Avenue, Bismarck, North Dakota 58505.

2. After November 13, 1977, any person, other than those with gratis landowner licenses, having a license and permit for State Unit IIIA [1] to hunt deer may do so without a special refuge permit.

3. All hunters must exhibit their Special Federal Refuge Permit, hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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 Executvie Order 11949 and OMB Circular A–107.

Dated: June 23, 1977.

JON M. MALCOLM,
Refuge Manager.

[FR Doc.77–18776 Filed 6–29–77;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 222—ENDANGERED FISH OR WILDLIFE

Certificates of Exemption for Pre-Act Endangered Species Parts and Products Held in United States on December 28, 1973, in Course of Commercial Activity; Correction

AGENCY: National Marine Fisheries Service.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 28137 in the FEDERAL REGISTER of Thursday, June 2, 1977, (FR Doc.77–15602).

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Eugene A. Bennett, Special Agent in Charge, Enforcement Division, National Marine Fisheries Service, Washington, D.C. 20235. 202–634–7265

SUPPLEMENTARY INFORMATION: In FEDERAL REGISTER Doc. 77–15602 of June 2, 1977, appearing on page 28141 make the following corrections.

1. In the second line of § 222.13, the first word should read "from".

2. In the second line of § 222.13–1, the reference to § 222.12–9 should read "222.13".

Issued and dated June 24, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77–18621 Filed 6–29–77;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[7 CFR Part 409]

ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Proposed Revision of Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This rule would revise the the Arizona-Desert Valley Citrus Crop Insurance Regulations effective with the 1977 and succeeding crop years. The proposed rule would restructure the document by placing the meaning of terms at the beginning, eliminating the application section, and making minor editorial changes for clarity. The proposed revisions are not considered substantive and will not affect the intent or force of these regulations.

DATE: Comments must be received on or before July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250 (202-447-3197).

SUPPLEMENTARY INFORMATION: Under the authority of the Federal Crop Insurance Act, as amended, (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation is proposing to revise the Arizona-Desert Valley Citrus Crop Insurance Regulations for the 1974 and Succeeding Crop Years (39 F.R. 23045), 7 CFR 409.30 through 409.35, in their entirety.

The regulations, as written, place the "Meaning of Terms," as found in § 409.35, subsection 22, paragraphs (a) through (i), at the end of the document thereby making it difficult for the reader to follow the language of the document. It is felt that placing this section at the beginning of the document will facilitate the reading of the document. In addition, § 409.35, as it is currently written, contains both the application and the policy for Arizona-Desert Valley Citrus Crop Insurance. It is proposed that the application portion of § 409.35 be removed from the document entirely and that the Standard Application Form (FCI-12) be used in its place as is the practice with other crops. The use of the Standard Application Form will facilitate the processing of applications for this type of insurance since they will be processed in the same manner and by the same method as applications for other crops. With the exception of minor editorial changes to clarify the language, the intent and force of the regulations will remain the same. In accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), regarding the procedure for notice and public participation, the Federal Crop Insurance Corporation invites the public to submit written data, comments, or views for consideration in connection with the proposed amendment to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C., 20250. All written submissions must be delivered or postmarked not later than July 20, 1977, to be sure of consideration. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday (7 CFR 1.27(b)).

Accordingly, the Federal Crop Insurance Corporation proposes to amend the Arizona-Desert Valley Citrus Crop Insurance Regulations, effective with the 1977 crop year, by revising 7 CFR Part 409 to read as follows:

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1977 and Succeeding Crop Years

Sec.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516).

§ 409.30 Availability of Arizona-Desert Valley Citrus Crop Insurance.

Citrus crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of §§ 409.30 through 409.35 in counties in Arizona and the Desert Valley within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager for citrus crop insurance under this subpart for the 1977 and succeeding crop years are as follows: Arizona-Maricopa.

§ 409.31 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per standard box which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 8 of the Policy set forth in § 409.35 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in the continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 409.32 Application for insurance.

An application for insurance on a form prescribed by the Corporation, may be submitted at the office for the county for the Corporation. Prior to the closing date for the filing of applications, the Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive or to limit the amount of insurance. Such closing date shall be the September 30 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by amendment to the regulations, upon his determination that no adverse selectivity exists: *Provided however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

§ 409.33 Public notice of indemnities paid.

The Corporation shall provide for the posting annually at each county courthouse a listing of the indemnities paid in the county.

§ 409.34 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Policy set forth in § 409.35.

§ 409.35 The policy.

The provisions of the policy for Arizona-Desert Valley Citrus Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production of the insured's citrus crop due to freeze. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "Acreage report" means the form prescribed by the Corporation for initially reporting and revising (if necessary) all of the insured's acreage and share therein of citrus in the county, the location of acreage by types of citrus, the age of trees, and the estimated production by boxes.

(b) "Actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information regarding citrus crop insurance in the county.

(c) "Box" or "Boxes" means a standard field box as prescribed in the Agricultural Code of California.

(d) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(e) "Contract" means the application, this policy, and the actuarial table.

(f) "County" means the county shown on the application and any additional insurable land located in a local producing area bordering on the county, as shown on the actuarial table.

(g) "Crop Year" means the period beginning October 1 and extending through September 30 of the following year and shall be designated by the calendar year in which the insurance period begins.

(h) "Harvest" means any severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

(i) "Insurable acreage" means the acreage of citrus as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, grown on the following: (1) Land classified as insurable by the Corporation and shown as such on the actuarial map or appropriate land identification list or (2) land owned or operated by a person to whom a grove classification is assigned by the Corporation or as otherwise provided on the actuarial table.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" or "Insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Potential" means the production which would have been produced before freeze damage occurred and shall include citrus which (1) was picked before the freeze damage ocurred; (2) remained on the trees after the freeze damage occurred; (3) was lost from freeze; and (4) was lost from an uninsured cause. The potential shall not be less than 150 boxes per acre and shall not include citrus lost before insurance attaches for any crop year or citrus lost by normal dropping.

(m) "Share" means the share of the insured as landlord, owner-operated, or tenant in the insured citrus as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the citrus crop shall be deemed to be insurable.

(n) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(o) "Time of loss" means the earlier of (1) the date harvest is completed on the unit; (2) the calendar date for the end of the insurance period; or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(p) "Types of citrus" means any of the following six types of fruit: Type I, Navel oranges; Type II, Orlando tangeloes and sweet orangts; Type III, Valencia oranges; Type IV, Grapefruit; Type V, Lemons; and Type VI, Kinnow mandarins and Minneloa tangelos.

(q) "Unit" means all insurable acreage in the county of any of the six citrus types refered to in subsection (p) of this section located on contiguous land, on the date insurance attaches for the crop year, (1) in which the insured has a 100 percent share; (2) which is owned by one person and operated by the insured as a tenant; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land only shall be considered as owned by the lessee. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Cause of loss.* (a) The insurance provided is against unavoidable freeze loss occurring within the insurance period to the citrus fruit which is set from the annual bloom.

(b) The contract shall not cover any loss or damage (1) to the blossoms or trees; (2) due to neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (3) due to failure to follow recognized good grove management practices; or (4) due to any cause other than freeze.

3. *Citrus insured.* (a) The citrus insured shall be any of the type(s) of citrus as defined in section 1(p), and not excluded by the following provisions of this section, which is located on insurable acreage as shown on the actuarial table, and in which the insured has a share on the date insurance attaches: *Provided*, That (1) the citrus fruit can be expected to mature each crop year in the normal maturity period for the variety and (2) the trees have reached at least the sixth growing season after being set out.

(b) Upon approval of the Corporation, the insured may elect to insure or exclude from insurance for any crop year any reported, described, and designated insurable acreage which has a potential of less than 150 boxes per acre. If the insured elects to insure such acreage, the Corporation will, in determining the amount of loss, increase the per acre potential on such acreage to 150 boxes per acre. If the insured elects to exclude such acreage, the Corporation will disregard such acreage for all purposes of this contract. If the insured does not report, exclude, describe, and designate any such acreage, the Corporation will disregard such acreage if the production is less than 150 boxes; however, if the production from such acreage is 150 or more boxes per acre, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit, but will not permit the percent of damage for the unit to be increased by including the undesignated acreage.

(c) The Corporation reserves the right for any crop year to exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year.

4. *Life of contract and contract changes.* (a) The contract shall be in effect for the crop year specified on the application, and may not be cancelled for such crop year. Thereafter, either party may cancel insurance on any type of citrus for any crop year by giving written notice to the other by the July 31 immediately preceding such crop year. In the absence of such notice to cancel, and subject to the provisions of subsections (b), (c), and (d) of this section, the contract shall continue in force for each succeeding crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(c) If the premium for any crop year is not paid by the September 30 following the calendar year in which the insurance period begins, the contract shall terminate for the succeeding crop year: *Provided*, That the date of payment for a premium (1) deducted from a loss claim shall be the date the insured signs such claim, or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at

the office for the county by the July 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in subsection (a) of this section.

(f) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre from among those shown on the county actuarial table. For any crop year, the insured may with the consent of the Corporation change the amount of insurance per acre which was previously elected by notifying the Corporation in writing not later than the closing date for filing applications for such crop year.

5. *Responsibility of the insured to report acreage data.* (a) The insured at the time of filing the application shall also file on a form prescribed by the Corporation a report of all the acreage of citrus in the county in which the insured has a share and show the share therein. Such report shall also include a designation of (1) the location of the acreage by types of citrus, (2) age of trees, (3) estimated production by boxes, and (4) any acreage which is uninsurable or excluded under the provisions of section 3 above. This report shall be revised by the insured for any crop year before insurance attaches if the acreage to be insured or share therein has changed, and the latest report filed shall be considered as the basis for continuation of insurance from year to year.

(b) If the insured does not submit an acreage report for any crop year in accordance with the provisions of subsection (a) of this section, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage for any unit(s) to be "zero."

6. *Insurance period.* Insurance attaches each crop year on October 1, except that for the first crop year if the application is accepted by the Corporation after that date, insurance shall attach on the tenth day after the application is received in the office for the county, as as to any portion of the citrus crop, shall cease upon the earlier of harvest or January 31 for Types I, II, and V and March 31 for Types III, IV, and VI, of the crop year.

7. *Amount of insurance.* The amount of insurance for any crop year for any unit shall be determined by multiplying the estimated production in boxes for the unit for that crop year as reported by the insured or as determined by the Corporation, whichever is smaller, by the applicable amount of insurance per box and multiplying the product thereof by the insured's share: *Provided, however,* That the amount of insurance for any crop year for any unit shall not exceed the product of the insured acreage thereon times the maximum amount of insurance per acre shown on the actuarial table times the insured's share; and, the amount of insurance per acre shall be based on not less than 150 standard field boxes per acre.

8. *Annual premium.* (a) The annual premium for each insurance unit is earned and payable on the date insurance attaches and shall be determined by multiplying the higher of (1) the estimated production in boxes reported by the insured for that crop year for the unit or (2) 150 boxes times the number of acres in the unit, times the applicable amount of insurance per box, times the applicable premium rate, times the insured's share at the time insurance attaches and, where applicable, applying the premium reduction or adjustment herein provided. There will be no revision in premium if the actual production differs from the estimated production applicable for the crop year as provided in section 5 above.

(b) In counties where the actuarial table does not provide for adjustments in premium, the total annual premium on all units shall be reduced as follows after consecutive years of insurance without a loss or which an indemnity was paid on any unit hereunder (eliminating any year in which a premium was not earned): 5 percent after one and two years; 10 percent after three and four years; 15 percent after five years; 20 percent after six years; and 25 percent after seven or more years. However, if the insured has a loss for which an indemnity is paid hereunder, the number of such consecutive years of insurance without a loss shall be reduced by three years, except that where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made: *Provided,* That if at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the 5, 10, or 15 percent premium reductions in this subsection shall not thereafter apply until such cumulative premiums equal or exceed such cumulative indemnities.

(c) In counties where the actuarial table provides for adjustments in premium, the provisions of subsection (b) of this section shall not apply.

(d) If there is no break in the continuity of participation, any premium reduction or adjustment applicable under subsection (b) or (c) of this section shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same grove or groves, if the Corporation finds that such transferee had previously actively participated in the grove operation involved; or (3) the contract of the same insured who stops operating a grove in one county and starts operating a grove in another county.

(e) If there is a break in the continuity of participation, subsection (b) of this section or any reduction in premium earned under subsection (c) of this section shall not thereafter apply.

9. *Notice of damage or loss.* (a) The insured shall give notice to the office for the county immediately after freeze damage to the citrus becomes apparent, giving the date(s) of such damage so that an inspection and determination of the extent of damage can be made prior to harvest.

(b) If a loss is to be claimed on any unit, notwithstanding any prior notice of damage, the insured shall notify the office for the county of the intended date of harvest at least seven days prior to the start of harvest.

(c) If a loss is to be claimed on any unit and if damage occurs within the seven-day period prior to the start of harvest or during harvest, notice of damage must be given immediately to the office for the county.

(d) Notwithstanding any other provision of this section, no insured freeze damage shall be deemed to have occurred on any acreage unless a notice of the damage therefor is given to the office for the county within 30 days after the end of the insurance period.

(e) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(f) There shall be no abandonment of the citrus crop to the Corporation.

10. *Claim for loss.* (a) Any claim for loss for any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the amount of insurance for the unit by the average percent of insured damage in excess of 10 percent (i.e. average damage 45%−10%=35% payable); and (2) multiplying this product by the insured share: *Provided,* That for the purpose of determining the amount of loss, the insured share shall not exceed the insured's share in the citrus crop at the time of loss or the beginning of harvest, whichever is earlier.

(c) The average percent of damage to the citrus for any unit shall be the ratio of the number of boxes of citrus lost from freeze to the potential. In determining the number of boxes of citrus lost, the average percent of damage shall be applicable only to fruit which was not or could not be packed as fresh fruit.

(d) Any citrus which (1) is or could be marketed as fresh fruit or (2) is harvested prior to an inspection by the Corporation shall be considered as undamaged.

(e) The determination of serious freeze damage to citrus will be made by the Corporation in accordance with the state laws for the county, and such determination shall be the actual citrus lost as shown by cuts made of representative samples of fruit in the grove, regardless of whether or not damaged fruit can be separated from undamaged fruit without cutting.

(f) Any fruit on the ground as a result of freeze which is not picked up and marketed shall be considered as damaged the greater of 70 percent or the percent of damage determined from cuts of representative samples of fruit in the grove.

(g) A final grove inspection to determine the extent of serious freeze damage to fruit which is unharvested at the end of the insurance period shall be made within 30 days after the end of the insurance period or as soon thereafter as possible.

(h) It shall be a condition precedent to payment of any claim that the insured furnish production records and any other information required by the Corporation regarding the manner and extent of damage, including authorizing the Corporation to examine and obtain any records pertaining to the production and/or marketing of the citrus insured under this contract from the packing-house and the Navel Orange, Valencia Orange, Grapefruit and Lemon Administrative Committees established under orders issued by the U.S. Department of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. The Corporation has the right to delay the final determination of the average percent of damage and the settlement of any claim until the insured makes available to it complete records of the marketing of the citrus for the crop year.

(i) If the Corporation determines that frost protection equipment was not properly utilized or properly reported, the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction allowed for frost protection equipment. It is the responsibility of the insured to provide the Corporation a record by dates showing each use of frost protection equipment including the starting and ending times for the period of use.

(j) If any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the

provisions of 7 U.S.C. 1508(c): *Provided*, That the same be brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

11. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

12. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

13. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity for any crop year and the assignee shall have the right to submit the loss notices and forms as required by the contract.

14. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy to the transferee for such crop year with respect to the transferred share and the transferee shall have the same rights and responsibilities under the contract as the transferor for the current crop year.

15. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

16. *Records and access to grove.* The insured shall keep or cause to be kept for two years after the time of loss, separate records of the harvesting, storage, shipments, sale, and other disposition of all citrus produced on each unit and on any uninsured acreage of such citrus in the county in which the insured has a share. Any persons designated by the Corporation shall have access to such records and the grove for purposes related to the contract.

17. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE.—The Federal Crop Insurance Corporation 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.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.77-18694 Filed 6-29-77;8:45 am]

[7 CFR Part 406]

CALIFORNIA ORANGE CROP INSURANCE

Proposed Revision of Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This rule would revise the California Orange Crop Insurance Regulations, effective with the 1977 and succeeding crop years. The proposed rule would restructure the document by placing the meaning of terms at the beginning, eliminating the application section, authorizing the Manager to extend closing dates for the taking of applications, and making minor editorial changes for clarity. The proposed revisions are not considered substantive and will not affect the intent or force of these regulations.

DATES: Comments must be received on or before July 20, 1977.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3197).

SUPPLEMENTARY INFORMATION: Under the authority of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation is proposing to revise the California Orange Crop Insurance Regulations for the 1963 and Succeeding Crop Years, (28 FR 6528, June 26, 1963) as amended, 7 CFR 406.1 through 406.6 in their entirety effective with the 1977 crop year. The regulations, as written, place the "Meaning of terms," as found in § 406.6, subsection 22, paragraphs (a) through (h), at the end of the document thereby making it difficult for the reader to follow the language of the document. It is felt that placing this section at the beginning of the document will facilitate the reading of the document. In addition, § 406.6, as it is currently written, contains both the application and the policy for California Orange Crop Insurance. It is proposed that the application portion of § 406.6 be removed from the document entirely and that the Standard Application Form (FCI-12) be used in its place as is the practice with other crops. The use of the Standard Application Form will facilitate the processing of applications for this type of insurance since they will be processed in the same manner and by the same method as applications for other crops. The current regulations also contain no provision to authorize the Manager to extend the closing date for the taking of applications. The proposed revision of these regulations would correct this. With the exception of minor editorial changes to clarify the language, the intent and force of the regulations will remain the same. In accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), regarding the procedure for notice and public participation, the Federal Crop Insurance Corporation invites the public to submit written data, comments, or views for consideration in connection with the proposed amendment to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be delivered or postmarked not later than July 20, 1977, to be sure of consideration. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday (7 CFR 1.27 (b)).

In accordance with the above, the Federal Crop Insurance Corporation proposes to amend the California Orange Crop Insurance Regulations, effective with the 1977 crop year, by revising 7 CFR Part 406 to read as follows:

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1977 and Succeeding Crop Years

Sec.
406.1 Availability of California orange crop insurance.
406.2 Premium rates and amounts of insurance.
406.3 Application for insurance.
406.4 Public notice of indemnities paid.
406.5 Creditors.
406.6 The policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, 77 (7 U.S.C. 1506, 1516.).

§ 406.1 Availability of California orange crop insurance.

Orange crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of §§ 406.1 through 406.6 in counties in California within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors for orange crop insurance. The counties designated by the Manager for orange crop insurance under this subpart for the 1977 and succeeding crop years are as follows: California: Fesno, Kern, and Tulare.

§ 406.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provision of section 7 of the Policy set forth in § 406.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in the continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines that such person is operating only land formerly operated by the dissolved

enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 406.3 Application for insurance.

An application for insurance, on a form prescribed by the Corporation, may be submitted at the office for the county for the Corporation. Prior to the closing date for the filing of applications, the Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive, or to limit the amount of insurance. Such closing date shall be the September 30 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by amendment to the regulations upon his determination that no adverse selectivity exists: *Provided, however*, That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

§ 406.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually at each county courthouse a listing of the indemnities paid in the county.

§ 406.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Policy set forth in § 406.6.

§ 406.6 The policy.

The provisions of the policy for California Orange Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

CALIFORNIA ORANGE CROP INSURANCE POLICY

Subject to the regulations of the Federal Corp Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production of the insured's orange crop due to freeze. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on oranges the terms:

(a) "Acreage report" means the form prescribed by the Corporation for initially reporting and revising (if necessary) all of the insured's acreage and share therein of oranges in the county.

(b) "Actuarial table" means the forms and related materials approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information regarding orange crop insurance in the county.

(c) "Box" or "Boxes" means a standard field box as prescribed in the Agricultural Code of California.

(d) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(e) "Contract" means the application, this policy, and the actuarial table.

(f) "County" means the county shown on the application and any additional insurable land located in a local producing area bordering on the county, as shown on the actuarial table.

(g) "Crop Year" means the period beginning October 1 and extending through September 30 of the following year and shall be designated by the calendar year in which the insurance period begins.

(h) "Harvest" means any severance of oranges from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable oranges from the ground.

(i) "Insurable acreage" means the acres of oranges as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, grown on the following: (1) Land classified as insurable by the Corporation and shown as such on the actuarial map or appropriate land identification list or (2) land owned or operated by a person to whom a grove classification is assigned by the Corporation or as otherwise provided on the actuarial table.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" or "Insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Potential" means the production which would have been produced before freeze damage occurred, and shall include oranges which: (1) Were picked before the freeze damage occurred; (2) remained on the trees after the freeze damage occurred; (3) were lost from freeze; and (4) were lost from an uninsured cause. The potential shall not be less than 200 boxes per acre and shall not include oranges lost or harvested before insurance attaches for any crop year, or oranges lost by normal dropping.

(m) "Share" means the share of the insured as landlord, owner-operator, or tenant in the insured oranges as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the orange crop shall be deemed to be insurable.

(n) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(o) "Time of loss" means the earlier of: (1) The date harvest is completed on the unit, or (2) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(p) "Unit" means all insurable acreage in the county of either Navel or Valencia oranges located on contiguous land, on the date insurance attaches for the crop year: (1) In which the insured has a 100 percent share; (2) which is owned by one person and operated by the insured as a tenant; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land only shall be considered as owned by the lessee. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Cause of loss.* (a) The insurance provided is against unavoidable freeze loss occurring within the insurance period to oranges which are set from the annual bloom.

(b) The contract shall not cover any loss or damage: (1) To the blossoms or trees; (2) due to neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (3) due to failure to follow recognized good grove management practices; or (4) due to any cause other than freeze.

3. *Oranges insured.* (a) The oranges insured shall be either or both Navel and Valencia varieties as designated on the insured's application for insurance, and not excluded by the following provisions of this section, which are located on insurable acreage as shown on the actuarial table, and in which the insured has a share on the date insurance attaches: *Provided*, That (1) the oranges can be expected to mature each crop year in the normal maturity period for the variety and (2) the trees have reached at least the sixth growing season after being set out.

(b) Upon approval of the Corporation, the insured may elect to insure or exclude from insurance for any crop year any reported, described, and designated insurable acreage which has a potential of less than 200 boxes per acre. If the insured elects to insure such acreage, the Corporation will, in determining the amount of loss, increase the potential on such acreage to 200 boxes per acre. If the insured elects to exclude such acreage, the Corporation will disregard such acreage for all purposes of this contract. If the insured does not report, exclude, describe, and designate any such acreage, the Corporation will disregard such acreage if the production is less than 200 boxes per acre; however, if the production from such acreage is 200 or more boxes per acre, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit, but will not permit the percent of damage for the unit to be increased by including such acreage.

(c) The Corporation reserves the right for any crop year to exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year.

4. *Life of contract and contract changes.* (a) The contract shall be in effect for the crop year specified on the application, and may not be canceled for such crop year. Thereafter, either party may cancel insurance on either variety of oranges for any crop year by giving written notice to the

other by the July 31 immediately preceding such crop year. In the absence of such notice to cancel, and subject to the provisions of subsections (b), (c), and (d) of this section, the contract shall continue in force for each succeeding crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(c) If the premium for any crop year is not paid by the September 30 following the calendar year in which the insurance period begins, the contract shall terminate for the succeeding crop year; *Provided*, That the date of payment for a premium (1) deducted from a loss claim shall be the date the insured signs such claim or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at the office for the county by July 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in subsection (a) of this section.

(f) At the time the application for insurance is made, the applicant shall elect an amonut of insurance per acre from among those shown on the county actuarial table. For any crop year, the insured may with the consent of the Corporation change the amount of insurance per acre which was previously elected by notifying the Corporation in writing not later than September 30 immediately preceding such crop year.

5. *Responsibility of the insured to report acreage and share.* (a) The insured at the time of filing the application shall also file on a form prescribed by the Corporation a report of all the acreage of insured oranges in the county in which the insured has a share and show the share therein. Such report shall also include a designation of any acreage which is uninsurable or excluded under the provisions of section 3 above. This report shall be revised by the insured for any crop year before insurance attaches if the acreage to be insured or share therein has changed, and the latest report filed shall be considered as the basis for continuation of insurance from year to year.

(b) If the insured does not submit a report for any crop year in accordance with the provisions of subsection (a) of this section, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage for any unit(s) to be "zero."

6. *Insurance period.* Insurance attaches each crop year on October 1, except that for the first crop year if the application is accepted by the Corporation after that date, insurance shall attach on the tenth day after the application is received in the office for the county, and as to any portion of the orange crop, shall cease upon the earlier of harvest or March of the crop year.

7. *Annual premium.* (a) The annual premium for each insurance unit is earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance per acre times the applicable premium rate, times the insured's share at the time insurance attaches and, where applicable, applying the premium reduction or adjustment herein provided.

(b) In counties where the actuarial table does not provide for adjustments in premium, the total annual premium on all units shall be reduced as follows after consecutive years of insurance without a loss for which an indemnity was paid on any unit hereunder (eliminating any year in which a premium was not earned): 5 percent after one and two years; 10 percent after three and four years; 15 percent after five years; 20 percent after six years; and 25 percent after 7 or more years. However, if the insured has a loss for which an indemnity is paid hereunder, the number of such consecutive years of insurance without a loss shall be reduced by three years, except that where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made: *Provided*, That if at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the 5, 10, or 15 percent premium reductions in this subsection shall not thereafter apply until such cumulative premiums equal or exceed such cumulative indemnities.

(c) In counties where the actuarial table provides for adjustments in premiums, the provisions of subsection (b) of this section shall not apply.

(d) If there is no break in the continuity of participation, any premium reduction or adjustment applicable under subsection (b) or (c) of this section shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same grove or groves, if the Corporation finds that such transferee had previously actively participated in the grove operations involved; or (3) the contract of the same insured who stops operating a grove in one county and starts operating a grove in another county.

(e) If there is a break in the continuity of participation, subsection (b) of this section or any reduction in premium earned under subsection (c) of this section shall not thereafter apply.

8. *Notice of damage or loss.* (a) The insured shall give notice to the office for the county immediately after freeze damage to the oranges becomes apparent, giving the date(s) of such damage so that an inspection and determination of the extent of damage can be made prior to harvest.

(b) If a loss is to be claimed on any unit, notwithstanding any prior notice of damage, the insured shall notify the office for the county of the intended date of harvest at least seven days prior to the start of harvest.

(c) If a loss is to be claimed on any unit and if damage occurs within the seven-day period prior to the start of harvest or during harvest, notice of damage must be given immediately to the office for the county.

(d) Notwithstanding any other provisions of this section, no insured freeze damage shall be deemed to have occurred on any acreage unless a notice of damage therefor is given to the office for the county within 30 days after the end of the insurance period for Navel oranges and 60 days after the end of the insurance period for Valencia oranges.

(e) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(f) There shall be no abandonment of the orange crop to the Corporation.

9. *Claim for loss.* (a) Any claim for loss for any unit shall be submitted to the Corporation on a form preescribed by the Corporation within 60 days after the time of loss, but no later than July 31 for Navel oranges and September 30 for Valencia oranges of the crop year. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the amount of insurance for the unit by the average percent of insured damage in excess of 10 percent (i.e, average damage 45%−10%=35% payable); and (2) multiplying this product by the insured share: *Provided*, That for the purpose of determining the amount of loss, the insured share shall not exceed the insured's share in the orange crop at the time of loss or the beginning of harvest, whichever is earlier.

(c) The average percent of damage to the oranges for any unit shall be the ratio of the number of boxes of oranges lost from freeze to the potential. In determining the number of boxes of oranges lost, the average percent of damage shall be applicable only to fruit which was not or could not be packed as fresh fruit.

(d) Any oranges which (1) are or could be marketed as fresh fruit or (2) are harvested prior to an inspection by the Corporation shall be considered as undamaged.

(e) The determination of serious freeze damage to oranges will be made by the Corporation in accordance with the Agricultural Code of California, and such determination shall be the actual oranges lost as shown by cuts made of representative samples of fruit in the grove, regardless of whether or not damaged fruit can be separated from undamaged fruit without cutting: *Provided*, That for any portion of the Navel orange crop which has 55 percent or less damage, the percent so determined shall be increased one additional percentage point for each full percent of damage in excess of 30 percent; however, the total allowable percent of damage shall not exceed 80 percent. If the actual percent of damage as determined by such cuts is in excess of 80, the percent of damage so determined shall be allowed.

(f) Any oranges on the ground as a result of freeze which are not marketed shall be considered as damaged the greater of 70 percent or the percent of damage determined by cuts made of representative samples of oranges in the grove, including any increased percentage in the case of Navels; however, if over 90 percent of the potential production on any acreage is on the ground as a result of freeze, the percent of damage for such oranges shall be considered 90 percent.

(g) A final grove inspection to determine the extent of serious freeze damage to oranges which are unharvested at the end of the insurance period shall be made within 30 days after the end of the insurance period for Navels and 60 days for Valencias, or as soon thereafter as possible.

(h) It shall be a condition precedent to payment of any claim that the insured furnish production records and any other information required by the Corporation regard-

ing the manner and extent of damage, including authorizing the Corporation to examine and obtain any record pertaining to the production and/or marketing of the oranges insured under this contract from the packinghouse and the Naval Orange and Valencia Orange Administrative Committees established under orders issued by the U.S. Department of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. The Corporation has the right to delay the final determination of the average percent of damage and the settlement of any claim until the insured makes available to it complete records of the marketing of the oranges for the crop year.

(i) If the Corporation determines that frost protection equipment was not properly utilized or properly reported, the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction allowed for frost protection equipment. It is the responsibility of the insured to provide the Corporation a record of dates showing each use of frost protection equipment, including the starting and ending times for the period of use.

(j) If any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same be brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

10. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

11. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

12. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity for any crop year and the assignee shall have the right to submit the loss notices and forms as required by the contract.

13. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy to the transferee for such crop year with respect to the transferred share and the transferee shall have the same rights and responsibilities under the contract as the transferor for the current crop year.

14. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

15. *Records and access to grove.* The insured shall keep or cause to be kept for two years after the time of loss, separate records of the harvesting, storage, shipments, sale, or other disposition of all insured variety(s) of oranges produced on each unit and on any uninsured acreage of such oranges in the county in which the insured has a share. Any persons designated by the Corporation shall have access to such records and the grove for purposes related to the contract.

16. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE.—The Federal Crop Insurance Corporation 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.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.77-18695 Filed 6-29-77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Minimum Diameter Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The proposed amendment would increase the minimum diameter requirements applicable to domestic shipments of Florida pink seeded and pink seedless grapefruit to 312/16 inches and 39/16 inches, respectively. The proposed action is consistent with the size composition of the estimated crop of Florida pink seeded and pink seedless grapefruit. The proposal is designed to maintain orderly marketing conditions in the interest of producers and consumers.

DATE: Comments must be received by July 25, 1977. Proposed effective dates: August 15, 1977, through September 25, 1977.

ADDRESS: Send comments to: Hearing Clerk, Room 1077, South Building, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENT INFORMATION: The proposed amendment was recommended by the Shippers Advisory Committee and Growers Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) which regulate the handling of orange, grapefruit, tangerines, and tangelos grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment published herein shall file the same, in duplicate, with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than July 25, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

This proposed action reflects the committees' appraisal of the prospective demand for Florida pink seeded and pink seedless grapefruit by fresh domestic outlets. The minimum size requirements proposed herein for pink seeded and pink seedless grapefruit are designed to prevent the handling of smaller size grapefruit when more than ample supplies of the more desirable sizes of such fruit are available to serve consumers' needs.

Under the proposal, the provisions of paragraph (a) of § 905.565 (Grapefruit Regulation 77; 41 F.R. 42177, 49474, 51029, 54917; 42 F.R. 9663, 10833, 14865, 18271, 21469, 24715) are revised to read as follows:

§ 905.565 Grapefruit Regulation 77.

Order. (a) During the period August 15, 1977, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) • • •

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3 1/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(3) • • •

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

• • • • •

Dated: June 27, 1977.

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

[FR Doc.77-18698 Filed 6-29-77;8:45 am]

[7 CFR Part 944]

IMPORTS OF GRAPEFRUIT

Minimum Diameter Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed amendment would increase the minimum diameter requirements applicable to imported pink seeded and pink seedless grapefruit to 312/16 inches 39/16 inches, respectively, to coincide with requirements proposed for Florida grapefruit. If such requirements are made effective on Florida grapefruit, Federal law requires a conforming amendment to the import requirements.

DATES: Comments must be received by July 25, 1977.

ADDRESS: Send comments to: Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Consideration is being given to the following proposal which would regulate the importation of pink seeded and pink seedless grapefruit into the United States pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). The proposel would fix the same minimum size requirements on imported pink seeded and pink seedess grapefruit as are proposed under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The amendment of the import regulation would be effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment shall file the same, in duplicate, wtih the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than July 25, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b).

Under the proposal, the provisions of paragraph (a) of § 944-113 (Grapefruit Regulation 17; 41 FR 42181, 49109; 42 FR 9664, 10835, 14867, 18271, 21469, 24717) are revised to read as follows:

§ 944.113 Grapefruit Regulation 17.

(a) During the period August 15, 1977, through September 25, 1977, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least least U.S. No. 1 and be of a size not smaller than 3 2/16 inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 2/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

Dated: June 27, 1977.

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

[FR Doc.77-18697 Filed 6-29-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 2, 30, 31, 32, 33, 36, 40, 50, 70, and 110]

EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its regulations by adding a new part providing for standards, procedures, and rules of practice for licensing the export and import of utilization facilities, source, byproduct, and special nuclear materials. Certain other conforming changes would be made to other parts of the Commission's regulations relating to export and import matters. The new part, which is designed to codify in one place substantive and procedural export and import licensing regulations, deals principally with the standards for grant or denial of license applications; the information required to be submitted in license applications; the general procedures followed for Commission review and for obtaining Executive Branch views on license applications; public notification of applications; the conduct of public procedures, including oral hearings modelled on a legislative format on export and import license applications; and enforcement actions and rule making relating to such licenses. Beginning in January of 1976 the Commission undertook a comprehensive examination of its export and import licensing regulations. The proposed rule is a result of this study.

DATE: Comment period expires August 15, 1977.

ADDRESSES: WRITTEN COMMENTS should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7437, or Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7984.

SUPPLY INFORMATION: Under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (Commission) is responsible for licensing the export and import of nuclear utilization familities (nuclear reactors), and source, byproduct, and special nuclear materials.

During its first year as an independent regulatory agency, the Commission, in conjunction with the Executive Branch, developed procedures for obtaining the views of appropirate Executive Branch agencies on pending export and import license applications. These procedures were made formal for the Executive Branch in early 1976 by issuance of Executive Order 11902. Also, the Commission has undertaken a comprehensive examination of its export and import licensing provisions, beginning in January of 1976. The proposed rules here are a result of this study.

The Commission, Executive Branch, and Congress are examining the substantive standards and criteria for granting or denying export license applications to be added to Part 110. Any changes to the substantive standards and criteria set forth in the rules here will be the subject of a separate FEDERAL REGISTER notice.

SUMMARY OF PROPOSED REGULATIONS

The proposed rules would be set forth in a new Part 110 entitled "Export and Import of Nuclear Facilities and Materials". Conforming changes would be made to other parts of the Commission's rules.

The basic purposes of the new Part 110 are twofold: First, to reflect in its procedures the basic differences between, on the one hand, the Commission's export and import licensing functions and, on the other hand, its domestic licensing functions; and second, to consolidate all of the Commission's export and import licensing provisions, presently scattered throughout the Commission's regulations, into one part for the convenience of persons, organizations, and companies concerned with nuclear exports and imports.

Briefly, the new Part 110 would include:

(1) Requirements for the contents of export and import license applications;

(2) General procedures to be followed by the Commission's staff in its review of export and import license applications;

(3) Exemptions and grant of general licenses for exports and imports;

(4) Substantive standards for grant or denial of export and import license applications;

(5) The Commission's relationship to the activities of Executive Branch agencies in nuclear export and import matters;

(6) Provisions for public notification of the receipt of export and import applications;

(7) Details regarding the procedures for public participation in the Commission's export and import licensing review process, including provisions for granting or denying requests for hearings and petitions for leave to intervene, and provisions for the hearings themselves;

(8) Provisions regarding access to classified information in hearings;

(9) Procedures for rulemaking on nuclear export and import matters;

(10) Conditions and recordkeeping and reporting requirements for export and import licensees; and

(11) Enforcement actions concerning export and import licenses.

Most of the substantive provisions are incorporated, with minor revisions, from other parts of the Commission's regulations on nuclear exports and imports in 10 CFR Parts 30, 31, 32, 33, 36, 40, 50, and 70. However, the provisions in the new Part 110 regarding public participation in the Commission's nuclear export and import licensing review process are different from the procedures used in the Commission's domestic licensing review process, and deserve further explanation.

Public Participation in Export and Import Licensing

On March 2, 1976, the Commission received for the first time in its history or the history of its predecessor, the Atomic Energy Commission (AEC), a petition for leave to intervene and request for a hearing on an export license application. The Commission held that the petitioners lacked standing to intervene in the case, but decided as a matter of discretion that the conduct of a legislative-type hearing would be in the public interest. Edlow International Company, CLI–76–6 NRCI–76/5 at 563, 568 and 580 (May 7, 1976).

The Commission adopted procedures which afforded the petitioners in that proceeding an opportunity to make their views known in a manner and under a procedural format compatible with the orderly conduct of the licensing process and the nature of the issues, including sensitive foreign relations and national security considerations involved in the case. Id., at 568, 580, 590–591. The procedural aspects of the Commission's decision in Edlow are presently under judicial review by the U.S. Court of Appeals for the D.C. Circuit.

In a subsequent opinion on another export license application, the Commission discussed its export license procedures, the sensitive and policy-oriented character of the issues involved, and the Commission's treatment of these matters. Westinghouse Electric Corporation, CLI–76–9, NRCI–76/6, 739 (1976).

The Commission is authorized by the Atomic Energy Act to issue a license for a particular export or import only after determining that issuance would not be inimical to the common defense and security of the United States, or the health and safety of the United States public, and, in the case of nuclear facilities and certain nuclear materials, after determining that the export would be within the scope of and consistent with an agreement for cooperation in the civil uses of atomic energy between the United States and another nation or group of nations.

Pursuant to section 123 of the Atomic Energy Act, agreements for cooperation become effective only after: (1) They are approved and authorized by the President of the United States, who is required to make a determination in writing that "the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security"; and (2) they have been submitted to the Congress of the United States for congressional review.

The statutory finding which the Commission must make before issuing an export or import license often requires consideration of highly sensitive foreign policy and national security matters, some of which may have an impact well beyond the specific nuclear export or import being proposed. On exports, for example, the Commission must examine, among other matters, the safeguards and assurances provided by the recipient government to insure that U.S.-supplied facilities and materials are not diverted to unauthorized uses, and the relationship of the Commission's grant or denial of an export license application to overall U.S. policies on the proliferation of nuclear weapons. In contrast, domestic licensing usually involves factual matters, relating to the domestic public health and safety and the environment associated with discrete applications for the construction and operation of nuclear power plants.

Moreover, the Commission's export and import licensing review process must reflect the fact that the Commission's export and import licensing activities constitute only one part of this country's broader nuclear import and export control program—a program which itself is only part of this country's broader nuclear nonproliferation efforts. The Energy Research and Development Administration (ERDA) and the Department of State, in consultation with other agencies, including the Commission, negotiate agreements for cooperation with countries which wish to purchase nuclear research or power facilities and nuclear materials. ERDA is the lead agency for controlling the export of nuclear technology, the foreign retransfer of U.S.-supplied nuclear material abroad, and for negotiating nuclear fuel enrichment contracts with foreign governments and entities. Exports of nuclear facility components are licensed by the Department of Commerce in consultation with the Commission and under the terms of an agreement between the Commission and that Department.

In light of such reasons as those noted here, the procedures applicable to domestic licensing are not in general well-suited to the Commission's conduct of its export and import licensing functions. In case of material covered by import licensing proceedings, if certain domestic health, safety, environmental, and safeguards issues are raised which are similar to issues commonly raised in domestic licensing proceedings, these issues may be properly addressed using domestic licensing procedures.

The Commission has statutory discretion to formulate appropriate procedures for export and import licensing. Section 189a. of the Atomic Energy Act provides:

> In any proceeding under this Act, for the granting suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, • • • the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit such person as a party to such proceeding.

This language does not by its terms provide for an "on-the-record" hearing calling into play the formal adjudicatory requirements of sections 5, 7, and 8 of the Administrative Procedure Act, in each and every context in which a hearing is required. For example, such requirements do not apply where the Commission engages in rulemaking. *Siegel* v. *AEC*, 400 F. 2d 778 (D.C. Cir. 1968). What the language requires in each instance is to be settled by reference to congressional intent, established practice, and sound policy.

It is clear from the legislative history of the provision, consistent agency practice, and indeed the general structure and conduct of government that formal adjudicatory procedures are required for controversies arising out of domestic licensing. Id. at 785. There is no similar indication concerning export or import licensing. During its 20-year administration of the Atomic Energy Act, the AEC did not once conduct a public or formal export or import licensing proceeding. The legislative history of the Energy Reorganization Act is equally devoid of any hint that Congress expected the Commission to follow formal adjudicatory procedures in export or import licensing.

Indeed, Congress' first explicit consideration of export procedures came in 1975, after enactment of the Energy Reorganization Act. Thus, neither congressional expectation nor established practice requires on-the-record adjudication of export or import licensing matters.

The absence of congressional concern over the informal nature of AEC export or import reviews is particularly significant in light of the unique relationship the Siegel court recognized between the Commission and the Congress, one designed to keep Congress constantly aware of this agency's views and actions.

400 F. 2d at 783. See also *Union of Concerned Scientists* v. *AEC*, 499 F. 2d 1069, 1079 (D.C. Cir. 1974). Congress was fully aware of the Commission's export and import licensing procedures, under the Commission's legal obligation to keep the Joint Committee on Atomic Energy "fully and currently informed with respect to all * * * (its) activities" including its export licensing practices. See section 202a of the Atomic Energy Act.

The Commission's understanding of section 189 is also supported by more general considerations touching the nature of the issues, the practices of other federal agencies, and the appropriateness of adopting procedures other than adjudicatory hearings for nuclear export and import licensing.

As indicated before, the statutory finding which the Commission must make for an export or import and the statutory context in which that finding is made, often requires consideration of highly sensitive foreign policy and national security issues. An attempt to resolve these issues in the format of a formal adjudicatory hearing could seriously impair the conduct of United States foreign relations. It could appear to place on trial a foreign government's intentions on matters concerning its own vital national interests. Moreover, application of the statutory standard requires sensitive evaluation of the actions and intentions of foreign governments. These are inherently policy decisions, committed to agency discretion, and singularly inappropriate for resolution in a formal adjudicatory context.

Finally, to the Commission's knowledge, no other agency holds adjudicatory hearings on such sensitive foreign policy issues.

Indeed, even if section 189 itself were to be construed to require formal adjudicatory procedures on all Commission licensing proceedings, Section 5 of the Administrative Procedure Act permits modification of those formal procedures where the conduct of foreign affairs functions is involved. Thus, regardless of the precise interpretation to be accorded the term "hearing" in section 189, a similar result obtains under Section 5 of the Administrative Procedure Act—formal adjudicatory procedures are not required and are inappropriate for Commission export and import licensing, except for limited domestic issues if associated with material subject to import licensing.

"It is part of the genius of the administrative process that its flexibility permits adoption of approaches subject to expeditious adjustment in the light of experience." *American Airlines, Inc.* v. *Civil Aeronautics Board*, 359 F. 2d 624, 633 (D.C. Cir. 1966). The Commission has endeavored in the proposed Part 110 to provide for procedures that will facilitate effective public participation in export and import licensing—procedures that are designed to be fair and consistent with the nature of the issues involved. Also, the Commission has endeavored to provide a structure for public participation that is sufficiently comprehensive so as to eliminate or substantially decrease the need for time consuming case-by-case development of procedures for export and import license applications.

ELEMENTS OF PUBLIC PARTICIPATION ON EXPORT AND IMPORT LICENSING MATTERS

In brief, the proposed new Part 110 would establish the following procedures for public participation in export and import licensing matters:

(1) Public notice would be given for all export and import license applications, either by publication of a notice of receipt of the application in the FEDERAL REGISTER, or by placing a copy of the export or import license application in the Commission's Public Document Room, or both.

(2) In keeping with the nature of the issues, the initial means for public participation would be through hearings conducted in the form of written comments to the Commission. While written comments on issues raised by pending export and import license applications have always been possible, specific provision would be made in the new part for such comments.

(3) In addition, provision would be made for oral hearings, modelled on those used by legislative bodies, where the Commission believes this would be in the public interest and of assistance in making its export and certain import licensing determinations. At such hearings, participants would be subject to questioning by the presiding officer (normally the Commission itself). Also, participants to the hearing could submit proposed questions to the presiding officer that they wish to be answered by others, at the discretion of the presiding officer. Special provision would be made to deal with certain limited domestic issues associated with material subject to import licensing.

(4) The Commission would give careful consideration to all written comments received, and the record of any hearings, in making its decision. However, the Commission could draw on material not included in the hearing record and could consult freely with its staff, Executive Branch agencies, and other persons in reaching a decision.

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, notice is hereby given that adoption of the following amendments to 10 CFR Parts 2, 30, 31, 32, 33, 36, 40, 50, and 70 and the addition of a new Part 110 are contemplated. All interested persons who desire submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by August 15, 1977. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

The proposed amendments would read as set forth below:

PART 2—RULES OF PRACTICE

10 CFR Part 2 is amended as follows:

1. The title of 10 CFR Part 2 is changed to read, "Rules of Practice for Domestic Licensing Proceedings";

§ 2.1 [Amended]

2. In § 2.1 of 10 CFR Part 2, the phrase, ", other than export and import licensing proceedings described in Part 110," is inserted after the words "all proceedings";

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

10 CFR Part 30 is amended as follows:

3. The title of 10 CFR Part 30 is changed to read, "Rules of General Applicability to Domestic Licensing of Byproduct Material";

§ 30.1 [Amended]

4. In § 30.1 of 10 CFR Part 10, the word "domestic" is inserted before the word "licensing" in both places where the latter word appears;

§ 30.3 [Amended]

5. In § 30.3, the word "or" is inserted before the word "use" and the phrase "import or export" is deleted;

§ 30.4 [Amended]

6. In § 30.4(b), the term "Parts 31–36" is changed to read, "Parts 31–35";

7. In § 30.4(i), the phrase "part and Parts 31–35 of this" is inserted before the word "chapter";

8. In § 30.4(q), the term "Parts 31–36" is changed to read, "Parts 31–35";

§ 30.5 [Amended]

9. In § 30.5, the term "Parts 31–36" is changed to read, "Parts 31–35";

§ 30.6 [Amended]

10. In § 30.6, the term "Parts 31–36" is changed to read, "Parts 31–35";

§ 30.11 [Amended]

11. In § 30.11, the term "Parts 31–36 is changed to read, "Parts 31–35" and the footnote is deleted;

§ 30.12 [Amended]

12. In § 30.12, in the first and last sentences, the word "or" is inserted between the words "possesses," and "uses" and the phrase ", imports, or exports" is deleted in these sentences;

§ 30.13 [Amended]

13. In § 30.13, the term "Parts 31–36" is changed to read "Parts 31–35";

§ 30.14 [Amended]

14. In § 30.14(a) the term "Parts 31–36" is changed to read "Parts 31–35";

15. In § 30.14(c), the word "and" is inserted before the number "34" and the term "and 36" is deleted;

§ 30.15 [Amended]

16. In § 30.15(a), the word "import" is deleted and the word "transfer" is inserted in its place, the word "exports" is deleted, and the term "30–36" is changed to read, "30–35";

17. In § 30.15(b), the word "import" is deleted and the word "transfer" is inserted in its place;

§ 30.16 [Amended]

18. In § 30.16, the term "30–36" is changed to "30–35", the word "exports," is deleted, and the word "imported" is deleted and replaced with the word "transferred";

§ 30.18 [Amended]

19. In § 30.18(c), the phrase "for purposes of commercial distribution" is inserted after the word "authorized" and deleted after the phrase "import of byproduct material" and the word "transfer" is inserted after the word "repackaging";

§ 30.19 [Amended]

20. In § 30.19(a), the word "or" in the phrase "process, or produce" is deleted and the phrase ", or transfer for sale or distribution" is inserted after the former phrase; the words "exports" and "imported" are deleted; and the term "30–36" is changed to read, "30–35";

21. In § 30.19(b), the phrase "or to import" is deleted;

§ 30.20 [Amended]

22. In § 30.20(a), the word "or" in the phrase "process, or produce" is deleted and the phrase ", or transfer for sale or distribution" is inserted after the former phrase; the phrase "or who import such products" and the words "exports," and "imported," are deleted; and the term "30–36" is changed to read, "30–35";

23. In § 30.20(b), the phrase "to import or" is deleted;

§ 30.31 [Amended]

24. In § 30.31, the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.32 [Amended]

25. In § 30.32(d), the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.33 [Amended]

26. In § 30.33(a)(4), the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.34 [Amended]

27. In § 30.34, the term "Parts 31–36" is changed everywhere it occurs to read, "Parts 31–35";

28. In § 30.34(c), the word "and" is inserted after the word "own," and the words ", and import" are deleted;

§ 30.39 [Amended]

29. In § 30.39, the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.51 [Amended]

30. In § 30.51, the term "Parts 31–36" is changed everythere it occurs to read, "Parts 31–35";

31. In § 30.51(a) and (c), the word "export," is deleted;

32. In § 30.51(c), paragraph (c)(2) is deleted and reserved;

§ 30.53 [Amended]

33. In § 30.53, the term "parts 31–36" is changed to read, "Parts 32–35";

§ 30.54 [Amended]

34. In § 30.54(a), the words "or export" are deleted;

35. In § 30.54(b), the word "and" is inserted before paragraph (2), a period is inserted to replace the semicolon in the word "use" at the end of paragraph (2), and paragraphs (3) and (4) are deleted and reserved;

§ 30.55 [Amended]

36. In § 30.55(c), the phrase ", import, or export" is deleted;

37. In § 30.55(e), a period is inserted to replace the semicolon after the word "use" in paragraph (1) and paragraphs (2) and (3) are deleted and reserved;

§ 30.61 [Amended]

38. In § 30.61(a), the term "Parts 31–36" is changed to read, "Parts 31–35";

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

10 CFR Part 31 is amended as follows:

§ 31.2 [Amended]

39. In § 31.2 of 10 CFR Part 31, the comma is deleted after the term "parts 19", the word "and" is inserted before the number "20", and the term "and 36" is deleted;

§ 31.5 [Amended]

40. In § 31.5(b), the words "or imported" are deleted;

41. In § 31.5(c)(9), the terms "Parts 30 and 36" are deleted and the term "Part 110" is inserted to replace these terms"

§ 31.7 [Amended]

42. In § 31.7(a), the word "imported" is deleted and replaced with the word "transferred";

43. In § 31.7(d), the number "36" is deleted and the number "110" is inserted to replace it;

§ 31.8 [Amended]

44. In § 31.8(b), the words "or importer" are deleted;

45. In § 31.8(c)(2), the words "manufacturer or importer" are deleted and the words "specific licensee" are inserted to replace these words;

§ 31.10 [Amended]

46. In § 31.10(a), the words "or imported" are deleted;

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

10 CFR Part 32 is amended as follows:

47. The title of 10 CFR Part 32 is changed to read, "Specific Domestic Licenses to Manufacture or Distrbute Certain Items Containing Byproduct Material";

48. In the index to Part 32, in § 32.14 the word "import" is deleted and replaced with the word "transfer";

49. In the index to Part 32, in § 32.16 the words "import or" are deleted;

50. In the index to Part 32, in § 32.17 the word "import" is deleted and the word "transfer" is inserted to replace it;

51. In the index to Part 32, in § 32.22, the word "import" is deleted;

52. In the index to Part 32, § 32.25 the words "import or" are deleted;

53. In the index to Part 32, in § 32.26 the word "import" is deleted;

54. In the index to Part 32, in § 32.29 the words "import or" are deleted;

55. In the index to Part 32, in § 32.51, the word "import" is deleted and replaced with the word "transfer";

56. In the index to Part 32, in § 32.53, the word "import" is deleted and replaced with the word "transfer";

57. In the index to Part 32, in § 32.57, the word "import" is deleted and replaced with the word "transfer";

58. In the index to Part 32, in § 32.61 the word "import" is deleted and replaced with the word "transfer";

§ 32.1 [Amended]

59. In § 32.1(a) of 10 CFR Part 32, the word "import" is deleted and replaced with the word "transfer" and the words "sale or" are inserted before the word "distribution";

§ 32.14 [Amended]

60. In the title of § 32.14, the word "import" is deleted and replaced with the word "transfer";

61. In § 32.14, the word "import" is deleted and the phrase "transfer for sale or distribution" is inserted to replace the word;

§ 32.15 [Amended]

62. In § 32.15(d), the phrase "manufacturer or importer" is deleted and the words "specific licensee" are inserted to replace the phrase;

§ 32.16 [Amended]

63. In the title of § 32.16, the words "import or" are deleted;

64. In § 32.16, the word "imported" in the phrase "imported for sale or distribution" is deleted and replaced with the word "transferred", and the words "imported or" and "imports or" are deleted everwhere they occur;

§ 32.17 [Amended]

65. In the title of § 32.17, the word "import" is deleted and replaced with the word "transfer";

66. In § 32.17, the word "import" is deleted and replaced with the word "transfer";

67. In § 32.17(c)(1), the word "imported" is deleted and replaced with the word "transferred";

§ 32.18 [Amended]

68. In § 32.18, the word "import," in the introductory sentence is deleted;

§ 32.22 [Amended]

69. In § 32.22, the word "import," in the title is deleted;

70. In § 32.22(a), the phrase "or to import" is deleted;

71. In § 32.22(a)(2)(x), the phrase "manufacturer or importer" is deleted and replaced with the words "specific licensee";

§ 32.25 [Amended]

72. In § 32.25, the words "import or" in the title are deleted;

73. In § 32.25(b), the phrase "manufacturer, processor, producer, or importer" is deleted and replaced with the words "specific licensee";

74. In § 32.25(c), the word "imported" appearing in the phrase "imported for sale" is deleted and replaced with the word "transferred", the words "imported or" in the numbered subparagraphs are deleted, and the words "imports or" are deleted;

§ 32.26 [Amended]

75. In § 32.26, the word "import," in the title is deleted;

76. In § 32.26, the phrase "or to import" in the introductory sentence is deleted;

77. In § 32.26(b)(10), the phrase "manufacturer or importer" is deleted and replaced with the words "specific licensee";

§ 32.29 [Amended]

78. In § 32.29, the words "import or" in the title are deleted;

79. In § 32.29(b) the phrase "manufacturer or importer" is deleted and replaced with the words "specific licensee";

80. In § 32.29(c), the word imported appearing in the phrase "imported for sale" is deleted and replaced with the words "products transferred", the words "imported or" in the numbered subparagraphs are deleted, and the words "imports or" are deleted;

§ 32.40 [Amended]

81. In § 32.40, the word "import" is deleted in the introductory sentence and replaced with the word "transfer";

§ 32.51 [Amended]

82. In § 32.51, the word "import" in the title is deleted and replaced with the word "transfer";

83. In § 52.51(a), the word "import" is deleted and replaced with the word "transfer";

84. In § 32.51(a)(3)(iii) the words "manufacturer, importer, or distributor" are deleted and replaced with the words "specific licensee";

§ 32.53 [Amended]

85. In § 32.53, in the title and in the introductory sentence, the word "import" is deleted and replaced with the word "transfer";

§ 32.54 [Amended]

86. In § 32.54 (a) and (b), the word "import" is deleted and replaced with the word "transfer" and everywhere the phrase "manufacturer, assembler, or importer" occurs it is deleted and replaced with the words "specific licensee";

§ 32.57 [Amended]

87. In § 32.57, the word "import" is deleted in the title and the introductory sentence and replaced with the word "transfer";

§ 32.58 [Amended]

88. In § 32.58, the words "manufacturer or importer" are deleted and replaced with the words "specific licensee";

§ 32.61 [Amended]

89. In § 32.61, the word "import" is deleted from the title and the introductory sentence and replaced with the word "transfer";

§ 32.62 [Amended]

90. In § 32.62, the word "imported" is deleted from the introductory sentence and replaced with the word "transferred";

PART 33—SPECIFIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

10 CFR Part 33 is amended as follows:

91. The title of 10 CFR Part 33 is changed to read, "SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL";

§ 33.11 [Amended]

92. In § 33.11(a), (b) and (c) of 10 CFR Part 33, the word "and" is inserted between the words "use" and "transfer" and the words ", and import" are deleted;

PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL [DELETED]

93. 10 CFR Part 36 is deleted in its entirety;

PART 40—LICENSING OF SOURCE MATERIAL

10 CFR Part 40 is amended as follows:

94. The title of 10 CFR Part 40 is changed to read, "DOMESTIC LICENSING OF SOURCE MATERIAL";

95. In the index to Part 40, § 40.23 is deleted;

96. In the index to Part 40, § 40.24 is deleted;

97. In the index to Part 40, § 40.33 is deleted;

§ 40.1 [Amended]

98. In § 40.1(a) of 10 CFR Part 40, the word "or" is inserted before the word "deliver" and the phrase ", or import into or export from the United States" is deleted;

§ 40.3 [Amended]

99. In § 40.3, the word "or" is inserted before the word "deliver" and the phrase ", or import into or export from the United States" is deleted;

§ 40.11 [Amended]

100. In § 40.11, the word "or" is inserted before the words "transfers" and "delivers" in both places where these words appear and the phrase ", or imports into or exports from the United States" is deleted in both places where it appears;

§ 40.13 [Amended]

101. In § 40.13(a) the word "or" is inserted before the word "delivers" and the phrase ", or imports into or exports from the United States" is deleted;

102. In § 40.13(b), the word "or" is inserted before the word "deliver", the phrase ", or imports into the United States" is deleted, and the last sentence is deleted;

103. In §40.13(c), in the introductory sentence the word "or" is inserted before the word "transfers" and the phrase ", or imports into the United States" is deleted, and in subparagraph (7)(ii) the word "or" is inserted before the word "transfer" and the phrase ", or import into the United States" is deleted;

104. In § 40.13(d), the word "or" is inserted before the word "transfers" and the phrase ", or imports into the United States" is deleted;

§ 40.21 [Amended]

105. In § 40.21, the words "import, export" are deleted;

§ 40.22 [Amended]

106. In § 40.22(a), the last sentence beginning with the words "; and provided further" is deleted and a period is inserted to replace the semicolon after the word "year";

§ 40.23 [Amended]

107. § 40.23 is deleted in its entirety and reserved;

§ 40.24 [Amended]

108. § 40.24 is deleted in its entirety and reserved;

§ 40.25 [Amended]

109. In § 40.25(b), the words "or imported" and "or importer" are deleted;

110. In § 40.25(c), paragraph (5) is deleted and reserved;

§ 40.31 [Amended]

111. In § 40.31(a), the phrase "or on Form NRC-7, 'Application for License to Export Byproduct or Source Material,' as appropriate,") is deleted;

§ 40.32 [Amended]

112. In § 40.32, in the introductory sentence, the phrase "for purposes other

§ 40.33 [Amended]

113. § 40.33 is deleted in its entirety and reserved;

§ 40.34 [Amended]

114. In § 40.34(a), the words "import," and "or to import" are deleted;

§ 40.35 [Amended]

115. In § 40.35(a)(2)(i), the words "manufacturer or importer" are deleted and replaced with the words "specific licensee", and the word "imported" is deleted and replaced with the word transferred;

§ 40.41 [Amended]

116. In § 40.41(c), the word "and" is inserted between the words "possess" and "use" and the words "and import" are deleted;

117. In § 40.41(e), the word "and" is inserted after the word "use" and the phrase ", import and export" is deleted;

§ 40.45 [Amended]

118. In § 40.45, a "§" sign before the number "40.32" is deleted and the term "and 40.33" is deleted;

§ 40.61 [Amended]

119. In § 40.61(a), the word "export," is deleted;

120. In § 40.61(c), the word "export," is deleted from paragraph (1) and paragraph (2) is deleted and reserved;

§ 40.64 [Amended]

121. In § 40.64(a), the phrase "and except for exports of unimportant quantities of source material specified in § 40.13 (b), (c) and (d)," is deleted;

§ 40.90 [Amended]

122. § 40.90 and the word "SCHEDULE" above it are deleted;

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

10 CFR Part 50 is amended as follows:

123. The title of 10 CFR Part 50 is changed to read, "DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES";

124. In the index to Part 50, § 50.65 and the words "EXPORT LICENSES" above it are deleted;

§ 50.2 [Amended]

125. In § 50.2 of 10 CFR Part 50 paragraph (d) is deleted and reserved.

§ 50.10 [Amended]

126. In § 50.10(a), the word "or" is inserted before the word "use" and the phrase ", import, or export' 'is deleted;

§ 50.21 [Amended]

127. In § 50.21, in the introductory sentence the word "or" is inserted before the word "use" and the phrase ", import, or export under the terms of an agreement for cooperation" is deleted;

§ 50.22 [Amended]

128. In § 50.22, paragraph sign (a) is deleted, the word "or" is inserted between the words "possess" and "use", and the phrase ", import, or export under the terms of an agreement for cooperation," is deleted;

§ 50.38 [Amended]

129. In § 50.38, the phrase "except a license authorizing export only pursuant to an agreement for cooperation" is deleted;

§ 50.53 [Amended]

130. In § 50.53, the phrase "except insofar as the export of production or utilization facilities is authorized" is deleted;

§ 50.65 [Amended]

131. § 50.65, the words "EXPORT LICENSES" above it, and the footnotes in it are deleted and the section is reserved;

PART 70—SPECIAL NUCLEAR MATERIAL

10 CFR Part 70 is amended as follows:

132. The title of 10 CFR Part 70 is changed to read, "DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL";

133. In the index to Part 70, in § 70.39, the words "or import" are deleted;

§ 70.1 [Amended]

134. In § 70.1 of 10 CFR Part 70, the word "and" is inserted after the word "possess" and the phrase ", import, and export" is deleted;

§ 70.3 [Amended]

136. In § 70.3, the word "or" is inserted before the word "transfer" and the phrase ", import or export" is deleted;

§ 70.11 [Amended]

136. In § 70.11, the word "or" is inserted between the words "uses" and "transfers" in the introductory sentence and in subsection (c) and the phrase ", imports or exports" is deleted in the introductory sentence and in subsection (c);

§ 70.19 [Amended]

137. In § 70.19(b), the words "or importer" are deleted;

138. In § 70.19(c)(2), the words "or Importer" are deleted;

§ 70.22 [Amended]

139. In § 70.22, in subsection (a) the phrase ", other than an application authorizing export only" is deleted, and subsection (c) is deleted and reserved;

§ 70.23 [Amended]

140. In § 70.23(a), the phrase ", other than a license for export," is deleted;

§ 70.31 [Amended]

141. In § 70.31, subsection (e) is deleted and reserved;

§ 70.32 [Amended]

142. In § 70.32(b), in the introductory sentence the word "and" is inserted before the word "transfer' " and the phrase ", import and export" is deleted;

§ 70.39 [Amended]

143. In § 70.39, in the title and in subsection (a) the words "or import" are deleted;

144. In § 70.39(b), the words "or Importer" are deleted;

§ 70.41 [Amended]

145. In § 70.41(c), the phrase ", except pursuant to the terms of an agreement for cooperation made in accordance with section 123 of the Act" is deleted;

§ 70.51 [Amended]

146. In § 70.51(b), in paragraph (1) the words "import, export," are deleted; in paragraph (3) the word "or" is added before the word "physical" and the words, "or import" and "or export" are deleted; and paragraph (4) is deleted and reserved.

147. A new Part 110 is added:

PART 110—EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

Subpart A—General Provisions

Sec.

Subpart B—Exemptions From Export and Import Licensing Requirements

Subpart C—General Licenses for Exports and Imports

Subpart D—Applications for Specific Licenses

Subpart E—Review of License Applications

Subpart F—Specific Export and Import Licenses

Authority: Secs. 51, 53, 62, 63, 64, 65, 81, 82, 103, 104, 161, 181, 182, 183, 189, Pub. L. 83-703, 68 Stat. 929, 930, 932, 933, 936, 937, 948, 953, 954, 956, as amended (42 U.S.C. 207, 2073, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2201, 2231, 2232, 2233, 2239); Secs. 201, as amended, 202, 206, Pub. L. 93-438, 88 Stat. 1242, 1244, 1246, Pub. L. 94-79, 89 Stat. 413-414, (42 U.S.C. 5841, 5842, 5846). Sec. 110.50 also issued under Sec. 184, Pub. L. 83-703, 68 Stat. 954, as amended (42 U.S.C. 2234); Sec. 110.52 also issued under Sec. 186, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of Sec. 223, Pub. L. 83-703, 68 Stat. 958, as amended (42 U.S.C. 2273), Secs. 110.50 and 110.120-110.128 also issued under Sec. 1611, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201(i)), and Secs. 110.53 and 110.55 also issued under Sec. 161o, Pub. L. 83-703, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Secs. 110.80-110.110 also issued under 5 U.S.C. 552, 554; Secs. 110.130-110.136 also issued under 5 U.S.C. 553.

Subpart A—General Provisions

§ 110.1 Purpose and scope.

(a) The regulations in this part prescribe procedures and standards, pursuant to the Atomic Energy Act of 1954, as amended, (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974, as amended (88 Stat. 1242), for:

(1) Granting, amending, suspending, revoking, or taking any other licensing action regarding the export or import of ultilization facilities, special nuclear material, source material, and byproduct material;

(2) Imposing civil penalties under section 234 of the Atomic Energy Act in connection with such export and import licenses;

(3) Public notification and participation, including hearings in connection with export and import licensing; and

(4) Rulemaking concerning export and import licensing.

(b) The regulations in this part apply to all persons in the United States, and establish terms and conditions upon which the Commission will issue general and specific export and import licenses.

§ 110.2 Definitions.

Terms defined in section 11 of the Atomic Energy Act have the same meaning when used in this part, except to the extent they are redefined in this part. As used in this part:

(a) "Administration" means the Energy Research and Development Administration or its duly authorized representatives, or any agency succeeding to the Administration's nuclear export and import responsibilities and that agency's duly authorized representatives.

(b) "Agreement for cooperation" means any agreement with another nation or group of nations concluded pursuant to the terms of section 123 of the Atomic Energy Act.

(c) "Agreement State" means any state with which the Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Act.

(d) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(e) "Atomic Energy Act" or "Act" means the Atomic Energy Act of 1954, as amended (68 Stat. 919).

(f) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or using special nuclear material.

(g) "Classified information" means National Security Information classified pursuant to Executive Branch Order 11652 and Restricted Data.

(h) "Commission" means the United States Nuclear Regulatory Commission or its duly authorized representatives.

(i) "Common defense and security" means the common defense and security of the United States

(j) "Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

(k) "Effective kilograms of special nuclear material" means:

(1) For plutonium and uranium-233, their weight in kilograms;

(2) For uranium with an enrichment in the isotope U-235 of 0.01 (1%) and above, its element weight in kilograms multiplied by the square of its enrichment expressed as a decimal weight fraction; and

(3) For uranium with an enrichment in the isotope U-235 below 0.01 (1%), by its element weight in kilograms multiplied by 0.0001.

(l) "Energy Reorganization Act" means the Energy Reorganization Act of 1974, as amended (88 Stat. 1242).

(m) "Executive Branch" means those Federal government agencies, other

than the Commission, which are not part of the Legislative or Judicial Branches.

(n) "Export" means export from the United States.

(o) "General license" means an export or import license effective without the filing of an application with the Commission or the issuance of licensing documents to a particular person.

(p) "Government agency" or "Federal government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the Executive Branch of the Government.

(q) "Import" means import into the United States.

(r) The phrase "introduced into a proceeding" means the introduction or incorporation of testimony or documentary matter into any part of the record of a written or oral hearing conducted pursuant to Subpart K.

(s) "License," except where otherwise specified, means a general or specific export or import license issued under the regulations in this part.

(t) "Licensee" means a person authorized by a specific or a general license to export or import under the regulations in this part.

(u) "Non-nuclear-weapon State" means any state not a nuclear-weapon state as defined in the Treaty on the Non-Proliferation of Nuclear Weapons. "Nuclear-weapon State" means any state which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

(v) "NRC records and documents" means any book, paper, map, photograph, brochure, punch card, magnetic tape, paper tape, sound recording, pamphlet, slide, motion picture, or other documentary material regardless of form or characteristics, made by, in the possession of, or under the control of the Commission under Federal law or in connection with the transaction of public business as evidence of Commission organizations, functions, policies, decisions, procedures, operations, programs, or other activities. "NRC records and documents" do not involve objects or articles such as structures, furniture, tangible exhibits or models, or vehicles and equipment.

(w) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(x) "Participant" means any person taking part in a hearing conducted by the Commission under this part, including any person who is granted a hearing and/or leave to intervene in an export or import licensing hearing, either as a matter of right or as a matter of discretion by the Commission.

(y) "Person" means:

(1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission or the Administration, any State or any political subdivision of, or any political entity within a State, any foreign government or nation, or any political subdivision or other entity of any such government or nation; and

(2) Any legal successor or authorized representative, agent, or agency of the preceding.

(z) "Public Document Room" means the place at 1717 H Street, N.W., Washington, D.C. where public records of the Commission will ordinarily be made available for inspection.

(aa) "Public health and safety" means the public health and safety of the United States.

(bb) "Reactor coolant pressure boundary" means all those pressure-containing components of boiling and pressurized water-cooled nuclear power reactors, such as pressure vessels, piping, pumps, and valves, which are:

(1) Part of the reactor coolant system; or

(2) Connected to the reactor coolant system, up to and including the outermost containment isolation valve in system piping which penetrates primary reactor containment; and second of two valves normally closed during normal reactor operation in system piping which does not penetrate primary reactor containment; and the reactor coolant system safety and relief valves.

(3) For nuclear power reactors of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valve in the main steam and feedwater piping.

(cc) "Research reactor" means a nuclear reactor licensed by the Commission under subsection 104c. of the Atomic Energy Act and this part for operation at a thermal power level of 10 megawatts or less, and which is not a testing facility as described in § 50.21(c) of Part 50 of this chapter.

(dd) "Restricted Data" means all data concerning:

(1) Design, manufacture, or utilization of atomic weapons;

(2) The production of special nuclear material; or

(3) The use of special nuclear material in the production of energy; but

(4) Does not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act.

(ee) "Sealed source" means any special nuclear material or byproduct material encased in a capsule designed to prevent leakage or escape of that nuclear material.

(ff) "Secretary" means the Secretary of the Commission.

(gg) "Source material" means:

(1) Uranium or thorium, or any combination of these, in any physical or chemical form; or

(2) Ores which contain by weight one-twentieth of one percent (0.05%) or more of uranium or thorium, or any combination of these;

(3) Source material does not include special nuclear material.

(hh) "Special nuclear material" means plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to section 51 of the Atomic Energy Act, determines to be special nuclear material; or

(1) Any material artificially enriched by any of the preceding;

(2) Special nuclear material does not include source material.

(ii) "Specific license" means an export or import license issued to a named person upon an application filed under the regulations in this part.

(jj) "United States," when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone, and Puerto Rico.

(kk) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

NOTE.—Pursuant to subsection 11cc. of the Atomic Energy Act, the Commission may from time to time add to, or otherwise alter, this definition of utilization facility. It may also, under section 109 of the Atomic Energy Act, include as a utilization facility an important component part especially designed for such a facility. The Commission has not at this time determined any component part to be a utilization facility under this definition.

§ 110.3 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 110.4 Communications.

Except where otherwise specified in the regulations in this part, all communications and reports concerning the regulations in this part and applications filed under the regulations should be addressed to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., or at 7735 Old Georgetown Road, Bethesda, Maryland.

§ 110.5 License requirements.

(a) No person within the United States shall export or import any utilization facility, special nuclear material, byproduct material, or source material, except as authorized by an exemption from licensing requirements or in a license issued by the Commission pursuant to the regulations in this part.

(b) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the export or import of any utilization facility, or of special, source, or byproduct material.

(c) An export or import license does not authorize any person to receive title to, acquire, receive, possess, deliver, use, or transfer, while in the United States, a utilization facility, special nuclear material, source material, or byproduct material.

(d) *Re-export.* No person shall export a utilization facility or source, byproduct, or special nuclear material from the United States knowing or having reason to believe that it is to be re-exported directly or indirectly, in whole or in part, from the country of ultimate destination shown on the export license, shipper's export declaration, bill of lading, or commercial invoice, unless either:

(1) The re-export information has been included in the license application considered by the Commission; or

(2) At the time of export, the material may be exported directly from the United States to the new country of ultimate destination under the authority of an exemption from licensing requirements or under the terms of one of the general licenses established in Subpart C.

Subpart B—Exemptions From Export and Import Licensing Requirements

§ 110.10 Specific exemptions from license requirements.

The Commission may, upon application or upon its own initiative, grant for exports and imports such exemptions from the requirements of the regulations in this part as it detremines are authorized by law, provided that it determines that an exemption is in the public interest; that it will not endanger the common defense and security; and that it will not cause an unreasonable risk to the public health and safety. The granting of a specific exemption by the Commission does not relieve any person from complying with the requirements and regulations of the Department of Commerce, or any other agency of the United States Government, applicable to the export or import of commodities under such other agency's export or import control authority.

§ 110.11 Department of Defense.

The Department of Defense is exempted from export or import licensing to the extent authorized by section 91 of the Atomic Energy Act.

§ 110.12 Certain Administration contractors.

Except to the extent that Administration facilities or activities of the types subject to licensing pursuant to section 202 of the Energy Reorganization Act are involved, any prime contractor of the Administration is exempt from the requirements for an export or import license set forth in sections 53, 54, 57, 62, 63, 64, 81, and 82 of the Act, and from the regulations in this part, to the extent that such contractor, under his prime contract with the Administration, exports or imports special nuclear material, source material, or byproduct material for:

(a) The performance of work for the Administration at a United States Government-owned or controlled site;

(b) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or their components;

(c) The use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel.

§ 110.13 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the requirements for an export or import license set forth in sections 53, 54, 57, 62, 63, 64, 81, and 82 of the Act, and from the regulations in this part, to the extent that they transport special nuclear material, source material, or byproduct material in the regular course of carriage for another or store such material incident to that carriage.

§ 110.14 Export of byproduct material.

(a) Any person is exempt from the requirements for an export license set forth in section 81 of the Act and from the regulations in this part to the extent that such person exports the following:

(1) Timepieces or hands or dials containing not more than the following specified quantities of byproduct material and not exceeding the following specified levels of radiation:

(i) 25 millicuries of tritium per timepiece;

(ii) 5 millicuries of tritium per hand;

(iii) 15 millicuries of tritium per dial (bezels will be considered as part of dial);

(iv) 100 microcuries of promethium-157 per watch hand or 200 microcuries of promethium-147 per any other timepiece;

(v) 20 microcuries of promethium-147 per watch hand or 40 microcuries of promethium-147 per other timepiece hand;

(vi) 60 microcuries of promethium-147 per watch dial or 120 microcuries of promethium-147 per other timepiece dial (bezels will be considered as part of the dial);

(vii) The levels of radiation from hands and dials containing promethium-147, when measured through 50 milligrams per square centimeter of absorber will not exceed 0.1 millirad per hour at 10 centimeters from any surface for wrist watches; 0.1 millirad per hour at 1 centimeter from any surface for pocket watches; and 0.2 millirad per hour at 10 centimeters from any surface for any other timepiece;

(2) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium-147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium-147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber;

(3) Balances of precision containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part;

(4) Automobile shift quadrants containing not more than 25 millicuries of tritium;

(5) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas;

(6) Thermostat dials and points containing not more than 25 millicuries of tritium per thermostat;

(7) Electron tubes,[1] provided that no tube has a level of radiation exceeding 1 millirad per hour at 1 centimeter from any surface, when measured through 7 milligrams per square centimeter of absorber, and that no tube contains more than one of the following specified quantities of byproduct material:

(i) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(ii) 1 microcurie of cobalt-60;

(iii) 5 microcuries of nickel-63;

(iv) 30 microcuries of krypton-85;

(v) 5 microcuries of cesium-137;

(vi) 30 microcuries of promethium-147; and

(8) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of byproduct material not exceeding the applicable quantity set forth in § 30.71, Scheduule B. of this chapter.

(9) Synthetic plastic resins containing scandium-46 which are designed for sand-consolidation in oil wells, and which have been manufactured or otherwise obtained, in accordance with a specific license issued pursuant to § 32.17 of this chapter, or equivalent regulations of an Agreement State.

(10) Tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, or transferred in accordance with a specific license issued pursuant to § 32.22 of this chapter, provided that the tritium, krypton-85, or promethium-147 is not used in products primarily for frivolous purposes or in toys or adornments.

(11) Byproduct material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, and manufactured, processed, produced, or transferred, in accordance with a specific license issued pursuant to § 32.26 of this chapter.

§ 110.15 Export of unimportant quantities of source material.

Any person is exempt from the requirements for an export license set forth in section 62 of the Act and from the regulations in this part to the extent

[1] For purposes of this subparagraph "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pickup tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

that such person exports source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of one (1) percent (0.05 percent) of the mixture, compound, solution or alloy.

Subpart C—General Licenses for Exports and Imports

§ 110.20 Export of byproduct material.

(a) General license NRC–GL–3621 is hereby issued authorizing any person to export the following to any foreign country except Southern Rhodesia or countries or destinations listed in § 110.24:

(1) Byproduct material having an atomic number from 3 to 83, inclusive; or

(2) Tritium contained in luminous safety devices installed in aircraft as generally licensed items pursuant to § 31.7 of this chapter.

(b) General license NRC–GL–MED is hereby issued authorizing any person to export byproduct material having an atomic number from 3 to 83, inclusive, to Southern Rhodesia to the extent that the byproduct material is contained in medicinals or pharmaceutical preparations or in devices, applicators, or appliances designed for use in medical diagnosis or therapy.

(c) General license NRC–GL–3622 is hereby issued authorizing any person to export five thousand (5,000) curies of tritium and five thousand (5,000) curies of polonium-210 in a calendar quarter to any foreign country except Southern Rhodesia, Poland, or Rumania or countries or destinations listed in § 110.24, provided that not more than one thousand (1,000) curies of tritium may be exported by any person to any one country or destination in a calendar quarter; that no more than one hundred (100) curies of tritium may be exported by any person in a single shipment under this general license; and that the material is in one or more of the following forms or products:

(1) Tritium activated luminous paint;

(2) Tritium labeled organic compounds;

(3) Tritiated accelerator targets;

(4) Polonium-210 static eliminators;

(5) Polonium-210 neutron sources;

(6) Tritium or polonium-210 calibration standards;

(7) Luminiscent light sources;

(8) Tritium sources for chromatography instruments;

(9) Electron tubes; or

(10) Tritium as a contaminant of helium-3 in a concentration not to exceed 2.5 millicuries of tritium per liter of helium–3.[2]

[2] Export shipments of helium gas are subject to the licensing authority and regulations of the Department of Commerce. Issuance of a specific or general license by the Commission for tritium contained in helium-3 does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce.

(d) General license NRC–GL–TPM is hereby issued authorizing any person to export byproduct material of the kinds or forms specified in paragraph (c) of this section to Southern Rhodesia to the extent that the byproduct material is contained in medicinals or pharmaceutical preparations or in devices, applicators or appliances designed for use in medical diagnosis or therapy.

(e) General license NRC–GRO–BMG is hereby issued authorizing any person to export americium-241 from the United States to any foreign country except Southern Rhodesia, Poland, or Rumania or countries or destinations listed in § 110.24.

(f) General license NRC–GL–3624a is hereby issued authorizing any person to export byproduct material having an atomic number 3 to 83, inclusive, in labeled organic or inorganic compounds in quantities not to exceed one curie per shipment, to any foreign country or destination listed in § 110.24, except North Korea, Vietnam, Cambodia, Cuba, and Souhern Rhodesia.

(g) General license NRC–GL–3624b is hereby issued authorizing any person to export tritium in labeled organic compounds to Rumania and Poland and to any foreign country or destination listed in § 110.24, except North Korea, Vietnam, Cambodia, Cuba, and Southern Rhodesia, provided that no single shipment shall exceed one hundred (100) curies.

§ 110.21 Export of source material.

(a) General license NRC–GRO–SMA is hereby issued authorizing the export at any one time of up to three (3) pounds of source material to any foreign country or destination except Southern Rhodesia or countries or destinations listed in § 110.24.

(b) General license NRC–GRO–SMB is hereby issued authorizing the export of incandescent gas mantles containing thorium, without regard to quantity, to any foreign country or destination except Southern Rhodesia or countries or destinations listed in § 110.24.

(c) General license NRC–GRO–SMC is hereby issued authorizing the export of uranium, in the form of counterweights installed in aircraft, rockets, projectiles, or missiles, to any foreign country or destination, except Southern Rhodesia or countries or destinations listed in § 110.24, provided that such counterweights have been manufactured under a specific license issued by the Commission or the Atomic Energy Commission and have been impressed with the following statement, clearly legible after plating: "Depleted Uranium".

(d) General license NRC–GRO–SMD is hereby issued authorizing the export of thorium contained in finished aircraft engine parts containing nickel-thoria allow to any foreign country or destination except Southern Rhodesia or countries or destinations listed in § 110.24, provided that:

(1) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(2) The thorium content in the nickel-thoria alloy does not exceed four (4) percent by weight.

(e) General license NRC–GRO–SME is hereby issued authorizing the export of depleted uranium, when fabricated as shielding and contained in radiographic exposure or teletherapy devices, X-ray units, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials, in quantities not to exceed one thousand (1,000) kilograms per shipment to any foreign country or destination, except Southern Rhodesia or countries or destinations listed in § 110.24.

(f) General license NRC–GRO–MED is hereby issued authorizing the export of uranium, when fabricated as shielding and contained in radiographic exposure or teletherapy devices, in quantities not to exceed five hundred (500) pounds per device, to Southern Rhodesia, to the extent that such devices are for use in medical diagnosis or therapy.

§ 110.22 Export of special nuclear material. [Reserved]

§ 110.23 Reporting requirements.

(a) Each person exporting byproduct or source material pursuant to § 110.20 (c) through (g) and § 110.21(a), (e) and (f) shall file with the U.S. Collector of Customs or the U.S. Postmaster one copy, in addition to those otherwise required, of the Shipper's Export Declaration covering each export, and mark such copy for transmittal to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b In addition to such other information as may be required, the following information shall be included in the Shipper's Export Declaration for byproduct material:

(1) Identification of the material;

(2) The quantity in curies;

(3) The chemical compound; and

(4) The ratio of tritium to the total quantity of hydrogen if the material is tritium activated lumious paint.

§ 110.24 Schedule A.

(a) Albania.
(b) Bulgaria.
(c) Cambodia.
(d) Cuba.
(e) Czechoslovakia.
(f) Estonia.
(g) German Democratic Republic (including East Berlin).
(h) Hungary.
(i) Laos.
(j) Latvia.
(k) Lithuania.
(l) North Korea.
(m) Outer Mongolia.
(n) Peoples Republic of China.

(o) Union of Soviet Socialist Republics.
(p) Vietnam.

§ 110.25 General license for import.

A general license is hereby issued authorizing any person to import byproduct material and source material, which he is authorized to possess or transfer for sale or distribution in the United States under a specific or general license issued by the Commission or an Agreement State.

Subpart D—Applications for Specific Licenses

§ 110.30 Filing license applications.

Each application for a specific license pursuant to this part or amendment or renewal of that license, or inquiries concerning such applications, shall be filed with the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or delivered in person at the Commission's offices at 1717 H Street, N.W., Washington, D.C. or at 7735 Old Georgetown Road, Bethesda, Maryland.

§ 110.31 General requirements for contents of all export license applications.

(a) Each application for any export license shall state:
(1) Name of applicant;
(2) Address of applicant;
(3) Name and address of supplier or persons or organizations who are arranging for export, if different from the applicant;
(4) Name and address of ultimate consignee;
(5) Name and address of intermediate consignee(s);
(6) Date of proposed first shipment;
(7) Date of proposed completion of shipment;
(8) Contractual delivery dates, if established;
(9) Planned dates of use or installation at foreign site;
(10) Proposed expiration date of export license; and
(11) End-use of material or equipment by all consignees, intermediate and ultimate, involved in the transaction, with sufficient detail to permit accurate evaluation of the justification for the proposed export.

(b) Information contained in previous applications, statements, or reports filed with the Commission may be incorporated by reference, provided that the references are clear and specific.

§ 110.32 Additional requirements for contents of license applications for export of utilzation facilities.

Each application for a license to export a utilization facility shall contain the following information in addition to the general requirements in § 110.31:

(a) *General information.* (1) Type of facility;
(2) Design power level, if a nuclear reactor, in terms of thermal and (where appropriate) electrical watts;
(3) Name by which the facility is or will be known, if available;
(4) Location where the facility is to be installed or built;
(5) Proposed criticality date or date of start of operation;
(6) Total value of all items under the proposed export.

(b) A list of structures, systems, or components to be exported which are associated with the construction, maintenance, and operation of the utilization facility proposed for export and which fall within the categories described in paragraphs (b)(1) through (b)(6) of this section. Except for those items with a value exceeding $100,000, such list need only identify the items by appropriate category titles instead of specifically item-by-item.

(1) *Reactor coolant pressure boundary.* Those structures, systems, and components of a nuclear reactor located within or forming a part of the reactor coolant pressure boundary as defined in the definitions section of this part.

(2) *Instrumentation:* Instrumentation systems for indication, control, and protection of a nuclear reactor, including their associated equipment, which are directly associated with structures, systems, and components located within or forming part of the reactor coolant pressure boundary and which are normally required for routine startup, power operation, or shutdown of the reactor, or for periodic testing. Portions of other instrumentation systems of the facility mounted in a common panel with the covered systems are included in this category.

(3) *Fuel handling equipment.* Fuel handling equipment used to load new or recycled fuel into a reactor core, to unload fuel from a reactor core, or to transfer fuel with a reactor facility and place it into a facility provided for onsite storage or into fuel shipping equipment.

(4) *Experimental facilities.* Experimental facilities whose primary purpose is the irradiation or activation of material by radiation from a nuclear reactor, or which are used with a reactor to provide a source of nuclear radiation for tests or experiments.

(5) *Spare or replacement components.* Spare or replacement components or parts for items in paragraphs (b)(1) through (b)(4) of this section, which are furnished during duration of the export license as part of the initial purchase or under a warranty from the vendor.

(6) *Equipment or tools.* Special equipment or tools needed to service, maintain, or replace items in paragraphs (b)(1) through (b)(6) of this section. If equipment or tools falling under this category are not intended by the applicant to remain with the facility being exported but are intended to be reexported, resold, retransferred, disposed of, or returned to the United States, such action(s) shall be described.

(c) An itemized list of other structures, systems, or components to be exported which are associated with the construction, maintenance, and operation of the utilization facility proposed for export but which do not fall within the categories listed in paragraph (b) of this section. The itemized list should identify the specific items to be exported and should reflect the commodity control list numbers set forth in the regulations of the Office of Export Administration, U.S. Department of Commerce (see 15 CFR Part 399).

(d) Identification of any application filed with the Department of Commerce for components of the same facility.

§ 110.33 Additional requirements for contents of license applications to export special nuclear material, source material, or byproduct material.

Each application for a license authorizing export of special nuclear material, source material, or byproduct material shall contain the following in addition to the general requirements required in § 110.31:

(a) Any applicable contract number of special nuclear material, source material, or byproduct material supplied under an Administration enrichment, lease, or sale contract;

(b) Where materials are intended for use in a utilization facility, date of first intended use by ultimate or intermediate consignee;

(c) Shipping and packaging procedures, to the extent required by the regulations in Parts 71 and 73 of this chapter, including, where applicable, package identification and IAEA Certificate of Competent Authority numbers;

(d) Chemical and physical form of the special, source, or byproduct material including, for enriched uranium, the weight percentage of isotopic enrichment, and, for plutonium, the percentage of fissile content; and

(e) Quantity of the material in grams or kilograms (also curies for byproduct material) including the total weight of (1) the material in the form exported, (2) the contained uranium or plutonium, and (3) the contained U–235 in enriched uranium.

(f) For exports of uranium enriched to 20 percent or more U–235 by weight, uranium–233, or plutonium, for use as fuel for nuclear reactors:

(1) Current amount of such special nuclear material (unirradiated) in the importing country and assigned for use in the reactor (in kilograms);

(2) Current amount of such special nuclear material (irradiated) at the reactor site (in kilograms);

(3) Current core loading of such special nuclear material in the reactor (in kilograms);

(4) Average core life and current power level in megawatts thermal of the reactor.

§ 110.34 Requirements for contents of import license applications.

(a) Each application for an import license shall state:
(1) Name of applicant;
(2) Address of applicant;
(3) Exporting country and facility from which material is exported;

(4) Owner of material;
(5) Destination and ultimate disposal of material (e.g., will material be re-exported);
(6) Date of proposed first shipment;
(7) Date of proposed completion of shipment;
(8) Chemical and physical form of the material including, for enriched uranium, the weight percentage of enrichment, and, for plutonium, the percentage of fissile content;
(9) Quantity of the material in grams or kilograms including the total weight of (i) the material in the form imported, (ii) the contained uranium or plutonium, and (iii) the contained U–235 in enriched uranium.
(10) Confirmation as to how receiver will provide for sufficient measurements to substantiate the quantities of material measured and the associated limits of error (see § 70.58(e) of this chapter).
(11) Shipping and packaging procedures, to the extent required by the regulations in Parts 71 and 73 of this chapter, including package identification number of packages, mode of transport, and IAEA Certificate of Competent Authority number.

§ 110.35 Further information from applicants and licensees.

(a) The Commission may at any time after the filing of the original application and before the expiration of the license, require further statements from the applicant or licensee in order to enable it to determine whether the application should be granted or denied, or whether the license should be modified, conditioned, suspended, or revoked. These statements shall be in written form, signed by the applicant or licensee or one of its corporate officers, and, if specified by the Commission, under oath or affirmation.
(b) Each applicant for a license and each licensee shall request or file an amendment to his application or license whenever there is any substantive change with respect to any of his obligations or the information described in his application.

§ 110.36 U.S. address for license applicants.

Each applicant for a license under this part must have an address in the United States, or engage an agent with an address in the United States, where papers may be served and where records, reports, and documents required by the Commission will be maintained.

§ 110.37 Fees.

No application filing fees, license fees, or annual fees are required for an export or import license.

§ 110.38 Withdrawal of applications.

(a) An applicant may withdraw an application at any time.
(b) An applicant shall withdraw an application when it is superseded by his new application or when he no longer intends to use his license if issued.
(c) The withdrawal of an application does not authorize the removal of any document from the files of the Commission.

Subpart E—Review of License Applications

§ 110.40 Commission review.

(a) Export and import license applications will be distributed to appropriate Commission office(s) for such analysis as may be required by the Commission.
(b) Except as the Commission may provide otherwise, the following export and import license applications will normally be reviewed by the Commissioners after the Commission receives the views of the Executive Branch and prior to issuance of a license:
(1) Any application for a utilization facility;
(2) Any application for:
(i) One (1) kilogram or more of plutonium or U–233;
(ii) One (1) effective kilogram or more of uranium–235; and
(iii) Ten thousand (10,000) kilograms or more of source material;
(3) Any other license application which the Office of International Programs decides to forward for review by the Commissioners or which a Commissioner requests to review.
(c) If, after receipt of Executive Branch views, as described in § 110.41 of this subpart; and review by the Commissioners, where appropriate, the Commission finds that issuance of the license:
(1) Would be in accord with the applicable law, it will issue a license; or
(2) Would not be in accord with the applicable law, the Commission may issue a notice of proposed denial or a notice of denial of the application, with or without prejudice to renew the application, and shall inform the applicant in writing of the reason for the denial or proposed denial.

§ 110.41 Procedures for obtaining executive branch views.

(a) The Commission will forward export license applications to the Department of State (designated by the President under an Executive order as lead agency for Executive Branch review) requesting Executive Branch views on:
(1) Whether or not the proposed export would be inimical to the common defense and security of the United States, along with relevant supporting information or documentation;
(2) Where applicable, whether the proposed export would be under the terms of an agreement for cooperation made pursuant to section 123 of the Atomic Energy Act; and
(3) Whether the proposed export involves any special circumstances which should be considered in the Commission's licensing determination.
(b) The Commission will forward to the Department of State import license applications involving subsequent re-export, or such others as the Commission may decide, requesting the Department's preliminary views on whether it foresees any obstacles relating to the re-export that would affect the decision on issuance of the import license or whether there are any other circumstances which should be considered in the Commission's licensing determination. No decision allowing import will prejudge the review for any subsequent re-export.
(c) In addition to a request for Executive Branch views, the Commission may request the Executive Branch to provide the Commission with specific or general information and briefings, both classified and unclassified, as necessary.

§ 110.42 Standards for export and import licenses.

A license authorizing the export or import of a utilization facility, or special, source, or byproduct material may be issued by the Commission upon determining:
(a) For any proposed export or import, that it would not be inimical to the common defense and security of the United States, and would not constitute an unreasonable risk to the health and safety of the public;
(b) That the proposed export of a utilization facility, or of special nuclear material other than that exempted pursuant to section 57d. of the Act, would be under the terms of an agreement for cooperation made pursuant to section 123 of the Atomic Energy Act.

Subpart F—Specific Export and Import Licenses

§ 110.50 Terms and conditions of licenses.

(a) *General provisions for export and import.* (1) Each license issued pursuant to the regulations of this part shall be subject to all applicable provisions of the Atomic Energy Act, as amended, and to all applicable rules, regulations, and orders of the Commission.
(2) All licenses shall be subject to amendment, suspension, or revocation by reason of amendments of the Atomic Energy Act or other applicable law, or by reason of rules, regulations, or orders issued in accordance with the terms of that Act or other applicable law.
(3) The Commission may incorporate in any license at the time of issuance, or after issuance, by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's export or import as it deems appropriate or necessary in order to:
(i) Promote the common defense and security and public health and safety;
(ii) Guard against loss or diversion of special nuclear material, source material, or byproduct material;
(iii) Protect classified information;
(iv) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of

the Atomic Energy Act or other applicable law and applicable Commission regulations.

(4) No license issued pursuant to the regulations in this part shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission finds that the transfer is in accordance with the provisions of all applicable laws and regulations and gives its consent in writing in the form of a license amendment.

(5) Until the Commission makes the certification provided for by Pub. L. 94–79 a licensee shall not export or import by passenger or cargo-carrying aircraft plutonium in any form, except if the plutonium is contained in a medical device designed for individual human application.

(6) No licensee shall export or import by passenger-carrying aircraft any special nuclear, source, or byproduct material, except for material:

(i) For use in, or incidental to, research, or medical diagnosis or treatment; or

(ii) Meeting the requirements of the Department of Transportation described in § 173.391 of Chapter 49 of the Code of Federal Regulations.

(b) *General provisions for export.* (1) No licensee shall dispose of or use any items under the license for any purpose other than that stated in the application unless the Commission approves in writing of the disposition or use.

(2) Each licensee shall file with the U.S. Collector of Customs or the U.S. Postmaster five (5) copies, in addition to those otherwise required, of the Shipper's Export Declaration covering each export and mark one of the copies for transmittal to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The following statement shall accompany or be placed on the Shipper's Export Declaration for such exports:

This shipment is being made pursuant to specific license number (specific license number) filed at (location of customs office where license is filed) on (date license was filed). This license expires on (expiration date of license), and the unshipped balance remaining on this license is sufficient to cover the shipment described in this export declaration.

(3) Each licensee shall surrender his license to the U.S. Collector of Customs or U.S. Postmaster, as appropriate, upon completion of shipment of the quantity licensed.

(4) Each licensee shall return immediately any license that is revoked, expired, or unused or partially unused and will not be used, to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(c) *Export of utilization facilities.* (1) No license shall confer any authority to export special nuclear material, source material, or byproduct material.

(2) No licensee shall export under the license any item unless specifically required for the utilization facility licensed for export.

(d) *Export of special nuclear material, source material, and byproduct material.* (1) Each license authorizes only the export of the nuclear content of the material.

(2) Each licensee shall make arrangements for the completion and distribution of an Form NRC–741 for each shipment of tritium, source material, or special nuclear material meeting the reporting requirements of § 110.54.

(3) Each licensee shall advise the Commission, at least three (3) weeks prior to the scheduled date of the export, if there is any change:

(i) In the designation of the company which will package the material to be exported under its license; or

(ii) In the location of the packaging operation.

(4) Each license authorizes export only and does not authorize the receipt, physical possession, or use of the material.

(5) Each licensee authorized to export special nuclear material shall make arrangements to assure compliance with the physical protection requirements specified in Part 73 of this chapter.

(6) All special nuclear material authorized for export is subject to the right of recapture as specified in section 108 of the Atomic Energy Act.

(e) *Import of special nuclear material.* (1) Each licensee shall make arrangements for the completion and distribution of an Form NRC–741 for each shipment of special nuclear material meeting the reporting requirements of § 110.54 of this subpart.

(2) Each licensee shall notify the Division of Safeguards Inspection, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, immediately, by telephone or telegram, if entry of any import shipment authorized by his license is refused by the U.S. Customs Service.

(3) Each time material is imported, the licensee shall show the original of the license to U.S. Customs as authority for the import. The original of the license showing the imported quantity shall be surrendered to U.S. Customs when the final transaction under the license is completed. Except for the final transaction, a copy of the license showing the imported quantity shall be surrendered to U.S. Customs for each shipment. All surrendered documents shall be marked for immediate transmittal to the appropriate Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter).

(4) For each import shipment of 0.3 effective kilograms or more of special nuclear material, the licensee shall promptly notify the appropriate Inspection and Enforcement Regional Office by telephone, telegram, or teletype, upon receiving notification that an import shipment has entered the country, giving the date that the import entered and the estimated time of arrival at the stated destination.

(5) Each licensee shall notify the appropriate Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter) of the anticipated time of arrival at the port of entry at least 48 hours prior to any import shipment authorized by his license.

(6) Each licensee authorized to import special nuclear material shall make arrangements to assure compliance with the physical protection requirements specified in Part 73 of this chapter.

(7) Each license authorizes import only and does not authorize the receipt, physical possession, or use of the material.

§ 110.51 Amendments.

(a) An application for amendment, including renewal, of a license shall:

(1) Be filed in accordance with the procedures described in this part for original applications;

(2) Specify the grounds for amendment; and

(3) Specify the respects in which the licensee desires his license to be amended.

(b) If, at least thirty (30) days prior to the expiration of an existing license authorizing any activity of a continuing nature, a licensee files an application for an amendment to extend the expiration date, the existing license will not be deemed to have expired until the application for amendment for a new license has been finally determined by the Commission.

(c) In determining whether an amendment of a license will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of an initial license, to the extent applicable and appropriate.

§ 110.52 Revocation, suspension, modification, or termination of a license.

(a) A license may be revoked, suspended, or modified in whole or in part:

(1) Because of conditions which would warrant the Commission to refuse to grant a license on an original application;

(2) For any material false statement, including a material omission, in the application for license or in the supplemental or other statement of fact required of the applicant;

(3) For the licensee's violation of, or failure to observe, any of the terms and provisions of the Atomic Energy Act or the Energy Reorganization Act, or any rule, regulation, license condition, or order of the Commission promulgated under these Acts.

(b) Except where the public interest requires otherwise, no license shall be modified, suspended, or revoked before the licensee is informed in writing of the reasons for such action and afforded the opportunity to reply.

(c) The Commission may terminate a specific export or import license prior to its expiration upon the licensee's written request to the Commission.

§ 110.53 Records.

(a) Each licensee shall keep records showing export of a utilization facility, or export or import of special nuclear material, source material, or byproduct material, regardless of the origin or method of acquisition.

(b) Records of export of a utilization facility, or export or import of special nuclear material, or source material shall be maintained for five (5) years after the export, unless otherwise specified in a license condition or Commission order.

(c) Records of export or import of byproduct material shall be maintained for two (2) years after the export or import, unless otherwise specified in a license condition or Commission order.

(d) Records which must be maintained pursuant to this section may be the original, or reproduced copy or microfilm if the reproduced copy or microfilm is duly authenticated by authorized personnel of the licensee and provides a clear and legible copy after storage for the period specified by Commission regulations.

§ 110.54 Reports for special nuclear material, source material, and byproduct material.

(a) With the exceptions specified in paragraph (f) of this section, each licensee shall make arrangements for the completion and distribution of a Nuclear Material Transaction Report on Form NRC–741, in accordance with the printed instructions for completing the form, when that licensee exports or imports at any one time:

(1) One (1) gram or more of contained uranium–235, uranium–233, or plutonium;

(2) One (1) kilogram or more of uranium or thorium, or any combination of these; or

(3) One hundred (100) curies or more of tritium.

(b) The completed copies of Form NRC–741 shall be submitted to the U.S. Energy Research and Development Administration, Post Office Box E, Oak Ridge, Tennessee 37830, and shall include the NRC license number and, where applicable, the Reporting Identification Symbol (RIS) assigned by the Commission to the shipper or receiver.

(c) Except as specified in paragraph (f) of this section, each licensee who exports or imports material under paragraph (a) shall report immediately to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter), by telephone, mailgram or facsimile, any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion, or any theft or unlawful diversion of:

(1) One (1) gram or more of contained uranium–235, uranium–233, or plutonium;

(2) Fifteen (15) pounds or more of uranium or thorium, or more than ten (10) curies of tritium, at any one time; or

(3) One hundred fifty (150) pounds or more of uranium or thorium, or one hundred (100) curies or more of tritium, in any one calendar year.

(d) Within fifteen (15) days the licensee shall follow up the initial report with a written report setting forth the details of the incident and its consequences and shall end the report to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter).

(e) After the submission of the written report required by paragraph (d) of this section, the licensee shall immediately inform the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter) by written report of any substantive additional information which becomes available to him.

(f) The reports described in this section are not required for:

(1) Unimportant quantities of source material described in § 110.15 of this part;

(2) Processed ores containing less than five (5) percent of uranium or thorium, or any combination of these by dry weight;

(3) Thorium contained in magnesium-thorium and tungsten-thorium alloys, provided that the thorium content in the alloys does not exceed (four) 4 percent by weight;

(4) Chemical catalysts containing uranium depleted in the U–235 isotope to 0.4 percent or less, provided that the uranium content of the catalyst does not exceed fifteen (15) percent by weight;

(5) Byproduct material other than tritium; or

(6) Tritium possessed under a general license provided under Part 31 of this chapter or for tritium contained in spent fuel.

§ 110.55 Inspections.

(a) Each licensee shall permit inspection by the Commission of his records, premises, and activities, as may be necessary to effectuate the purposes of the Atomic Energy Act or any other applicable law.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him under the regulations in this part.

Subpart G—Enforcement

§ 110.60 Violations.

(a) Any person who willfully violates any provision of the Act or any regulation or order issued under that Act may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

(b) An injunction or other court may be obtained prohibiting any violation of any provision of the Act or the Energy Reorganization Act, or any regulation or order issued under these Acts.

(c) A court order may be obtained for payment of a civil penalty imposed pursuant to section 234 of the Act or section 206 of the Energy Reorganization Act.

§ 110.61 Notice of violation.

(a) Before instituting any proceeding to modify, suspend, or revoke a license issued under this part or to take other action for alleged violation of any provision of the Act or a rule or regulation issued under the Act or the conditions of export or import licenses, the Commission will serve on the licensee a written notice of violation, except as provided in paragraph (c) of this section. The notice of violation will concisely state the alleged violation and will require that the licensee submit, within twenty (20) days of the date of the notice or other specified time, a written explanation or statement in reply, including:

(1) Corrective steps taken by the licensee, and the results achieved;

(2) Corrective steps which will be taken; and

(3) The date when full compliance will be achieved.

(b) The notice may provide that, if an adequate reply is not received within the time specified in the notice, the Commission may issue an order to show cause why the license should not be modified, suspended, or revoked, or such other action be taken as may be proper.

(c) When the Commission determines that the public interest so requires, the notice of violation may be omitted and an order to show cause issued.

§ 110.62 Order to show cause.

(a) An order to show cause will:

(1) Allege the violations with which the licensee is charged, or other facts or issues deemed to be sufficient ground for the proposed action;

(2) Provide that the licensee may file a written answer to the order under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the order;

(3) Inform the licensee of his right, within twenty (20) days of that date of the order, or such other time as may be specified in the order, to a hearing conducted pursuant to Subpart J of this part, and

(4) State the effective date of the order.

(b) If the licensee's answer requests a hearing, the Commission will issue an order designating the time and place of hearing.

(c) An answer or stipulation may consent to the entry of an order in substantially the form proposed in the order to show cause.

(d) The consent of the licensee to the entry of an order shall constitute a waiver by the licensee of a hearing, further consideration of the isues, and of all right to seek Commission and judicial review or to contest the validity of the order in any forum. The order shall have the same force and effect as an order made after hearing by the Commission.

(e) When the Commission finds that the public interest so requires, the order

to show cause may be made effective immediately, with reason stated, pending further hearing and order.

§ 110.63 Order for modification, suspension, or revocation of license.

(a) The Commission may modify, suspend, or revoke a license isued under this part by issuing an order or notice to the licensee (1) that he may request a hearing with respect to all of any part of the order within twenty (20) days from the date of the notice or such other period as the notice may provide, and (2) that any such hearing shall be conducted pursuant to Subpart J of this part.

(b) The order will become effective on the expiration of the period during which the licensee may request a hearing, or, in the event that he requests a hearing, on the date specified in an order made following the hearing.

(c) When the Commission finds that the public interest so requires, the order may be made effective immediately, with reason stated, pending further hearing and order.

§ 110.64 Civil penalties.

(a) Before instituting any proceeding to impose a civil penalty under section 234 of the Act, the Commission shall serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to § 110.61. The notice of violation shall:

(1) Specify the date or dates, facts, and the nature of the alleged act or omission with which the person is charged;

(2) Identify specifically the particular provision or provisions of the law, rule, regulation, license, or cease and desist order involved in the alleged violation;

(3) State the amount of each penalty which the Commission proposes to impose;

(4) Advise the person charged that civil penalty may be paid in the amount specified in the notice of violation, or that the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation, or showing extenuating circumstances; and

(5) Advise the person charged that upon failure to pay a civil penalty subsequently determined by the Commission, if any, the penalty may, unless compromised, remitted or mitigated, be collected by civil action pursuant to section 234c of the Act.

(b) Within twenty (20) days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments, denying the charges of violation, or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

(c) If the person charged with a violation fails to answer within the time specified in paragraph (b) of this section, the Commission will issue an order imposing the civil penalty in the amount set forth in the notice of violation described in paragraph (a) of this section.

(d) If the person charged with a violation files an answer to the notice of violation, the Commission upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within twenty (20) days of the date of the order or other time specified in the order, request a hearing.

(e) If the person charged with violation requests a hearing, the Commission will issue an order designating the time and place of hearing. Any such hearing shall be conducted pursuant to Subpart G, "Rules of General Applicability", of Part 2 of this chapter.

(f) If a hearing is held, an order will be issued after the hearing by the Commission dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.

(g) The Commission may compromise any civil penalty, subject to the provisions of § 110.65 of this subpart.

(h) The Commission may refer the matter to the Attorney General for collection if:

(1) The civil penalty is not compromised or is not remitted by the Commission; and

(2) Payment is not made within ten (10) days following either the service of the order described in paragraph (c) or (f) of this section, or no request for a hearing is made within the time specified in paragraph (d) of this section.

(i) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act shall be made by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(j) A proceeding to impose a civil penalty under this section does not have the effect of modifying, suspending, or revoking any license under this part.

§ 110.65 Settlement and compromise.

At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke a license issued under this part, or for other action, a stipulation may be entered into for the settlement of the proceeding or the compromise of a civil penalty. The settlement or compromise shall be subject to approval by the Commission. The Commission may order such further consideration of the issues as it may deem to be required in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

Subpart H—Public Notification and Availability of Information and Official Records

§ 110.70 Notice of export and import license applications.

(a) *Notice of receipt of applications.* (1) The Commission will notice the receipt of each application for a license to export or import special nuclear material, source material, or byproduct material by placing the application, subject to the provisions in § 110.72, in the Public Document Room.

(2) The Commission will publish in the FEDERAL REGISTER notice of receipt of each application for a license to export or import a utilization facility, and will place the application, subject to the provisions in § 110.72, in the Public Document Room.

(3) If the Commission determines that special circumstances require Commission action in less than (30) days, a notice to this effect will be placed in the Public Document Room. Otherwise, within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, or the date of first placement of the application in the Public Document Room, as applicable, or such other period which the Commission in its discretion may specify:

(i) Any person may file written comments on the application with the Commission; and

(ii) Any person may file a request for permission to intervene and/or a request for a hearing.

(4) Anyone who wishes to receive a periodic summary of receipt of export and import license applications, or anyone wishing to provide written comments on any application, should write the Director, Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) *Notice of withdrawal of export and import license applications.* (1) The Commission will publish in the FEDERAL REGISTER a notice of the withdrawal of an export or import license application for a utilization facility.

(2) The Commission will place all requests for withdrawal in the Public Document Room.

(c) *Notice of issuance of export or import license for a utilization facility.* The Commission will publish in the FEDERAL REGISTER notice of the issuance of a license to export or import a utilization facility.

§ 110.71 Availability of information.

Except for the records available under § 110.72 and Part 9 of this chapter, no other procedures shall be available to obtain information for use in or in preparation for a hearing or a license application under this part, unless the Commission in its discretion may otherwise order.

§ 110.72 Availability of documents in Public Document Room.

Except for documents or portions of documents exempt from disclosure under Part 9 of this chapter, the following documents on applications for export and import of utilization facilities, special nuclear material, source material, and byproduct material will be made available in the Public Document Room:

(a) License application and supplements or requests for amendments;

(b) Commission correspondence to and from the applicant related to the application;

(c) For utilization facility applications, FEDERAL REGISTER notice of receipt of application and of issuance of license;

(d) Letter from the Commission to State Department requesting Executive Branch views on the application;

(e) Letter from State Department to the Commission with Executive Branch comments and views on the application;

(f) Letters from foreign governments, embassies, and organizations regarding use in the foreign country of the materials or facilities which are the subject of the application;

(g) Written comments received pursuant to § 110.80 and Commission responses, if any;

(h) A statement of staff conclusions for appplications reviewed by the Commissions;

(i) License as issued.

Subpart I—Public Participation Procedures Concerning Pending Export and Import License Applications

WRITTEN COMMENTS AND INITIATION OF A HEARING

§ 110.80 Commission consideration of written comments.

The Commission will consider any relevant written comments filed with it regarding a pending export or import license application whether or not they are accompanied by a petition for leave to intervene or a request for a hearing. If the circumstances warrant, the Commission may provide a reasonable opportunity for an appropriate response to be made by the applicant and others to the written comments. All such relevant written comments and any Commission responses to them become part of the record of any hearing that may be held on the application.

§ 110.81 Petitions for leave to intervene and/or requests for a hearing.

(a) Any person who petitions for leave to intervene and/or requests a hearing shall file a written petition and/or request which:

(1) Identifies the specific aspect(s) of the subject matter of the application as to which he bases his request;

(2) Sets forth the issue(s) which he seeks to raise;

(3) Sets forth how intervention and/or a hearing would contribute to a sound licensing decision; and

(4) When a person asserts that his interest may be affected by grant or denial of the application, sets forth with particularity both the facts pertaining to his interest and how it will be affected with particular reference to the factors specified in § 110.83.

(b) The petition and/or request shall be considered timely only if filed not later than thirty (30) days after the Commission has given public notice of a pending export or import license application, or filed within such other time as may be provided by the Commission.

(c) The Commission may deny an untimely petition or request unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time, with particular reference to the following factors in addition to those set out in § 110.83:

(1) The availability of other means by which the petitioner's interest, if any, will be protected;

(2) The extent to which the petitioner's participation may reasonably be expected to provide information useful to the Commission in making its licensing decisions under this part;

(3) The extent to which the petitioner's interest, if any, will be or has been represented; and

(4) The extent to which the petitioner's participation will broaden the issues or delay action on the application.

(d) A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

§ 110.82 Answers.

Any person may file an answer to a petition for leave to intervene and/or request for a hearing within thirty (30) days after the petition or request is filed, with particular reference to the factors set forth in § 110.83(a). The Commission staff and the Executive Branch may file an answer thirty (30) days after the petition or request is filed or fifteen (15) days after the Executive Branch views on the merits of the license application are placed in the Public Document Room, in accordance with § 110.72, whichever is later. The Commission staff and the Executive Branch may file an earlier answer if appropriate.

§ 110.83 Commission action on petitions for leave to intervene and/or requests for a hearing.

(a) If a petition for leave to intervene and/or request for a hearing is filed which asserts an interest which may be affected, Commission action on the petition or request will be based upon consideration of all relevant factors, including:

(1) The nature of the petitioner's alleged interest in the subject matter of the application;

(2) How that interest relates to the issuance or denial of the export or import license;

(3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest(s); and

(4) Whether the relief requested is within the Commission's authority, and, if so, whether granting relief would redress the injury alleged by the petitioner.

(b) If a petition for leave to intervene and/or request for a hearing does not assert or establish an interest which may be affected, Commission action on the petition and/or request will be based on consideration of all relevant factors, including:

(1) The effect on the public interest of the conduct of the hearing; and

(2) Whether and to what extent a hearing is likely to provide relevant information useful to the Commission in carrying out its responsibilities on the application.

(c) In response to a petition for leave to intervene and/or request for a hearing the Commission may:

(1) Request further information from the petitioner, requestor, the Commission's staff, the Executive Branch, or others, which the Commission deems to be relevant and useful to the exercise of its responsibility on the pending application;

(2) Grant the petition and/or request for a hearing (with the hearing to be held under Subpart J); or

(3) Deny the petition and/or request.

(d) The Commission will not grant a request for a hearing on a specific license application prior to receipt and evaluation of Executive Branch views on the application.

(e) If the Commission denies a request for a hearing and/or petition for leave to intervene, the Secretary will issue a notice of the Commission's decision, setting forth the reasons for denial and dissenting Commission views, if any.

§ 110.84 Notice of hearing.

(a) If the Commission decides that public proceedings should be held on a pending export or import license application, the Secretary will issue a notice to this effect. The notice of hearing will be published in the FEDERAL REGISTER thirty (30) days, or such other period as the Commission may specify, prior to the date set for hearing.

(b) A notice of hearing required by paragraph (a) will:

(1) State the specific issues to be considered;

(2) Provide the names and addresses of participants to the public proceeding;

(3) Describe the opportunities available to persons other than participants to express their views on the issues specified in the notice;

(4) Provide thirty (30) days, or such other time as may be specified, for the submission of written comments to the Secretary on the issues specified in the notice and for the submission of such other written information relating to the license application as participants or others may wish or as the Commission may require; and

(5) State any instructions which the Commission deems appropriate to the participants or other persons regarding any subsequent actions on their part after the time for any written comments

and any responses and replies has expired.

(c) The notice required by paragraph (a) will normally provide that participants may file, within a time specified, an appropriate response to the written comments or information provided by any other participant or by any other person who has filed written comments or information on the application.

(d) The Secretary will give notice of hearing under this section and § 110.85 to any person who requests. When a communication bears more than one signature, the Secretary will give the notice to the person first signing unless the communication clearly indicates otherwise.

§ 110.85 Notice of oral hearing.

(a) If the Commission grants an oral hearing, either in the initial notice of hearing under § 110.84 or subsequent to receipt and evaluation of written comments, the notice of oral hearing will be published in the FEDERAL REGISTER and will state:

(1) The time, place, and purpose of the oral hearing and the specific issues to be considered and

(2) Whether the oral hearing will be conducted before the Commission or a presiding officer designated by the Commission. Normally, the Commission itself will conduct any oral hearing.

(b) If the Commission designates a presiding officer to conduct an oral hearing, the notice of oral hearing will state:

(1) When the jurisdiction of the presiding officer commences and terminates;

(2) The powers of the presiding officer; and

(3) Instructions to the presiding officer to certify the record to the Commission promptly after completion of the hearing without preliminary decision or findings, unless the Commission otherwise directs, and any other instructions the Commission deems appropriate regarding the conduct of the hearing.

§ 110.86 Responses and replies.

Within such time as may be specified in a notice of hearing under § 110.84 or § 110.85, or applicable Commission order, a participant other than the Commission staff or the Executive Branch, shall respond to the notice of hearing by indicating whether he wishes to present his views.

§ 110.87 Orders granting hearings or permitting interventions.

(a) An order granting a hearing or permitting intervention may be conditioned on such terms as the Commission may direct in the interests of:

(1) Restricting irrelevant, duplicative, or repetitive evidence and argument;

(2) Having common interests represented by a single spokesman; and

(3) Retaining authority to determine priorities and control the proceeding.

(b) In any case in which, after consideration of the factors set forth in §§ 110.81(a) and 110.83 (a) or (b), the Commission finds that a participant's interest is limited to one or more of the issues involved in the proceeding, an order may limit his participation accordingly.

(c) Unless otherwise expressly provided in the order allowing a hearing, the granting of participation does not change or enlarge the issues specified in the notice of hearing.

GENERAL RULES FOR PROCEEDINGS

§ 110.90 Consideration of rules and regulations in licensing proceedings.

(a) Except as provided in paragraphs (b) to (e) inclusive of this section, any rule or regulation of the Commission, or any provision of any rule or regulation, shall not be subject to attack by any means in any licensing proceeding under this part.

(b) A participant in a licensing proceeding under this part may petition that the application of a specified Commission rule or regulation, or any provision of that rule or regulation, be waived or an exception made for the proceeding, provided that:

(1) The sole ground for a petition for waiver or exception shall be that special circumstances with respect to the subject matter of the proceeding are such that application of the rule or regulation (or any provision of that rule or regulation) would not serve the purposes for which the rule or regulation was adopted; and

(2) The petition shall be accompanied by:

(i) An affidavit that specifically identifies the aspect(s) of the subject matter of the proceeding affected by the rule or regulation (or any provision of that rule or regulation) for which waiver or exception is sought and describes why the rule or regulation as applied would not serve the purpose(s) for which it was adopted; and

(ii) A detailed statement describing the special circumstances alleged to justify the waiver or exception requested.

(c) Any other participant may file a response to such a petition, by counter-affidavit or otherwise.

(d) The Commission may, among other choices, on the basis of the petition, affidavit, and any responses to these:

(1) Determine whether the application of the specified rule or regulation (or any provision of that rule or regulation) should be waived or an exception made; and

(2) Direct such further proceedings as it deems appropriate to aid its determination.

(e) If the Commission has designated a presiding officer in the hearing, he shall certify the matter of granting a waiver or exception directly to the Commission for decision.

(f) Whether or not the procedure in paragraph (b) of this section is available, a participant in a licensing proceeding may file a petition for rulemaking pursuant to Subpart L of this part.

FILING OF DOCUMENTS AND RELATED MATTERS

§ 110.91 Filing of documents under this subpart and Subpart J.

(a) Documents shall be filed with the Commission either (1) by delivery to the Public Document Room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) All documents offered for filing shall be accompanied by proof of service upon the participants or their authorized representatives, as set forth in the notice of hearing or a subsequent order of the Commission.

(c) Filing by mail or telegram will be deemed to be complete as of the time of deposit in the U.S. mail or with a telegraph company.

§ 110.92 Docket.

In connection with each licensing proceeding subject to this subpart and subpart J, the Secretary will maintain a docket, commencing with receipt of a petition for leave to intervene and/or request for a hearing and including the transcripts of testimony and exhibits, and all papers, correspondence, decisions and orders filed or issued.

§ 110.93 Formal requirements for and acceptance of documents under this subpart and Subpart J.

(a) Each document filed shall bear the docket number, license application number, and title of the proceeding.

(b) Each document shall be bound on the left side, clearly legible, and capable of being reproduced.

(c) The original of each document shall be signed by the individual or entity filing or an authorized representative. The capacity of the individual or entity signing, his address, and the date shall be stated. The signature is a representation that the document has been subscribed in the capacity specified with full authority; that the signator has read it, knows the contents; and that, to the best of his knowledge, the statements made in it are true.

(d) Except as otherwise provided by this part or by order, any document other than correspondence shall be filed in an original and twenty (20) conformed copies.

(e) A document which fails to conform to the requirements of this section may be refused acceptance for filing and may be returned with an indication of the reason for nonacceptance. Any matter so tendered but not accepted for filing shall not be entered on the Commission's docket.

§ 110.94 Computation of time.

(a) In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal

holiday at the place where the action or event is to occur, in which case the period runs until the end of the next day which is neither Saturday, Sunday, nor holiday.

(b) When the period of time is ten (10) days or less, intermediate Saturdays, Sundays, and holidays are excluded.

(c) Whenever an action in a public proceeding is to take place within a prescribed period after the service of a notice or other paper, five (5) days shall be added to the prescribed period if the notice or other paper is served by mail.

(d) An interpretation of this section is contained in § 83 of this chapter.

§ 110.95 Extension and reduction of time limits.

(a) The Commission (or a presiding officer designated by the Commission) may for good cause extend or shorten the time fixed or the period of time prescribed for actions in a licensing proceeding.

(b) In any instance in which this part does not prescribe a time limit for an action to be taken in a public proceeding, the Commission (or a presiding officer designated by the Commission) may set a time for that action.

§ 110.96 Service of papers, methods, proof.

(a) The Commission will serve all orders, decisions, notices, and other papers issued by it upon all participants or their authorized representatives, as specified in the notice of hearing or subsequent Commission order.

(b) Service may be made as authorized by law and directed by the Commission. The Commission may make special provision regarding the service of papers when circumstances so warrant.

(c) Service upon a participant or his authorized representative is complete:

(1) By personal delivery, either on handing the paper to the participant or his authorized representative or to some person of suitable age and discretion at the participant's (or representative's) office or usual place of residence, or by leaving the paper in a conspicuous place in the participant's (or representative's) office;

(2) By telegraph, when deposited with a telegraph company, properly addressed and with charges prepaid;

(3) By mail, on deposit in the United States mail, properly stamped and addressed; or

(4) When service cannot be effected in a manner provided by subparagraphs (1) to (3) inclusive of this paragraph, in any other manner authorized by law.

(d) Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed, and may be made by:

(1) Written acknowledgement of the participant served or his authorized representative; or

(2) The certificate or affidavit of the person making the service.

§ 110.97 Authority of the Secretary or Assistant Secretary to rule on procedural matters.

When documents are submitted to the Commission in a licensing proceeding under this subpart or Subpart J, the Secretary or the Assistant Secretary is authorized to:

(a) Prescribe schedules for the filing of papers where such schedules may differ from those elsewhere prescribed in these rules or where these rules do not prescribe a schedule;

(b) Rule on motions for extensions of time and similar procedural motions;

(c) Reject papers filed with the Commission later than the time prescribed by him or established by an order, rule, or regulation of the Commission, unless good cause is shown for the late filing; and

(d) Prescribed procedural arrangements relating to the proceeding.

Subpart J—Hearings and Commission Decisions

§ 110.100 Hearings to be public.

All hearings subject to this part will be public unless otherwise directed by the Commission.

§ 110.101 Designation of presiding officer, disqualification, and unavailability.

(a) The Commission will normally preside at all hearings.

(b) (1) The Commission may provide in a notice of hearing that one or more members of the Commission, or any other person authorized under applicable law, will preside.

(2) If any person designated by the Commission to preside at a hearing deems himself disqualified, he shall withdraw by notice on the record and shall notify the Commission.

(3) If a participant deems any person designated by the Commission to preside at a hearing to be disqualified, he may move that the person disqualify himself. The motion shall be supported by affidavit setting forth the alleged grounds for disqualification. If the presiding officer does not grant the motion or the person does not disqualify himself, the Commission will determine the sufficiency of the grounds alleged.

(4) If any person designated by the Commission to preside at a hearing becomes unavailable during the course of that hearing, the Commission will designate another person to serve.

(5) In the event of substitution of a person to preside at a hearing for any person originally designated by the Commission, any motion predicated upon the substitution shall be made within five (5) days after the designation.

§ 110.102 Commencement and termination of jurisdiction of presiding officer.

If one or more members of the Commission, or another person appointed by the Commission, preside in an oral hearing, unless otherwise ordered by the Commission, the jurisdiction of the presiding officer, including jurisdiction over motions and procedural matters, commences when the Commission designates the presiding officer in the notice of hearing consisting of written comments or notice of oral hearing. The presiding officer's jurisdiction will terminate upon certification of the record to the Commission for final decision, or when the presiding officer shall have withdrawn himself from the case upon considering himself disqualified, or been disqualified, whichever is earlier.

§ 110.103 Power of presiding officer.

(a) The Commission or other presiding officer in any oral hearing shall conduct a fair and impartial hearing, develop a record that will contribute to informed decisionmaking, and have the power to take appropriate action to avoid unnecessary delay and maintain order. Within the framework of the Commission's notice of oral hearing or relevant order, the presiding officer shall have all the power necessary to these ends, including the power to:

(1) Control the overall course of the oral hearing and the conduct of the participants;

(2) Dispose of procedural requests or similar matters;

(3) Question witnesses;

(4) Order Consolidation of participants;

(5) Establish an order of presentation by the participants which, if appropriate, may provide for an order of presentation on the basis of subject matter;

(6) Hold conferences before or during the oral hearing for consolidation of participants, establishing an order of presentation, or any other proper purpose;

(7) Establish reasonable time limits for the conduct of the proceeding;

(8) Entertain suggestions as to questions which the presiding officer should ask of witnesses;

(9) Limit the number of witnesses whose presentations may be cumulative;

(10) Strike or reject cumulative or irrelevant presentations; and

(11) Where the Commission itself does not preside, the presiding officer may certify questions or refer rulings to the Commission for its determination, on his own initiative, or in his discretion on request, or on direction of the Commission.

(b) The Commission may issue orders and take otherwise proper administrative action with respect to an application and pending licensing proceeding under this part.

(c) Where the Commission itself does not preside, any order of the pending hearing may be modified by the Commission as appropriate.

(d) Where the Commission itself does not preside, upon certification of a hearing record by a presiding officer the Commission in its discretion may provide that additional written or oral testimony, on the issues set forth in a notice of oral hearing or in a related order, may be presented before the Commission.

§ 110.104 Participation in a hearing.

Subject to the conditions and limitations set forth in this part or in the notice of a hearing consisting of written comments or applicable Commission order:

(a) Persons or organizations who participate in a hearing consisting of written comments may:

(1) Make a written statement of position in the issues or respond to written statements of other participants;

(2) Provide written questions to the Commission which they wish other participants to address in writing; and

(3) Provide written concluding statements of position for the Commission's consideration.

(b) Persons or organizations who participate in an oral hearing may:

(1) Make an oral or written statement of position on the issues;

(2) Present written or oral rebuttal testimony, or both;

(3) Suggest questions to the presiding officer which they wish other participants to address, either orally or in writing; and

(4) Make written or oral concluding statements of position, or both, for the Commission's consideration.

(c) Persons or organizations establishing in an import licensing proceeding that they have an interest which may be affected, may be accorded additional procedural rights in accordance with Subpart G of Part 2:

(1) In the resolution of factual issues regarding protection of the U.S. public health, safety, and environment, and protection of the U.S. public against domestic theft, diversion, or sabotage; and

(2) To the extent that such factual issues are separable from other issues associated with issuance or denial of the license.

§ 110.105 Presentations of testimony in oral hearings.

(a) All direct testimony on behalf of a participant in an oral hearing shall be filed in writing seven (7) days in advance of the oral hearing, or within such other time as may be ordered or allowed by the Commission or other presiding officer in a notice of hearing or order. The Commission may require that rebuttal testimony on behalf of participants be filed in writing in advance. Written testimony will be received into evidence in exhibit form.

(b) Participants and witnesses will be questioned only by the presiding officer, either orally at the hearing or in writing, or both. Questions may be addressed to individual participants or witnesses or to panels of participants or witnesses.

(c) Participants may submit questions to the Commission which they would like to have answered by other participants. The Commission may refer the questions to the other participants for response, either in writing, orally, or both.

(d) No subpoenas will be granted for attendance and testimony of participants or witnesses or the production of evidence.

(e) Testimony by Commission staff and representatives of the Executive Branch shall be presented only by persons designated for that purpose by their respective agencies and departments.

(f) The Commission may, for good cause, accept as testimony in an oral hearing a written statement of a participant or witness who is unable to appear at the hearing, and may request that the person respond to its written questions.

§ 110.106 Appearance and practice before the Commission in oral hearings.

(a) A person may appear on his own behalf or be represented by an authorized representative.

(b) Any person appearing in a representative capacity shall file with the Commission a written notice of appearance which shall state his name, address, and telephone number; the basis of his eligibility; and the name and address of the person on whose behalf he appears.

(c) A participant or other person may be barred from participation in a hearing if he engages in dilatory tactics or disorderly or contemptuous conduct.

(d) Before any person is suspended or barred from participation he shall be informed of the grounds for this action and afforded an opportunity to respond.

§ 110.107 Motions, requests, and appeals during hearings.

(a) Unless otherwise directed by the Commission, and except for procedural requests or similar matters related to the conduct of an oral hearing, all motions or requests shall be addressed to the Commission. Unless otherwise directed by the Commission, procedural requests or similar matters related to the conduct of an oral hearing shall be addressed to the presiding officer. All written motions or requests shall be filed with the Secretary and served on the participants in the hearing as provided in this part.

(b) Any participant in the hearing may submit an answer, in support of or in opposition to the motion or request, within ten (10) days after service of a written motion, or such other time as may be fixed by the Commission.

(c) When the Commission itself does not preside:

(1) No interlocutory appeal may be taken to the Commission from a ruling of the presiding officer.

(2) When in the judgment of the presiding officer prompt decision is necessary to prevent detriment to the public interest or unusual delay or expense, the presiding officer may on his own initiative, or in his discretion on request by a participant, refer the ruling or certify the question promptly to the Commission, and notify the participants either by announcement on the hearing record or by written notice if the hearing is not in session.

(d) Unless otherwise ordered by the Commission, neither the filing of a motion nor the certification of a question or referral of a ruling shall stay any aspect of the proceeding or extend the time for the performance of any act.

§ 110.108 Default.

On failure of any participant to act within the time specified in this part, in the notice of hearing, or in related orders or rulings issued by the Commission, the participant may be considered in default. If so, the Commission shall make such ruling or issue such order in regard to the defaulting participant as may be appropriate, and may proceed with the conduct of the hearing without further notice to the defaulting participant.

§ 110.109 Official reporter and official transcript.

(a) An oral hearing will be reported stenographically, or by other means, by an official reporter who may be designated from time to time by the Commission or who may be a regular employee of the Commission.

(b) The transcript prepared by the reporter shall be the sole official transcript of the proceeding, and will be open for inspection in the Public Document Room.

(c) Copies of transcripts will be available to participants and to the public from the official reporter or from the Commission on payment of the charges fixed for copies.

(d) Corrections of the official transcript may be made only in the manner provided by the Secretary.

§ 110.110 Commission decision.

(a) While the Commission will take the hearing record into full account, the decision on a license application(s) on which a hearing has been held will be based on all information which the Commission considers necessary, including information which might go beyond the record developed by the participants in the hearing.

(b) If the Commission considers information not in the hearing record in reaching its decision, the participants to the hearing will be so informed and, if such information is not classified information or otherwise privileged, it may be furnished to the participants upon request and placed in the Public Document Room.

(c) While the Commission may consult with any member of the Commission staff or Executive Branch, or other person, on a license application under this part, where public comment is sought by the Commission on procedural questions (involving grant or denial of petitions for leave to intervene and similar matters), the views of the Commission staff and the Executive Branch will be expressed through their public reponses except to the extent that classified information is involved.

(d) The Commission may act at any time on a pending export or import license application prior to completion of any hearing if it finds that:

(1) The export or import meets all the applicable statutory and regulatory requirements;

(2) Prompt issuance of the license is required in the interest of common defense and security; and

(3) In cases where the Commission has determined that a participant has established an interest that may be affected, he has been provided a fair opportunity to present his views.

(e) The Commission retains the discretion to:

(1) Defer any oral hearing or any hearing consisting of written comments;

(2) Consolidate for hearing or for other purposes two or more applications;

(3) Narrow or broaden the issues specified in a notice of hearing composed of written comments or notice of oral hearing; and

(4) Taken any similar procedural action.

Subpart K—Special Procedures Applicable to Export and Import Licensing Hearings Involving Classified Information

§ 110.120 Scope.

This subpart provides for special procedures applicable to export and import licensing hearings involving classified information and does not in any way apply to the exchange of information between the Commission and the Executive Branch as a part of the licensing review process that occurs outside the hearing context.

§ 110.121 Obligation of participants with respect to the introduction of classified information.

(a) It is the obligation of all participants to oral hearings or hearings consisting of written comments conducted pursuant to this part to introduce information in unclassified form wherever possible, and to declassify, to the maximum extent feasible, any classified information that is introduced into the hearing. This obligation rests on each participant whether or not all other participants have the required security clearance.

(b) The public statements of the Commission staff and Executive Branch shall not be inconsistent with any classified information with respect to the subject of the hearing.

§ 110.122 Access to and security clearances for classified information.

(a) The Commission will not grant access to classified information to any participant, other than the Commission staff, unless the Commission has first determined that the available unclassified information is inadequate on the subject matter involved. An appropriate security clearance shall be required for access to classified information.

Any access to classified information will only be granted up to the level for which the participant is cleared and only upon an adequate commitment by the participant not to disclose such information subject to penalties as provided by law.

(b) *Access to classified information introduced into a hearing.* (1) Except as provided in paragraph (g) of this section, classified information introduced into a hearing composed of written comments or an oral hearing subject to this part will be made available to:

(i) Any participant or his authorized representative, or both, having the required security clearance; and

(ii) Such other persons having the required security clearance as the Commission determines are needed by the participant to adequately prepare or present his position in the hearing.

(2) Where the interest of a participant will not be prejudiced, the Commission (or other presiding officer) may postpone action upon an application for access under this paragraph.

(c) *Access to classified information not introduced into a hearing.* (1) On application showing that access to classified information may be required to prepare a participant's position in a hearing consisting of written comments or an oral hearing under this part, and except as provided in paragraph (g) of this section, the Commission may issue an order granting access to such classified information to:

(i) The participant or his authorized representative, or both, upon his obtaining the required security clearance;

(ii) Such other persons as the Commission determines may be needed by the participant to adequately prepare and present his position in the hearing upon their obtaining the required security clearances.

(2) Where the interest of the participant applying for access will not be prejudiced, the Commission (or other presiding officer) may postpone action on an application for access under this paragraph.

(d) The Commission will consider requests for appropriate security clearances in reasonable numbers. Security clearances will be conducted and granted or denied in accordance with the procedures set forth in Part 10 of this Chapter.

(e) A reasonable charge will be made by the Commission for costs of any security clearance granted pursuant to this section.

(f) *Application granting access to classified information.* (1) An application under this section for orders granting access to classified information will be acted upon only by the Commission.

(2) To the extent practicable, an application for an order granting access under this section shall describe the subjects of classified information to which access is desired and the level of classification (confidential, secret or other) of the information; the reasons why access to the information is requested; the names of individuals for whom clearances and requested and the reasons why security clearances are being requested for those individuals.

(3) On the conclusion of a proceeding, the Commission will terminate all orders issued in the proceeding for access to classified information and all security clearances are requested; and the readers. The Commission may issue such orders requiring the disposal of classified matter received pursuant to these orders, or requiring the observance of other procedures to safeguard such classified matters, as it deems necessary to protect classified information.

(g) *Refusal to grant access to classified information.* The Commission will not grant access to classified information:

(1) Unless it determines that the grant is not inimical to the common defense and security; and

(2) Which it has received from another Government agency, without the consent of the originating agency.

§ 110.123 Classification assistance.

On request of any participant in a hearing consisting of written comments or an oral hearing or of the presiding officer (if other than the Commission), the Commission will designate a representative to advise and assist the presiding officer or the participants with respect to security classification of information and the protective requirements to be observed.

§ 110.124 Notice of intent to introduce classified information.

(a) If, at the time of publication of a notice of hearing consisting of written comments or a notice of oral hearing, it appears to a participant filing that it will be impracticable for him to avoid the introduction of classified information, into the proceeding he shall file with the secretary a notice of intent to introduce classified information into the hearing.

(b) If, at any later stage of a hearing, it appears to any participant that it will be impracticable to avoid the introduction of classified information into the hearing, he shall give to the other participants and the presiding officer prompt written notice of intent to introduce classified information into the hearing.

(c) A participant shall not introduce classified information into a proceeding after publication of a notice of a hearing consisting of written comments or a notice of oral hearing unless a notice of intent has been filed in accordance with this section, except as permitted in the discretion of the Commission when it is clear that the public interest will not be prejudiced.

(d) The notice of intent shall be unclassified and, to the extent consistent with classification requirements, shall include the following:

(1) The subject matter of the classified information, which it is anticipated will be involved;

(2) The highest level of classification of the information (confidential, secret, or other);

(3) The stage of the proceeding at which it is anticipated that the information would be needed; and

(4) The relevance and materiality of the information to the issue in the proceeding.

§ 110.125 Rearrangement or suspension of hearings.

In a hearing consisting of written comments or oral hearing conducted pursuant to this part, where a participant gives notice of intent to introduce classified information and the Commission determines that any other participant does not have required security clearance(s), the Commission may in its discretion:

(a) Re-arrange the normal order of the hearing in a manner which gives him an opportunity to obtain the required security clearance(s) with minimum delay in the conduct of the hearing;

(b) Upon a determination that suspension of the hearing or a portion of it would not be contrary to the public interest, suspend the hearing or any portion of it until all participants have had opportunity to obtain required security clearances; or

(c) Take such other action as it determines to be in the best interest of all participants and the public.

§ 110.126 Unclassified statements required.

(a) Whenever classified information is introduced into a hearing consisting of a written comments or an oral hearing conducted pursuant to this part, the participant offering it shall (to the extent consistent with classification requirements) submit to the Commission (or the presiding officer, if one has been designated by the Commission) and all participants an unclassified statement setting forth the information in the classified matter as accurately and completely as possible.

(b) In accordance with such procedures as may be agreed upon by the participants or prescribed by the Commission, and after notice to all participants and opportunity to be heard on the notice, the Commission shall determine whether the unclassified statement or any portion of it, together with any appropriate modifications suggested by any participant may be substituted for the classified matter or any portion of it in the hearing record without prejudice to the interest of any participant or to the public interest.

(c) If the Commission determines that the unclassified statement (together with such unclassified modifications as it finds are necessary or appropriate to protect the interest of other participants and the public interest) adequately sets forth information in the classified matter which is relevant and material to the issues in the proceeding, it will direct that the classified matter be excluded from the record of the hearing.

(d) The Commission may postpone all or part of the procedures established in this section until the reception of all other evidence has been completed. Service of any unclassified statement required in paragraph (a) of this section shall not be postponed if any participant does not have access to classified information.

§ 110.127 Weight to be attached to classified information.

In considering the weight and effect of any classified information to which a participant has not had opportunity to receive access, the Commission shall, in making its decision pursuant to § 110.110, give to such evidence such information as is appropriate under the circumstances.

§ 110.128 Protection of classified information.

Nothing in this subpart shall relieve any person from safeguarding classified information in accordance with the applicable provisions of laws of the United States and rules, regulations or orders of any Government agency.

Subpart L—Rulemaking Concerning the Regulations in This Part

§ 110.130 Initiation of rulemaking.

Rule making may be initiated by the Commission itself, on the recommendation of another agency of the United States Government, or on the petition of any person.

§ 110.131 Petition for rulemaking.

(a) Any person may petition the Commission to issue, amend, or rescind any regulation in this part. The petition should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) The petition shall state the substance or text of any proposed regulation or amendment, or shall specify which regulation the petitioner wishes to have rescinded or amended, and shall state the basis for the request.

(c) The petition may request the Commission to suspend all or part of any licensing proceeding under this part, in which the petitioner is a participant, pending disposition of the petition for rule making.

(d) The Secretary will assign a docket number to the petition, deposit a copy in the Public Document Room, and publish in the FEDERAL REGISTER notice of the filing of the petition.

(e) Publication may be limited by order of the Commission to the extent that the requirements of Section 181 of the Act and Subpart K of this part must be met.

§ 110.132 Determination of petitions.

(a) No hearing will be held on the petition unless the Commission deems it advisable.

(b) If the Commission determines that sufficient reason exists, it will publish a notice of proposed rule making in the FEDERAL REGISTER. In any other case, it will deny the petition and will notify the petitioner with a statement of the grounds for denial.

(c) The Commission, in exercising the discretion which is authorized by section 4(a)(1) of the Administrative Procedure Act for rule making on the subject matter of this part, will decide for each petition what, if any, public rule making procedures will be followed.

(d) Commission action on each petition under this subpart will normally follow after the Commission receives and evaluates the views of the Executive Branch as may be appropriate for the subject matter of the petition.

§ 110.133 Notice of proposed rulemaking.

(a) When the Commission proposes to adopt, amend, or repeal a regulation, it will normally cause to be published in the FEDERAL REGISTER a notice of proposed rule making:

(1) Unless all persons subject to the notice are named and either are personally served or otherwise have actual notice in accordance with applicable law; or

(2) Unless the Commission in its discretion determines that public rule making procedures are inappropriate.

(b) The notice will include:

(1) Either the terms of substance of the proposed rule, or a specification of the subjects and issues involved;

(2) The manner and time within which the public may comment, and a statement that copies of comments may be examined in the Public Document Room;

(3) The authority under which the rule is proposed;

(4) The time, place, and nature of the public hearing, if any;

(5) If a hearing is to be held by other than the Commission, designation of any presiding officer and any special directions for the conduct of the hearing; and

(6) Such explanatory statement as the Commission may consider appropriate.

(c) The publication or service of notice will be made not less than fifteen (15) days prior to the time fixed for hearing, if any, unless the Commission for good cause stated in the notice provides otherwise.

§ 110.134 Participation.

(a) The Commission may afford any person an opportunity to participate in rule making through the submission of statements, information, opinions, and arguments in the manner stated in the notice or, as the Commission may order, in any other reasonable manner.

(b) The Commission may provide an opportunity for oral presentations by petitioners or members of the public, adopting procedures which in the Commission's judgment will best serve the purpose of the hearing.

§ 110.135 Commission action.

The Commission will incorporate in the notice of adoption of a regulation a concise statement of its basis and purpose, including any variation from the regulation initially proposed before public participation, and will publish in the FEDERAL REGISTER or serve upon affected persons the notice and regulation.

§ 110.136 Effective date.

The notice of adoption of a regulation will specify the effective date. Publication or service of the notice and regulation, other than one granting or recognizing exemptions or relieving from restrictions, will be made not less than thirty (30) days prior to the effective date unless the Commission directs otherwise on good cause found and published in the notice of rule making.

(Sec. 161, as amended, Pub. L., 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 27th day of June 1977.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-18780 Filed 6-27-77;5:10 p.m.]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

REGULATORY IMPACTS ON REFINERY INVESTMENT

Advance Notice of Proposed Rulemaking

AGENCY: Federal Energy Administration.

ACTION: Notice of inquiry; Advance notice of proposed rulemaking.

SUMMARY: The Federal Energy Administration ("FEA") is considering what amendments to its price and allocation regulations, if any, may be necessary to insure that regulatory disincentives to investment in domestic refineries are minimized. This notice of inquiry is being issued in order to obtain preliminary comments from interested persons with respect to whether there is a need for regulatory changes in this area, specifically about which disincentives currently in the regulations should be removed and what additional incentives permissible under current regulatory authorities may be provided.

DATES: Comments by August 3, 1977, 4:30 p.m.; Requests to speak by July 26, 1977, 4:30 p.m.; Public Hearing August 8, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box NI, Washington, D.C. 20461.

Public Hearing: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFOMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street, N.W., Room 2214B, Washington, D.C. 20461. (202—254-5201).

Ed Vilade (Media Relations), 12th & Pennsylvania Avenue, N.W., Room 3104, Washington, D.C. 20461. (202—566-9833).

Norman Breckner (Program Office), 2000 M Street, N.W., Room 2310, Washington, D.C. 20461. (202—254-7477).

Susan Pearce (Office of General Counsel), 12th & Pennsylvania Avenue, N.W., Room 7134, Washington, D.C. 20461. (202—566-2087).

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

A. *Introduction.* The FEA is concerned that investment in domestic refineries be adequate in amount and appropriately balanced. Although this is a question not dealt with directly in the regulations, the FEA is aware of the potential indirect impact of its allocation and price regulations on investment decisions.

Because of changing market forces, investment planning inevitably involves uncertainty. Government regulations, the prospects of changes in them, and the uncertain nature of such changes, all add to the basic uncertainty of the market. Some types of regulations (for example, mandatory environmental standards) intentionally channel and constrain investment planning. Other regulations (FEA cost passthrough regulations), having a different principal objective, nevertheless alter the relative incentives for different investments. FEA is aware of and concerned with the possible effects of price and allocation regulations on refiners' investments in both primary refining capacity and particular product processing capability.

When price controls were initially imposed on the petroleum industry, first as part of a generally applicable wage and price stabilization program and later under a program specifically designed for the industry, it was not anticipated that they would be in place for an extended period of time. Although the FEA has made many modifications in the structure of the price regulations to adapt them to a less temporary situation, it may be that additional amendments are needed in order to minimize disincentives to refinery investment at the present time.

B. *History of Refiner Pricing Regulations under the Economic Stabilization Act and Emergency Petroleum Allocation Act.* On August 15, 1970, in an attempt to "stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, and protect the purchasing power of the dollar" Congress enacted the Economic Stabilization Act of 1970 ("ESA," Pub. L. 91-139). In order to meet these goals, the ESA authorized control of prices, rents, wages, salaries, dividends and interest. The ESA as amended and extended provided such price control authority until its expiration on April 30, 1974.

Pursuant to this authority, in August 1971, the President ordered a comprehensive "freeze" of all prices (Executive Order 11615, 36 FR 15727, August 15, 1971). This freeze lasted until November 13, 1971, and came to be known as Phase I. Beginning on November 14, 1971, a system of flexible price controls was developed and administered (during Phases II, III, IV) by the Price Commission and the Cost of Living Council ("CLC"). The specific regulatory concepts developed during this period included the principle of allowable price increases over a base price calculated on the basis of increased costs and subject to a profit margin limitation. The regulations implementing this principle of cost-justified price increases applied to many industries, and there were no comprehensive regulations specifically designed for the petroleum industry until Phase IV. On August 17, 1973, the Cost of Living Council issued its Phase IV petroleum price regulations which adopted a similar flexible system of controls and provided for a dollar-for-dollar passthrough of the increased costs of crude oil and purchased petroleum products (38 FR 22536, August 22, 1973). Increased non-product costs could be passed through only after prenotification of the proposed price increase and only provided that the base period profit margin was not exceeded. In addition, increased costs were required to be applied equally to the prices charged to each class of purchaser.

At the time of the oil embargo of October 17, 1973 to March 18, 1974, the Emergency Petroleum Allocation Act of 1973 ("EPAA") was enacted (Pub. L. 13-159, November 27, 1973; 15 U.S.C. § 751 *et seq.*, as amended). The EPAA contained broad petroleum allocation and price control authority, and subsequent to its enactment all petroleum price control functions were transferred from the CLC to the Federal Energy Office ("FEO") and its successor agency, the Federal Energy Administration.

The statutory mandate of the EPAA was to control prices of crude oil and petroleum products so as to maintain a balance between providing a sufficient price incentive for adequate production and protecting the consumer from unjustified increases in the prices of petroleum products. With respect to refiners, pursuant to the competing EPAA goals of providing increased incentives while maintaining inflation controls, the FEO and FEA retained the basic Phase IV cost-justification system of price increases, but provided additional flexibility in order to facilitate the recovery of increased costs.

Since the original implementation of the price control regulations, the FEO and FEA have made many regulatory changes which specifically impact on the incentives for refinery investment. The CLC prenotification restriction on the passthrough of increased non-product

costs was removed and an automatic passthrough of certain increased non-product costs was substituted, effective December 1, 1974 (39 FR 42368, December 5, 1974). The CLC "special product rule" which restricted the passthrough of increased costs on gasoline, diesel fuel, and heating oil was removed with respect to gasoline on November 1, 1974 (39 FR 39259, November 6, 1974), as was the once-a-month restriction on price increases, effective January 1, 1976 (41 FR 1267, January 7, 1976). Increased flexibility with respect to the profit margin limitation was provided by the "repurification" amendment (40 FR 32734, August 4, 1975), and the profit margin limitation itself was eliminated effective January 1, 1876 (41 FR 9087, March 3, 1976). Beginning February 1, 1976, the FEA provided the additional flexibility of banking unrecovered increased non-product costs (41 FR 15330, April 12, 1976). Further, with respect to class of purchaser restrictions, effective August 1, 1976, refiners were permitted the "regional pricing" flexibility of a disproportionate application of costs among purchasers of gasoline (the only major product remaining under controls at the time) in different PAD districts (41 FR 30021, July 21, 1976). Finally, in order to provide further incentive for capital investment and refinery construction and expansion, the FEA, effective January 1, 1977 (42 FR 5023, January 27, 1977), expanded the categories of allowable non-product costs. Depreciation cost is one of the most important new categories for which a passthrough is now permitted. To protect previous reliance on the refinery fuel conservation incentive, that computation of increased refinery fuel costs was retained as an optional method (provided certain adjustments to the increased depreciation cost computation are made).

Despite these regulatory changes, designed to permit a normalization of refiner decision-making and encompassing those items stressed as necessary by refiners, the FEA is concerned that some of the issues involved in refinery investment have not been adequately addressed or analyzed. The purpose of this notice of inquiry is to discuss some of those issues and to solicit information upon which to base a thorough analysis of the entire question.

II. Refinery Investment Issues

The adequacy and balance of domestic refining capability in future years will be tested in several principal connections. One relates to the capability to cushion a potential supply interruption. The Strategic Petroleum Reserve is intended to provide an emergency supply of crude oil. If imports of products as well as of crude oil declined in an emergency, an effective cushion would require a domestic refining capacity adequate to accommodate flexibility in crude oil runs to provide the desired degree of response to reduced product imports.

Any other test involves the need to produce lower-sulfur products (residual fuel oil, heating oil, etc.) from relatively high-sulfur crude oil, and higher octane clear-pool gasoline to compensate for the decline in lead as a gasoline additive. Many refineries cannot significantly increase the use of higher-sulfur crude oil without, for example, metallurgical improvements that provide resistance to corrosion. At the same time, increased downstream desulfurization will be required for products produced to more stringent sulfur specifications from relatively higher-sulfur feedstocks. Refinery expansions completed in 1976, particularly on the West Coast, provided significant additional desulfurization capacity for distillates and residual fuel oil. With the relative increase in the use of higher-sulfur crude oil, however, the FEA believes that still more capacity will be needed.

Notwithstanding the decline in use of higher-performance automobile engines and the predicted decline in the rate of increase in gasoline consumption, new gasoline specifications will require substantial upgrading of downstream processing capability. With reduced use of lead as an additive, and reductions in other additives such as manganese (if environmental regulations should require them), compensations are necessary to achieve a desired octane level. More crude oil could be run, and clear octane ratings of the gasoline pool increased. To economize on crude oil and increase the clear octane of the gasoline blending streams, additional investments are required in a variety of downstream processes such as hydrocracking, coking, catalytic reforming, alkylation, and isomerization.

It will also be essential in the future for refineries to reduce their consumption of natural gas and refinery gas as refinery fuels and to turn increasingly toward the conversions necessary to permit the burning of heavier fuels in the refinery and to extract greater proportions of propane and butane from refinery gas streams. In view of the importance of reducing refinery consumption of natural gas (combined with the obvious utility of heavy ends as a refinery fuel, especially in the west and upper mid-continent), and of the need for increasing volumes of propane and butane that will be needed for gasoline blending, FEA attaches substantial importance to the removal of any disincentives to accomplish these purposes.

FEA is concerned that any inability of refiners to recover a return on new investment may have inhibited such investments in refinery expansion and conversion.

FEA is also concerned with the development of new storage capability, both for crude oil and products, commensurate with demand growth. The availability of terminal and secondary product storage is a further concern, especially in light of the experiences of the last winter in the inability of distribution systems to accommodate extreme seasonal demand surges. FEA specifically requests comments on the impact of its regulations on the development of adequate primary and secondary product storage.

The concern of the Federal Energy Administration with the investment climate for domestic refiners is that regulations in petroleum pricing and allocation, and import controls, should not unnecessarily contribute to diminished incentives and uncertainty of expectations and thus threaten the development of necessary capacity additions and upgrading. One regulatory objective should be a more certain environment in which to plan investments without simultaneously dampening or distorting the competition in the market that is the essential source of benefits to users of petroleum products as a whole.

III. Types of Regulatory Impact on Refinery Investment

The FEA requests comment on the specific nature and extent of investment disincentives found in the following and other regulations. Suggested remedies and specific proposals for implementing remedies are encouraged.

A. *Cost passthrough—Maximum lawful product prices.* Refiners have long maintained that under the cost passthrough regulations there is a disincentive to incur capital investments. Although the inclusion of depreciation cost (with interest cost, which was already included) in the categories of allowable increased non-product costs has at least greatly improved, and perhaps totally alleviated, this situation, the regulations do not provide for the passthrough of an additional return on equity (usually expressed as an annual percentage of return on total equity) which over the long-run may be required to attract investment in refining. It may be that an effect of the current regulations in some instances is to restrict rates of return in such a way that effective rates of return have been below the May 15, 1973 level owing to the effects of inflation.

At the same time, the passthrough regulations may lead to a reduction in maximum lawful price if the investment benefit takes the form of capability to process lower-cost (e.g., lower-gravity and higher-sulfur) feedstocks. If a refiner invests in improved desulfurization capability or in improved processing facilities for its lighter products, and then runs a higher-sulfur or lower-gravity crude oil, the maximum lawful prices of products must be lower to the extent that the decrease in feedstock acquisition costs is greater than the increase in depreciation cost. The passthrough regulation denies to the refiner the increased profit potential, based on cost reduction, that a competitive market would permit as an incentive to an efficient investment. Comments are requested on the extent to which changes are necessary in this area and on the extent to which such changes would be consistent with the requirements of § 401(a) of the Energy Policy and Conservation Act (Pub. L. 94-163).

B. *Crude oil entitlements.* Under crude oil allocation and price regulations, the entitlements program is intended to distribute the benefits of price-controlled domestic crude oil among all refiners and consumers by approximately equalizing the net acquisition costs of crude oil to domestic refiners. However, the entitlements program may also operate to affect refiner investment incentives in unexpected or undesirable ways. Two examples of potential impact may be given.

The first possible effect involves residual fuel oil, which in volume terms is by far the most important imported petroleum product. Partial entitlements are now given to imports of residual fuel oil on the East Coast while the benefit of full entitlements is withheld from domestic refiners in other regions who market residual fuel oil on the East Coast. This raises the question of the adequacy of incentives to invest in an appropriate amount of primary distillation capacity for flexibility in producing more residual fuel oil domestically and distributing more domestically-produced residual fuel oil to the East Coast in the event the flow of residual fuel oil imports should be restricted or curtailed.

Another example concerns the incentives for refiners to use heavier and higher-sulfur domestic crude oils relative to lighter and lower-sulfur oils, particularly imports. The former historically have sold for less, reflecting their lower refinery value for a given product slate. Crude oil price controls and the entitlements system may, however, have altered refiner incentives to use different crude oils.

There are now two determinants of the relative incentives for refiners to use different crude oils. One is the relative value of each oil in producing the product slate. The other determinant is the effect of entitlements on the net acquisition cost. Calculated on the basis of differences between national average refiner acquisition costs of crude oils in the different price tiers, entitlements constitute a system of per-unit charges and credits levied on crude oil use, the amount varying only with the price tier. The size of the effective charge or subsidy, as the case may be, is a determinant of the maximum price a refiner will pay in the market for each type of crude oil. That price varies inversely with the size of the charge and directly with the size of the subsidy.

There is some, but not conclusive, evidence that net acquisition costs to refiners, including the entitlements effect, of the same quality crude oil varies inversely with the price tier, with heavy high sulfur crude oil in the lower tier having the highest net acquisition cost. The FEA requests additional information on these questions that would help to determine if these cost differentials do occur and, if so, how widespread they may be.

The FEA also specifically requests comments with respect to whether the entitlements program operates in such a way as to discourage production of lower tier, high-sulfur crude oil and, if so, whether and in what respect this potential curtailment of supply impacts on refinery conversions.

IV. Additional Questions for Refiners

Comment is particularly requested in response to the following specific questions.

1. If gasoline is exempted from price controls, thus removing any existing specific regulatory disincentives for refinery investment, would it still serve a useful purpose to amend the "stand-by" regulations?

2. For a refiner which runs crude oils of approximately the same gravity and sulfur content, but subject to two or more pricing tiers for entitlements purposes under current regulations, is there a difference between the two tiers in refiner acquisition costs including the entitlement effect and, if so, what is the difference?

3. Under current crude oil price and entitlement regulations, what are the relative costs of and incentives to run the following crude oil categories: (1) high-sulfur, lower tier domestic; (2) high-sulfur, imported; (3) low-sulfur, lower tier domestic; (4) low-sulfur, imported?

4. For refiners who have invested in improved desulfurization or processing capacity, what is the exact nature of the improvement; what was the original and what is the incremental capacity; what is the estimated investment cost (related to some quantity like annual output from that refinery); what is the estimated effect on feedstock cost per barrel; what are the operating costs, excluding capital amortization, before and after the improvement?

5. What alternative types of investments would be involved in equipping the facility or facilities of refiners commenting on this notice in order to meet the current Environmental Protection Agency lead phase-down schedule? What will be the effect on the amount of crude oil runs to meet gasoline specifications and on the octane ratings of gasoline produced?

6. What are estimated per-barrel processing costs for a high-conversion, sour crude oil refinery compared to a refinery designed to process sweet crude oil?

7. How significant is the impact on refiner investment incentives of current FEA price and allocation regulations compared to market uncertainties, including the still developing international price structure for crude oil of different qualities?

8. Are there some refiners to which the availability of domestic crude oil would increase if the crude oil supplier/purchaser regulations were withdrawn but the price ceilings were retained? If so, how? What would be the incentive for crude oil producers to seek new purchasers?

9. What types of refinery construction/expansion projects would be initiated if certain regulatory constraints were removed, and what are the constraints? Would emphasis be on increasing the total yield, or increasing the amount of higher yields by upgrading processing capability? When would construction be commenced, and when would the new facility be one line?

10. What would be the effect on investment if some additional return on equity were allowed to be passed through in calculating maximum lawful prices in 10 CFR Part 212 Subpart E?

V. Comment Procedures

a. *Written comments.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Refinery Investment," Box NI. Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

b. *Public hearings.* 1. *Request procedure.*—The time and place for the hearings are indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the date of the hearing.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., July 28, 1977 and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street, N.W., Washington, D.C., before 4:30 p.m., e.d.t., August 4, 1977.

2. *Conduct of the hearings.* The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based

on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, Box NI, FEA, before 4:30 p.m., e.d.t., August 3, 1977. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearings. However, it is not possible for FEA to give actual notice of cancellations or changes to persons not identified to FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

Because this Notice does not propose the adoption by FEA of a rule, regulation, or policy affecting the quality of the environment, it has not been submitted to the Administrator of the Environmental Protection Agency for his comments.

NOTE: Because this notice does not propose the adoption by FEA of a rule or regulation, FEA has determined that this document does not require preparation of an Economic Impact Evaluation under Executive Order 11821 and OMB Circular A-107.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

Issued in Washington, D.C., June 27, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-18770 Filed 6-29-77;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Share Draft Programs; Extension of Comment Period

AGENCY: National Credit Union Administration.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments on the proposed share draft rule, which prescribes the requirements for the establishment and implementation of share draft programs for Federal credit unions, in order to allow interested parties an opportunity to comment on the specific sections of the Federal Credit Union Act relied upon by the National Credit Union Administration as authority for the proposed rule.

DATES: Comments must be received on or before August 1, 1977.

ADDRESSES: National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

Joseph Bellenghi, Assistant Administrator for Examination and Insurance, at the above address. Telephone: (202) 254-8760.

SUPPLEMENTARY INFORMATION: On February 28, 1977, the National Credit Union Administration published a proposed rule (42 FR 11247) which would prescribe the requirements for the establishment and implementation of share draft programs for Federal credit unions. The public was advised that the major issue was whether or not Federal credit unions could legally permit their members to make withdrawals by means of drafts.

Comments submitted by the Independent Bankers Association of America pointed out that the National Credit Union Administration inadvertently failed to cite the specific sections of the Federal Credit Union Act (12 U.S.C. 1751, et seq.) relied on as authority for the proposed rule. Notice is hereby given that the authority for the proposed rule is found in sections 101(1), 107(1), 107(6), 107(15) and 120(a) of the Federal Credit Union Act as amended through April 19, 1977 (12 U.S.C. 1752(1), 1757(1), 1757(6), 1757(15), and 1766(a)).

Because most of the parties who submitted comments addressing the National Credit Union Administration's authority to issue the proposed rule did in fact discuss these sections of the Federal Credit Union Act, the National Credit Union Administration has decided that a reasonable extension of the comment period will cure any administrative defect by affording an additional opportunity for interested parties to submit comments regarding the issue of authority. Therefore, the comment period is hereby extended to August 1, 1977.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

C. AUSTIN MONTGOMERY,
Administrator.

JUNE 27, 1977.

[FR Doc.77-18730 Filed 6-29-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 75-SW-69]

AIRWORTHINESS DIRECTIVE

Bell Models 204B, 205A-1, 212, 214B, and 214B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This notice is a proposal to issue an Airworthiness Directive (AD) requiring adjustment of the emergency exit latch pins and requiring inspection holes for the exit latch pin engagement in Bell Models 204B, 205A-1, 212, 214B, and 214B-1 helicopters. An exit may be lost in flight if the latch pins are not properly engaged.

DATES: Comments and letters must be received by July 28, 1977. Proposed effective date of the AD will be September 18, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, ASW-7, Attn. Docket No. 75-SW-69, Southwest Region, Federal Aviation Administration, P.O. 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, and Joseph Kovarik, ASW-7, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817-624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: Amendment 39-2451 (40 FR 57784) AD 75-26-03, issued as a result of inflight loss of emergency exits, improves the identification of the emergency exit handle and main sliding door handle on Bell Models 204B, 205A-1, and 212 helicopters. Bell Helicopter Textron subse-

quently issued several service bulletins to require adjustment of the emergency exit latch pins and installation of interior inspection holes for inspection of the exit latch pin engagement and identification of these holes on the Models 205A–1, 212, 214B, and 214B–1 helicopters, and installation of longer spacers for the internal and external exit handle covers on the Bell Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters.

The agency believes that the adoption of these changes will improve the safety of these helicopters as well as the Model 204B by providing for proper engagement of the exit latch pins. Since Amendment 39–2451, AD 75–26–03, was issued, a few additional reports have been received in which an exit was lost in flight. In the interest of safety, the agency proposes to issue a new AD, to complement AD 75–26–03, requiring compliance with the various Bell Helicopter Textron service bulletins that require adjustment of the exit latch pins, inspection holes for the latch pins, identification of these holes and proper length spacers for the exit handle covers on Bell Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters. Compliance would be initially required within 100 hours' time in service after the effective date of the AD and thereafter at intervals not to exceed 300 hours.

Interested persons are invited to participate in the development of the final rule by submitting written and oral comments as they desire. All comments will be recorded and considered by the Director before taking final action, and the proposal may be changed as a result of comments received. All comments will be available for examination before and after the closing dated for comments in the Office of the Regional Counsel, FAA, Southwest Region, 440 Blue Mound Road, Fort Worth, Texas 76101.

DRAFTING INFORMATION

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and Joseph Kovarik, Regional Counsel, Southwest Region, FAA.

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

BELL: Applies to Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters, certificated in all categories.

Compliance required as indicated.

To assure emergency exit latch pin engagement and to provide inspection holes for each exit retractable pin, accomplish the following:

(a) Within 100 hours' time in service after the effective date of this AD, accomplish the following one-time inspection and modification unless already accomplished.

(1) Inspect each exit internal and external handle cover installation and determine that NAS 43DD3–8 spacers, .12 inches long, are installed as illustrated in Bell Helicopter Textron Service Bulletin Nos. 204–77–2, 214–77–1, 212–77–11, or 205–77–9 or any revisions thereof.

(2) Add one-inch diameter inspection holes and provide a clear view of those holes through any interior lining in the right and left side passenger door assemblies in accordance with BHT Service Bulletin Nos. 205–77–6, 212–77–9, and 214–77–4 or later revision for the appropriate model helicopters.

For the Model 240B, locate the one-inch inspection hole center near the end of the fully-engaged latch pin, cut and debur the hole in the interior skin, and cut a one-inch hole in any interior lining, if installed.

(3) Label each of these inspection holes using stencils as noted in the service bulletins listed in paragraph (a)(2) of this AD; or use FAA approved equivalent placcards, labels, or stencils located adjacent to each hole on the interior skin lining, if installed.

(b) Within 100 hours' time in service after the effective dated of this AD and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, accomplish the following:

(1) Inspect the latch mechanism of each passenger exit and adjust as necessary to make each pin end flush with the exit frame edge, when the mechanism is in the fully unlatched position, as prescribed in Bell Helicopter Textron (BHT) Service Bulletin Nos. 205–76–12, 212–76–9, and 214–76–4 or later revision for the appropriate model helicopter. For the Model 204B, inspect and adjust the latch mechanism as noted but use appropriate procedures specified in Service Bulletin No. 205–76–12 or later revision.

(2) Inspect for and add as necessary a painted stripe around the cylinder part of each pin using white or other suitable color.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(d) The manufacturer's instructions identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

(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)).)

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 Fort Worth, Texas, on June 16, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77–18568 Filed 6–29–77;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 77–SW–26]

AIRWORTHINESS DIRECTIVE

Bell Models 205A–1 and 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This notice proposes to issue an Airworthiness Directive requiring repetitive inspections of certain tail rotor pitch horns that are susceptible to stress corrosion cracks. Failure of the pitch change horn as a result of a crack may result in loss of control of a tail rotor blade with loss of control of the helicopter.

DATES: Comments and letters must be received by July 20, 1977. Proposed effective date of the AD will be September 29, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, ASW–7, Attn. Docket No. 77–SW–26, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817–624–4911, Extension 516.

SUPPLEMENTARY INFORMATION: Bell Helicopter Textron received a tail rotor pitch change horn that had a stress corrosion crack running from the barrel nut hole to the bushing. Failure of the pitch horn as a result of a stress corrosion crack may result in loss of control of one of the tail rotor blades. These pitch change horns are used on the Bell Model 212 type of tail rotor blades that are used on all Model 212 and some Model 205A–1 helicopters. Bell Helicopter Textron issued Service Bulletin Nos. 205–77–5 and 212–77–7 for a one-time inspection for cracks and replacement of horns, P/N 212–010–716 –5 and –9, with new horns, P/N 212–010–716–11, at the next scheduled overhaul. Horns, P/N 212–010–716–11, are made using a new manufacturing process and are less susceptible to stress corrosion cracks. In the interest of safety, the agency believes that a repetitive inspection for cracks, at 100-hour intervals, for horns, P/N 212–010–716 –5 and –9, is warranted to maintain airworthiness of the Models 212 and 205A–1 helicopters, but that installation of the new horns, P/N 212–010–716–11, is not mandatory; however, if the new pitch change horns, P/N 212–010–716–11, are installed on the Models 212 and 205A–1 helicopters, repetitive inspections will not be required.

Interested persons are invited to participate in the development of the final rule by submitting written and oral comments as they desire. All comments will be recorded and considered by the Direc-

tor before taking final action and the proposal may be changed as a result of comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76101.

DRAFTING INFORMATION

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region, FAA.

THE PROPOSED AMENDMENT

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

BELL: Applies to Model 212 helicopters, S/N 30502 through 30804, 30806 through 30810, 30812, 30814, 30815, 30817, 30818, 30820 through 30825, 30827, 30828, 30829, and to Model 205A-1 helicopters, S/N 30001 through 30247, equipped with tail rotor blades, P/N 212-010-750, certificated in all categories.

Compliance required within 25 hours' time in service after the effective date of this AD unless already accomplished and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

To detect possible cracks in each tail rotor blade pitch change horn, P/N 212-010-716 -5 and -9, accomplish the following:

(a) Remove the bolt and barrel nut of the control rod and clean the external surfaces of the pitch change horns.

(b) Inspect the horns for cracks, particularly in the barrel nut and bushing area using a dye penetrant or equivalent inspection method.

(c) If a crack is found, replace the affected pitch change horn before further flight in accordance with the Model 212 Overhaul Manual, paragraphs 65-58 and 65-63, or Models 205A/205A-1 aMintenance and Overhaul Instructions, paragraphs 3-41 and 3-43, as appropriate.

(d) Install the blade's control rod bolt and barrel nut as specified in the instructions in paragraphs 65-57 Model 212 Maintenance Manual or 3-40 Models 205/205A-1 Maintenance and Overhaul Instructions, as appropriate.

(e) After installation of pitch change horns, P/N 212-010-716-11, this AD is no longer applicable.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(g) The manufacturer's instructions identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

(Bell Helicopter Textron Service Bulletin Nos. 212-77-7 and 205-77-5, dated March 11, 1977, pertain to this subject.)

(Secs. 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)).)

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 Fort Worth, Texas, on June 16, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-18569 Filed 6-29-77;8:45 am]

[14 CFR Part 71]

[Docket No. 77-SO-26]

TRANSITION AREA AT MARCO ISLAND, FLA.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: A public use instrument approach procedure is being developed for the Marco Island, Florida, Airport, and additional controlled airspace is required for containment of IFR operations. This proposed rule will designate the Marco Island, Florida, transition area and will lower the base of controlled airspace in the vicinity of the airport from 1,200 to 700 feet to accommodate the anticipated IFR operations.

DATES: Comments must be received on or before: August 9, 1977.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before August 9, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Marco Island, Fla., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Marco Island Airport.[1]

DRAFTING INFORMATION

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division and Ronald R. Hagadone, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

THE PROPOSED AMENDMENT

§ 71.181 [Amended].

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

MARCO ISLAND, FLORIDA

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Marco Island Airport (Lat. 25°59'46" N., Long. 81°40'22" W.); within 3 miles each side of the 174° bearing from the Marco Island RBN (Lat. 26°00'01" N., Long. 81°40'30" W.); extending from the 6.5 mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); 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

[1] Map filed as part of the original document.

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 June 20, 1977.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-18413 Filed 6-29-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-22]

BELVIDERE, ILLINOIS

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace, a transition area, near Belvidere, Illinois, to accommodate a new instrument approach procedure to the Belvidere Airport.

DATES: Comments must be received on or before July 28, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-22, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1,200' above ground to 700' above ground. The circumstance which created this action was a request form the Belvidere Airport officials to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-22, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 28, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Belvidere, Illinois. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

§ 71.181 [Amended]

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (42 FR 440), the following transition area is added:

BELVIDERE, ILLINOIS

That airspace extending upward from 700' above the surface within a five statute mile radius of the Belvidere Airport (latitude 42°19'25" N., longitude 88°50'25" W.), Belvidere, Illinois, and within two statute miles either side of a 255° bearing from the airport, extending from the five-mile radius area to six and one-half statute miles southwest of the airport.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.81 of the Federal Aviation Regulations (14 C.F.R. 11.61).

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

Issued in Des Plaines, Illinois, on June 16, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.77-18414 Filed 6-29-77;8:45 am]

[14 CFR Part 91]

[Docket No. 16987; Notice No. 77-10]

TAXI CLEARANCES AT AIRPORTS WITH OPERATING CONTROL TOWERS

Proposed Clarification of Certain Taxi Clearances

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to make it clearer that a clearance to "taxi to" an assigned runway prior to taking off on that runway does not authorize the aircraft to cross that same runway where it intersects the taxi route; to rephrase the rule to apply to "persons," rather than "pilots;" and to extend the rule to points on an airport other than the takeoff runway. The intended effect of this proposal is to make it clearer that persons taxiing an aircraft must receive a specific authorization from ATC prior to crossing or taxiing on the assigned takeoff runway at any point but may cross other runways that intersect the taxi route. The need for this proposal is created by experience that suggests that the current rule may be read as permitting taxiing across the assigned takeoff runway under a clearance to "taxi to" that runway.

DATES: Comments must be received on or before September 28, 1977.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 16987, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Maurice Taylor, Air Traffic Rules Branch, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received by the FAA on or before September 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. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

AVAILABILITY OF NPRMS

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–12 which describes the application procedure.

DISCUSSION OF PROPOSED RULE

Paragraph 91.87(h) provides that no pilot may, at an airport with an operating control tower, taxi an aircraft on a runway or taxiway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. It states that a clearance to "taxi to" the runway is a clearance to cross all intersecting runways but is not a clearance to "taxi on" the assigned runway. In cases in which the taxi route crosses the assigned runway at some point prior to the pre-takeoff position, the current rule has been read by some persons as permitting operation across that runway even though other air traffic may be landing or taking off on that runway. This is not the intent of the rule. The FAA believes that this could cause an unsafe condition in cases in which the assigned takeoff runway is also an "intersecting runway."

In order to prevent this, this notice proposes to amend the rule to make it more clear that a clearance to "taxi to" a runway prior to takeoff on that runway is a clearance to cross all runways intersecting the assigned taxi route but is not a clearance to cross, or taxi on, the takeoff runway at any point along its length.

In addition, the FAA believes that the rationale that supports the rule with respect to runways intersecting the taxi route to the assigned takeoff runway also applies to clearances to "taxi to" a destination other than the takeoff runway. For this reason, this notice also proposes to amend the rule to provide that a clearance to "taxi to" any point on an airport other than a takeoff runway is a clearance to cross all runways intersecting the taxi route.

Finally, to achieve stylistic conformity with other sections of Subpart B of Part 91, the words "no person may * * * taxi" would be substituted for the words "no pilot may * * * taxi."

DRAFTING INFORMATION

The principal authors of this document are Maurice Taylor, Air Traffic Service, and Richard W. Danforth, Office of the Chief Counsel.

THE PROPOSED RULE

Accordingly, the Federal Aviation Administration proposes to amend Part 91 of the Federal Aviation Regulations (14 CFR Part 91) by amending § 91.87(h) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(h) *Clearances required.* No person may, at an airport with an operating control tower, operate an aircraft on a runway or taxiway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. A clearance to "taxi to" the takeoff runway assigned to the aircraft is not a clearance to cross that assigned takeoff runway, or to taxi on that runway at any point, but is a clearance to cross other runways that intersect the taxi route to that assigned takeoff runway. A clearance to "taxi to" any point other than an assigned takeoff runway is a clearance to cross all runways that intersect the taxi route to that point.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348 and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.45.)

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

Issued in Washington, D.C., on June 20, 1977.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.77–18650 Filed 6–29–77;8:45 am]

[14 CFR Parts 1, 121]

[Docket No. 16985; Notice No. 77–9]

CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Proposed Line Check Requirements and Use of Advanced Flight Monitoring System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to amend the Federal Aviation Regulations to require a line check for all pilot flight crewmembers and to provide for the approval for use by a certificate holder of an advanced flight monitoring system. The FAA believes that this proposal is justified because the state of the art of airplane simulators has progressed to a point where most proficiency training and checking can be accomplished in them.

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

ADDRESS: Send comments on the proposals to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 16985, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

All 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 and notice number (Docket No. 16985, Notice No. 77–9) 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 September 28, 1977, will be considered by the Administrator before taking any action on the proposed rules. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. Comments received after the above date will be considered, as far as possible, without incurring expense or delay. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

AVAILABILITY OF NPRM

Interested persons may examine this notice of proposed rule making in the Rules Docket, AGC–24, Docket No. 16985. Copies of this notice may be obtained by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications should identify the notice number.

DISCUSSION OF PROPOSED RULE

Part 121 permits a substantial amount of flight crewmember training and checking to be accomplished in training devices and simulators. The state of the art of airplane simulators with motion and visual systems has progressed to a point where proficiency training and checking on most required maneuvers may be effectively accomplished in them.

In light of this the FAA believes that there is a need for revision of the present line check requirement to provide for more frequent observation of pilot flight crewmembers in flight. Section 121.440 presently provides that no certificate holder may use any person, nor may any person act, as pilot in command of an airplane unless, within the preceding 12 calendar months, that person has passed a line check in which he satisfactorily performs the duties and responsibilities of a pilot in command in one of the types of airplanes he is to fly. The FAA believes that § 121.440 should be amended to require that each pilot in command receive a line check every six months in one of the types of airplanes in which he serves, and every 12 months in each type of airplane in which he serves. Moreover, the FAA believes that a line check should be required for all required pilot flight crewmembers. Accordingly, it is proposed to revise § 121.440 to require that each required pilot flight crewmember, other than pilot in command, pass a line check every 12 months in one type of airplane in which he serves. During that check he would be required to satisfactorily perform his required duties and responsibilities.

The FAA is aware of a substantial variation in the manner in which line checks are conducted by certificate holders. For this reason the FAA believes that the specific content of these checks should be prescribed in § 121.440. Accordingly, it is proposed to require that during each line check a pilot in command make two takeoffs and two landings and a required pilot flight crewmember, other than pilot in command, make one takeoff and one landing. A new paragraph (c) would be added to specify those items with respect to which the pilot being checked must satisfactorily perform his duties and responsibilities. Each person conducting a line check would be required to prepare a report on a form acceptable to the Administrator showing the performance of the pilot being checked with respect to each item.

In recent years systems have been under development that are designed to provide continuous monitoring of certain aspects of the performance of pilot flight crewmembers in the operational environment. In each of these "advanced flight monitoring systems" (AFMS) equipment in the aircraft continuously collects information on the aircraft's operation on the ground and during all phases of flight. For example, during takeoff and climb the equipment might monitor, among other things, the rotation speed, landing gear retraction, takeoff flap settings and flap retraction speeds, climb speed, rate of climb, altitude, heading changes, and altimeter changeover. During cruise the equipment might monitor indicated airspeed and mach, altitude and heading. During descent and landing the equipment might monitor speed brake actuation, flap extension speed, rate of descent, ILS course deviation, approach speeds, and "G" loads.

This information is subjected to computer analysis which is designed to alert the certificate holder to any deviation from predetermined operating standards. These deviations are then reviewed to determine whether the matter merits discussion with the pilot. In some cases additional training tailored to the individual crewmembers may be in order. In addition, the system may reveal deviations involving a number of pilots which may dictate that emphasis be placed on specific operating procedures during training for all pilots.

The FAA has encouraged the development and testing of these advanced flight monitoring systems. In this connection, on August 30, 1971, the FAA issued Exemption No. 1428 to American Airlines, Inc., to allow for the operational evaluation of a system of this nature developed specifically for that certificate holder's BAC 1–11 airplanes. That exemption allowed American Airlines to monitor the pilots in command of its BAC 1–11 airplanes under a flight monitoring system in lieu of, among other things, the line check required by § 121.440 and proficiency check required by § 121.441. The program was terminated when the certificate holder discontinued the use of BAC 1–11 airplanes.

Based on the experience gained in connection with Exemption No. 1428 the FAA believes that it is feasible to design an AFMS specifically for the operations and equipment of the individual certificate holder. Such a system could provide sufficient information upon which a determination could be made as to whether pilots are satisfactorily performing their duties with respect to those aspects of the aircraft's operation that the AFMS is designed to monitor, and are maintaining a level of proficiency equivalent to that required by § 121.441 with respect to specific maneuvers and procedures. Moreover, the FAA believes that an AFMS, used in conjunction with an appropriate simulator course of training, could justify the elimination of the entire proficiency check.

In view of this, it is proposed to adopt a new § 121.455 to provide for the approval of AFMS's for individual certificate holders. To obtain initial and final approval of an AFMS or a revision to an approved AFMS, the certificate holder would be required to submit to the Administrator an outline of the proposed system or revision for preliminary evaluation and any additional relevant information as may be requested by the Administrator. If the Administrator determines that the certificate holder has shown that the proposed or revised AFMS would provide a feasible and effective means of monitoring the performance of its pilot flight crewmembers, he would grant initial approval in writing. The Administrator would then observe pilot flight crew performance during operations under Part 121, and evaluate the AFMS by comparing those observations with the information obtained by the AFMS. After this evaluation, he would advise the certificate holder of the deficiencies, if any, that would have to be corrected before final approval.

New § 121.455 would provide that the Administrator, in his initial or final approval of an AFMS, could permit, for each pilot being monitored under the system, the omission of the line check provided the certificate holder has an approved procedure for sampling line operations conducted by a check pilot. He could also permit the omission of specific maneuvers and procedures from the proficiency check or, when justified, the omission of the entire proficiency check. Whenever the initial or final approval includes permission to omit the entire proficiency check, the certificate holder would be required to provide training in accordance with an approved simulator course of training for each pilot being monitored under the system.

Final approval of the AFMS would be granted if the certificate holder could show that the system provides sufficient information upon which a determination can be made as to whether each pilot being monitored is satisfactorily performing his duties and is maintaining a level of proficiency equivalent to that required by § 121.441 with respect to each normal maneuver and procedure omitted from the proficiency check. Before final approval the certificate holder would also have to show that the system provides acceptable quality control procedures for comparing observed pilot performance in operations under Part 121 with the information provided by the AFMS.

Finally, the FAA believes that, when a pilot is being monitored under an AFMS that allows the elimination of the entire proficiency check, the recurrent flight training required by § 121.433 is unnecessary. However, the pilot should receive the training requiring by proposed §121.455(e) with the same degree of frequency that he is required to receive recurrent training under § 121.433. Accordingly, §121.433 would merely be revised to allow the substitution of the training required by proposed § 121.455(e) for the required recurrent training.

EVALUATION OF IMPACTS

In accordance with the Department of Transportation Regulatory Reform Policy, an evaluation of the anticipated impacts of this proposal has been made. It has been determined that a minimal cost increase in manpower requirements will be necessary for certificate holders not installing the AFMS to comply with increased line check requirements. Certificate holders exercising the option to

install the AFMS will bear initial installation and systems operation costs; however, this expense will be more than offset by resultant savings in the reduction of airframe hours, maintenance, and personnel costs no longer required for proficiency and line checks. Accordingly, it has been determined that this amendment is expected to be neither costly nor controversial, and will not impose a significant burden on the private sector, on consumers, or on the Federal state, or local governments.

DRAFTING INFORMATION

The principal authors of this document are Joseph N. Cate, Jr., Air Carrier Regulations Branch, Flight Standards Service, and Peter J. Lynch, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Parts 1 and 121 of the Federal Aviation Regulations as follows:

1. By amending § 1.2 by adding the following abbreviation before "ALS" to read as follows:

§ 1.2 Abbreviations and symbols.

* * * * *

"AFMS" means advanced flight monitoring system.

* * * * *

2. By adding a new § 121.433(c)(3) to read as follows:

§ 121.433 Training required.

* * * * *

(c) * * *

(3) For a pilot being monitored under an AFMS approved in accordance with § 121.455 when omission of the entire proficiency check required by § 121.441 (a) has been approved in accordance with § 121.455(d), the training required by § 121.455(e) may be substituted for the recurrent flight training required by this section.

3. By amending § 121.440 to read as follows:

§ 121.440 Line checks.

(a) Except as provided in § 121.455(d), no certificate holder may use any person, nor may any person serve, as pilot in command for an airplane unless he has passed a line check in which he satisfactorily performs the duties and responsibilities specified in paragraph (c) of this section—

(1) Within the preceding six calendar months, in one of the airplane types in which he serves; and

(2) Within the preceding 12 calendar months, in each airplane type in which he serves.

(b) Except as provided in paragraph (d) of this section, no certificate holder may use any person, nor may any person serve, as a required pilot flight crewmember other than pilot in command unless, within the preceding 12 calendar months, he has passed a line check in which he satisfactorily performs the duties and responsibilities specified in paragraph (c) of this section in one of the airplane types in which he serves as a required flight crewmember.

(c) Except as provided in paragraph (d) of this section, during each line check the pilot being checked must satisfactorily perform the duties of pilot in command or second in command, as appropriate, with respect to the following:

(1) Preflight preparation, including—

(i) Weather analysis;

(ii) Aircraft performance analysis; and

(iii) Loading and dispatching procedures.

(2) Preflight.

(3) Ground handling.

(4) Takeoff.

(5) Climb.

(6) Cruise.

(7) Navigation.

(8) Descent.

(9) Approach.

(10) Landing.

(11) Altitude awareness.

(12) Judgment.

(13) Crew discipline and coordination.

(14) Compliance with safe operating procedures.

(15) Checklists.

(16) Traffic alertness.

(17) Terminal area procedures.

(18) Exercise of pilot in command or second in command duties and responsibilities.

(d) When a certificate holder has an AFMS approved in accordance with § 121.455, the Administrator may approve, for a pilot being monitored under the system, the omission of a line check provided the certificate holder has an approved procedure for sampling line operations conducted by a check pilot.

(e) Each person conducting a line check shall prepare a record which shall be maintained as required by § 121.683 showing the performance of the pilot being checked with respect to each of the items listed in paragraph (c) of this section.

(f) Line checks for domestic and flag air carrier pilots must:

(1) Be administered by a pilot check airman who is currently qualified on both the route and the airplane (a pilot in command may observe and certify the satisfactory accomplishment of these landings by a second in command); and

(2) Consist of at least one scheduled flight over representative segments of the air carrier's route to which the pilot is normally assigned, but not less than the number of scheduled flights necessary to accomplish the takeoffs and landings required by paragraph (h) of this section.

(g) Line checks for supplemental air carriers and commercial operators must:

(1) Be administered by a pilot check airman who is currently qualified on both the route and the airplane (a pilot in command may observe and certify the satisfactory accomplishment of those landings by a second in command); and

(2) Consist of at least one flight over a part of the federal airways, foreign airways, or advisory routes over which the pilot may be assigned, but not less than the number of flights necessary to accomplish the takeoffs and landings required by paragraph (h) of this section.

(h) A line check conducted in accordance with this section must include the following takeoffs and landings in operations under this Part:

(1) For a pilot in command, at least two takeoffs and two landings.

(2) For a pilot other than a pilot in command, at least one takeoff and one landing.

4. By amending § 121.441 by amending paragraph (a) by deleting the word "No" in the lead-in portion thereof and substituting therefor the phrase "Except as provided in paragraph (g) of this section, no"; by amending paragraph (b) by deleting the phrase "and (d)" and substituting therefor the phrase (d) and (g)"; by deleting the flush paragraph at the end of the section; and by adding new paragraphs (f) and (g) to read as follows:

§ 121.441 Proficiency checks.

* * * * *

(f) The entire proficiency check (other than the initial second-in-command proficiency check) required by paragraph (a) of this section may be conducted in an approved visual simulator if the pilot being checked accomplishes at least two landings in the appropriate airplane during a line check or other check conducted by a pilot check airman (a pilot-in-command may observe and certify the satisfactory accomplishment of these landings by a second-in-command). If a pilot proficiency check is conducted in accordance with this paragraph, the next required proficiency check for that pilot must be conducted in the same manner, or in accordance with Appendix F of this Part, or a course of training in an airplane visual simulator under § 121.409 may be substituted therefor.

(g) When a certificate holder has an AFMS approved in accordance with § 121.455, the Administrator may approve, for a pilot being monitored under the system, the omission of a proficiency check or the omission of specific procedures and maneuvers set forth in Appendix F to this Part from the proficiency check required by paragraph (a) of this section.

5. By adding a new § 121.455 to read as follows:

§ 121.455 Advanced flight monitoring systems.

(a) To obtain initial and final approval of an AFMS or a revision to an approved AFMS, the certificate holder must submit to the Administrator—

(1) An outline of the proposed system or revision for a preliminary evaluation; and

(2) Any additional relevant information as may be requested by the Administrator.

(b) If the Administrator determines that the certificate holder has shown that the proposed or revised AFMS will provide a feasible and effective means of

monitoring the performance of its pilot flight crewmembers, he grants initial approval in writing. The Administrator then evaluates the AFMS and advises the certificate holder of deficiencies, if any, that must be corrected before final approval.

(c) The Administrator grants final approval of the AFMS or revised AFMS if the certificate holder shows that the system provides—

(1) Sufficient information upon which a determination can be made as to whether each pilot being monitored under the system is—

(i) Satisfactorily performing the duties and responsibilities of a pilot in command or second in command, as appropriate, required by § 121.440; and

(ii) Maintaining a level of proficiency equivalent to that required by § 121.441 (a) with respect to each normal maneuver and procedure omitted from the proficiency check required by that section.

(2) Acceptable quality control procedures for comparing observed pilot performance in operations under this Part with the information provided by the AFMS.

(d) In his initial or final approval of an AFMS, the Administrator may permit, for a pilot being monitored under the system—

(1) The omission of the line check required by § 121.440(a); and

(2) The omission of the proficiency check required by § 121.441(a) or the omission from the proficiency check of specific maneuvers and procedures set forth in Appendix F to this part.

(e) Whenever the initial or final approval of an AFMS includes permission to omit the entire proficiency check, the certificate holder shall provide training in accordance with an approved simulator course of training for each pilot being monitored under the system.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1424) and section 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 Washington, D.C., on June 23, 1977.

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

[FR Doc.77-18649 Filed 6-29-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 270 and 274]

[Rel. Nos. 33-5829; IC-9782; File No. S7-697]

INVESTMENT COMPANY REGISTRATION AND REPORT FORMS AND REPORTING REQUIREMENTS

Revision of Forms, Reports and Regulations; Corrections

AGENCY: Securities and Exchange Commission.

ACTION: Corrections.

SUMMARY: This document corrects FR Doc. 77-15958, 42 FR 29716, June 9, 1977.

DATE: No change from original document.

FOR FURTHER INFORMATION CONTACT:

Glen Payne, Special Counsel, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549 (202-755-0230).

SUPPLEMENTARY INFORMATION:

(1) On page 29718:

(a) First column, first line of first full paragraph, should read, "Revised Form N-1R is a blank form to be;"

(b) Second column, third line of third full paragraph: "my" should be "by;"

(c) Third column, paragraph (c) should be paragraph (C).

(2) (a) From pages 29810 through 29816, under "Form N-2: Part I", beginning under "-6-," Items 5 through 21 should be changed to read Items 4 through 20 consecutively.

(b) On page 29811, under "-8-," "Form N-2: Part III" should be changed to read "Form N-2: Part I."

(3) On page 29818, Item 6 appearing under "Form N-2; Part II" should appear under "Form N-1: Part II."

(4) On page 29821, under Item 16, "Director" should read "Direct."

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1977.

[FR Doc.77-18683 Filed 6-29-77;8:45 am]

[17 CFR Part 240]

[Release Nos. 34-13661, IC-9824; File No. S7-654]

SECURITIES CONFIRMATIONS

Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Securities and Exchange Commission proposes to amend the existing confirmation delivery and disclosure requirements to provide for the disclosure of additional information on confirmation forms broker-dealers deliver to their customers in connection with securities transactions. The proposed amendments would also modify existing requirements for the use of quarterly written statements in lieu of immediate confirmations for certain transactions in securities issued by investment companies. The amendments are part of the Commission's current effort to review the confirmation delivery and disclosure requirements under the federal securities laws in light of changes in the securities markets.

DATES: Comments by August 10, 1977.

ADDRESSES: All comments should refer to File No. S7-654 and should be sent with three copies to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Jeffrey L. Steele, Esq., Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202-755-8746).

SUPPLEMENTARY INFORMATION: Rule 10b-10 under the Securities Exchange Act of 1934 (the "Act") [1] requires any broker or dealer effecting transactions in securities for or with the account of a customer to make certain written disclosures to that customer.[2] The Commission announced on September 16, 1976, the proposal to adopt Rule 10b-10 and to rescind Rule 15c1-4 (17 CFR 240.15c1-4), which then set forth the Commission's basic confirmation requirements.[3] The views and comments of interested persons were requested, and after considering those comments, the Commission determined to adopt Rule 10b-10 with certain revisions and announced again its intention to rescind Rule 15c1-4. At the same time, the Commission concluded that it would be appropriate to publish for further comment certain additional revisions announced in this release.

DISCLOSURES TO BE MADE BY DEALERS

In the initial publication of Rule 10b-10 for comment, the Commission proposed to require any broker, dealer, or municipal securities dealer, acting as principal, to disclose on its customer confirmation (1) the source and amount of any "special remuneration" received or to be received by him, (2) whether it acted as a "market maker" [4] in the se-

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[1] 15 U.S.C. 78a et seq.

[2] See Securities Exchange Act Release No. 13508 (May 5, 1977), 42 FR 25318 (May 17, 1977), announcing the adoption of Rule 10b-10.

[3] See Securities Exchange Act Release No. 12806 (Sept. 16, 1976), 41 FR 41432 (Sept. 22, 1976).

[4] See Section 3(a)(38) of the Act, 15 U.S.C. 78c(a)(38).

curity being purchased or sold and (3) if it did not act as a market maker, the mark-up, mark-down or other remuneration received if the broker-dealer, with knowledge of a customer's order, purchased the security from a market maker for resale to the customer or purchased the security from the customer for resale to a market maker.[5]

DISCLOSURE OF MARK-UP OR MARK-DOWN

Under Rule 10b–10 as originally proposed, and under the amendments proposed today, disclosure of mark-up or mark-down would be required in transactions that have generally been referred to as "riskless" principal transactions. Such transactions may be characterized for some purposes as those in which a dealer acts as principal for his own account and trades with his customer (rather than acting as a broker, or agent, for the customer); in effecting such transactions, however, the dealer generally does not bear the market risks that commonly attend acting as a principal and carrying dealer inventories. As the Commission noted in its original proposal to adopt Rule 10b–10, the proposed mark-up disclosure requirement is intended to place dealers effecting such transactions on a more equal regulatory footing for disclosure purposes with brokers acting as agents. A broker must, of course, disclose brokerage commissions, and it would appear that customers should generally be entitled to receive equivalent information concerning the transactional costs they incur regardless of variations in the techniques employed in structuring substantially similar transactions.

Some commentators believed the proposed mark-up or mark-down disclosure requirement would have unfortunate consequences, particularly in the context of the markets for certain thinly traded securities. It was predicted, for example, that such a disclosure requirement would have an adverse impact on liquidity, as well as on the viability of small, regional broker-dealers who offer their services to small investors. Some commentators suggested that dealers should not be required to disclose their mark-ups under any circumstances since their customers would be confused or would challenge mark-ups if they appeared to exceed commissions charged for effecting transactions in securities traded on an exchange. A number of commentators suggested that the existing mark-up rules of the National Association of Securities Dealers, Inc. (the "NASD"), already offer investors enough protection.[6]

The Commission intends to give further consideration to those views, as well as to reported compliance and enforcement difficulties that might arise under the rule. At the same time, the Commission has determined to revise and publish the requirements in order to explore other disclosure approaches, reflecting the underlying economic realities, while reducing to some extent compliance difficulties perceived by commentators in the initial proposal. The proposed amendments to Rule 10b–10 would require a person acting as dealer (other than a market-maker) to disclose the mark-up, or mark-down, when it, after receiving a customer's order, purchases a security from any person for resale to the customer or purchases the security from such customer for delivery against a sale to another person.[7]

In fashioning the specific proposed disclosure requirement, the Commission drew certain distinctions in proposed Rule 10b–10 among different types of market participants. For example, as proposed, Rule 10b–10 would have required the "riskless" principal disclosures only when a broker-dealer purchased a security from (or sold a security to) a market maker in contemplation of selling to (or purchasing from) a customer. A number of commentators suggested, however, that there would be practical difficulties in determining whether a particular dealer was a market maker, particularly in the case of securities, such as debt securities, in which there are generally not any broker-dealers maintaining continuous two-sided quotations. Commentators also suggested that the initial proposal would be problematical, especially for large retail firms, since the disclosure requirement would depend on the firm's "knowledge" of a customer's order and that such knowedge might be imputed to a firm in situations where different branch offices or securities traders had in fact added independently of one another in causing the firm to execute as principal for the firm's customers separate orders that fortuitously matched each other. The initial proposal has been revised in light of those perceived difficulties.

The sending of a confirmation may, of course, afford each customer an important opportunity to assess the performance of the broker or dealer in meeting its obligations to that customer. Accordingly, the Commission believes that it should periodically consider the feasibility of providing customers with new information, and in particular "market" information, which can further assist them in evaluating and choosing among the services offered by competing broker-dealers. In that connection, the Commission is proposing an additional disclosure provision in Rule 10b–10, as discussed below, in order to provide investors with more detailed information concerning the quality of execution services rendered by the broker or dealer and the total level of transaction charges incurred.[8]

DISCLOSURE OF MARKET MAKING

As originally proposed, Rule 10b–10 would have required a dealer to disclose whether it was acting as a market maker in the security being purchased or sold. The proposed amendments to Rule 10b–10 would require a dealer to make that disclosure only in the case of transactions in equity securities. One commentator has suggested that the Commission should not impose any such requirement without refining the statutory definition of the term "market maker" (see section 3(a)(38) of the Act, 15 U.S.C. 78c(a)(38)). A dealer could, however, satisfy the rule's requirement by disclosing on a customer confirmation whether it is acting as a block positioner, exchange specialist, or other type of statutory market maker.

PAYMENTS TO DEALERS BY THIRD PARTIES

Proposed Rule 10b–10 would have required a dealer to disclose "the amount and source of any special remuneration paid or to be paid to him" in connection with a transaction. Numerous commentators objected to the provision because they found it too vague, or found it unnecessary, in light of the explanation of its purpose provided in the Commission's release announcing the proposal.

In view of the comments received, the Commission has reexamined the basis for requiring the disclosure. As a result of that review, the Commission continues to believe that a disclosure of special third party payments should be required, but that the requirement should be framed more precisely in order to exclude certain customary fee arrangements. In that regard, the Commission has revised the original proposal to require disclosure by a dealer of "the source and amount of any remuneration (other than a customary dealer reallowance, selling concession or syndicate manager's fee) received or to be received by him from any person." As the Commission observed in proposing Rule 10b–10, the fundamental purpose of such a provision would be to require disclosure of special and irregular inducements offered to a dealer for effecting transactions with its customers. Although the payments which would be required to be disclosed could raise questions under other provisions of the federal securities laws or other statutes, and while the Commission recognizes that a disclosure requirement may not by itself act as an effective further deterrent to behavior

[5] See paragraph (a)(3)(ii) of proposed Rule 10b–10 (Securities Exchange Act Release No. 12806 (Sept. 16, 1976)).

[6] See NASD Rules of Fair Practice, Article III, Section 4.

[7] At the moment, these disclosure requirements would not apply to municipal securities transactions since Rule 10b–10 in the form adopted provides an exemption for municipal securities in anticipation of a comprehensive rule being adopted by the Municipal Securities Rulemaking Board. In proposing that approach, the Commission expects that the Board will concurrently give similar consideration to ways of adapting to the municipal securities markets an equivalent riskless principal disclosure requirement. Should the Board not resolve to develop such adaptations as may be necessary in the application of the riskless principal requirement, the Commission plans to revisit the question of including municipal securities transactions generally under Rule 10b–10 at the time it determines whether to adopt the amendments proposed today.

[8] See discussion under *DISCLOSURE OF PREVAILING MARKET PRICES.*

which may otherwise be illegal, that would not appear to outweigh the benefit of requiring that customers be informed of such payments, particularly in cases where the dealer receiving such payments has affirmatively solicited, or recommended the transaction. In reviewing the proposed requirement, however, commentators are invited to consider whether there are other types of normal and customary arrangements (in addition to dealer reallowances, selling concessions and syndicate manager's fees) that might appropriately be excluded from the disclosure requirement.

DISCLOSURE OF ODD-LOT DIFFERENTIALS

Rule 10b–10 is also proposed to be amended to require that brokers and dealers disclose any fee to be paid by a customer in connection with the execution of an odd-lot order (i.e., any odd-lot differential) unless such amount is included in the disclosed commission charge. Currently, no Commission rule explicitly requires disclosure of an odd-lot differential. Nevertheless, New York Stock Exchange ("NYSE") Rule 409(c) requires its members to include on customers' confirmations "a notation or legend which will enable the customer to determine the amount of any odd-lot differential" assessed for execution of the customer's order.[9] While, in practice, the same confirmation forms are generally used for executions by those members in other markets, the NYSE has suggested that, if a specific odd-lot disclosure is appropriate, a uniform standard should apply to all brokers and dealers.

The odd-lot differential traditionally has been added to, or subtracted from, the price at which an odd-lot may be purchased from or sold to an odd-lot dealer and it has generally been viewed as included within the purchase or sale price. Currently, specialists acting as odd-lot dealers on the NYSE generally charge either an eighth differential on odd-lot executions (12½ cents per share) or no differential at all. The Commission understands that an odd-lot differential is not charged, for example, on odd-lot portions of combined odd-lot and round-lot market orders, on odd-lot market orders executed on some regional exchanges, or by some broker-dealers who execute such orders as principal otherwise than through the facilities of the NYSE. Odd-lot differential charges are no longer fixed by exchanges and varying amounts may thus be charged by odd-lot dealers.

The process of fashioning a suitable disclosure policy with respect to odd-lot differentials is complicated by several factors. If an odd-lot differential is, in practice, a non-negotiable amount added to or subtracted from the round-lot price for a security, it may be more appropriate to continue to permit customers to be aware of the precise amount of the differential. If, on the other hand, the odd-lot differential is viewed as a service fee, it might appear similar to other costs incurred by brokers in providing services to their customers, such as two-dollar brokerage and clearance charges, and it should, therefore, be ultimately reflected in the commission paid by a customer (rather than as an adjustment to the securities price paid or received by the broker's customer).

While exchanges fixed the odd-lot differential at an eighth of a point, the assessment of the differential was easily adaptable to computer programs, which included the differential in the calculation of the price of a stock. It is unclear, however, whether all dealers will continue to charge an odd-lot differential or whether varying amounts will be charged. As a result, disclosure of the amount of any such differential on a confirmation may involve technical changes in a broker-dealer's business operations and other costs. The Commission invites interested persons to submit their views concerning the benefits, if any, to be derived from disclosure on the confirmation of the exact amount of the differential charged and the nature of any operational changes and costs which may be necessary to comply with the proposed amendment.

DISCLOSURE OF PREVAILING MARKET PRICES

In addition to providing customers with essential and timely information concerning their securities transactions, the confirmation may also afford many customers an opportunity to assess the source and amount of costs incurred in effecting transactions and also the relative quality of service provided by the broker-dealer. While the Commission's Rule 15cl–4, as well as section 11(d)(1) of the Act, have traditionally focused on disclosure of capacity and the source and amount of remuneration, both of which may enable investors to make appropriate judgments, it now appears that the Commission may be able to provide for even more useful information to guide investors in evaluating the services they receive and pay for. In particular, the development of systems for reporting securities quotations by market makers and others on a real-time basis, and the possibility of making technical adjustments to existing systems in order to permit brokers and dealers to capture and print such information on confirmation slips, may now make it feasible to give customers a more precise indication of how the prices they pay or receive in their securities transactions relate to the best prices available to securities professionals. Many registered representatives routinely advise their customers orally concerning prevailing market prices, at the time of inducing transactions, although in some cases the information disclosed may be only the "representative" bid and ask prices shown on Level 1 of the NASDAQ system. Since information concerning the best available bid and offer prices would prove useful to customers in deciding whether to order transactions, such information should be made available in a permanent, written form.

In view of the desirability of providing information concerning market prices to securities customers, and particularly retail customers, the Commission is proposing a requirement that brokers and dealers disclose on the confirmation the "inside" market in the security, that is to say, the highest bid and lowest offer prices for 100 shares which are reported on Level 2 of the NASDAQ inter-dealer quotation system at the time the transaction is effected.[10] The proposal contemplates disclosure of the highest bid price and the lowest offer price for 100 shares regardless of whether such prices are entered by the same or different broker-dealers. The requirement would, however, apply only to transactions in securities not listed on a national securities exchange. In the context of its consideration of the rules of the exchanges restricting off-board trading by members, the Commission is proposing a similar requirement with respect to listed equity securities reported in the consolidated transaction reporting system.[11]

In reviewing the proposed disclosure requirement, commentators may wish to focus on the broad question whether such a disclosure would make any existing or currently proposed disclosure requirements less essential from the point of view of investor protection and fairness to customers. Also, commentators may wish to address the question whether the proposed disclosure requirement would facilitate (or impede) competition in market making. To the extent adjustments may have to be made to the computer hardware and software systems available to most brokers and dealers in order to comply with the proposed requirement, commentators are invited to present data concerning the feasibility under existing technology, and the costs, of such anticipated changes as well as the lead time that would be required to prepare for compliance with the requirement upon its adoption.

INVESTMENT COMPANY PLANS

In 1974 the Commission amended Rule 15c 1–4 to add a paragraph (b) affording brokers and dealers an opportunity to use quarterly statements in lieu of im-

[9] On September 13, 1976, the NYSE filed with the Commission pursuant to section 19(b) of the Act, a proposed rule change which would, if approved, rescind its Rule 409(c). See Securities Exchange Act Release No. 12803 (Sept. 16, 1976), 41 FR 41974 (Sept. 24, 1976). The NYSE stated in its proposed rule filing that Rule 409(c) was adopted in 1967 at a time when certain member firms performed all odd-lot dealer functions on the NYSE. At that time, the amount of the applicable differential and the determination of its applicability were set by NYSE rule. As long as uniform differentials were charged, member organizations complied with Rule 409(c) by printing on their confirmations legends which set forth the prevailing fixed rates.

[10] Currently all quotations reported on Level 2 of the NASDAQ inter-dealer quotation system must be firm for 100 shares.

[11] See proposed Rule 15c–1(C) announced in Securities Exchange Act Release No. 13662 (June 23, 1977).

mediate confirmations for certain classes of transactions in securities issued by open-end investment companies and unit investment trusts registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq.).[13] Upon proposing Rule 10b–10 in September, 1976, the Commission decided to restate the substance of that 1974 amendment but also invited interested persons to suggest revisions in view of the Commission's understanding that the quarterly procedure was not being used.

Several comments were received concerning the provisions of proposed Rule 10b–10 and Rule 15c1–4 applicable to the use of quarterly statements for investment company securities, confirming that for a variety of reasons the quarterly statement procedure was not being used. Some suggested expanding the types of transactions that would qualify for the quarterly statement procedure. Others suggested revisions to specific requirements governing the use of that procedure. It was further suggested that certain costs associated with the administration of confirmation procedures generally outweighed the benefit of establishing new procedures for using quarterly statements.

Based in part upon those comments, the Commission proposed amendments which would alter in certain respects existing requirements of Rule 15c1–4(b). The revisions are intended to make some requirements less restrictive but would also establish new procedures. The Commission has not substantially expanded the types of arrangements that would qualify for the use of the quarterly statement procedure although it will, of course, consider additional suggestions.[13] The proposed amendments to Rule 10b–10 would continue to require prior written disclosure of the intention to send quarterly statements in lieu of the statements described in paragraph (a) of the rule.[14] Other requirements dealing with methods of payment including specifications with respect to holding periods [15] and the use of so-called "negative confirmations" (confirmations indicating that no payments were received during the quarter) have also been modified.[16]

Specifically, paragraph (d)(5)(iii) of the proposed amendments provides, in the case of an investment company plan contemplating periodic purchases by a group of two or more participants through a person designated by the group, that any such arrangement will require the investment company or its agent (1) to give or send to the designated person a receipt for the total amount paid, (2) to send to any person who was a participant in the preceding quarter and on whose behalf payment has not been received during the current quarter the quarterly written statement reflecting that no payment was received during the quarter, and (3) to terminate the arrangement and advise all participants of that fact if the group's payment is not received from the designated person within ten days of the date specified in the arrangement for such payment to be made.

The amendments to Rule 10b–10 are proposed to be adopted pursuant to the Act, particularly section 3, 9, 10, 11, 15, and 23 thereof (15 U.S.C. 78c, 78i, 78j, 78k, 78o and 78w). It is also proposed that, upon the adoption of the proposed amendments to Rule 10b–10, Rule 15c1–4 would be rescinded.

PROPOSED AMENDMENT TO § 240.10b–10

(In the text of the following sections, "[ ]" indicates material to be deleted and "►◄" indicates new material.)

§ 240.10b–10 Confirmation of transactions.

(a) It shall be unlawful for any broker or dealer to effect for or with the account of a customer any transaction in, or to induce the purchase or sale by such customer of, any security (other than U.S. Savings Bonds or municipal securities) unless such broker or dealer, at or before completion of such transaction, gives or sends to such customer written notification disclosing:

(1) Whether he is acting as agent for such customer, as agent for some other person, as agent for both such customer and some other person, or as principal for his own account; and

(2) The date and time of the transaction (or the fact that the time of the transaction will be furnished upon written request of such customer) and the identity, price and number of shares or units (or principal amount) of such security purchased or sold by such customer; and

► (3) The amount of any odd-lot differential or equivalent fee paid directly or indirectly by such customer in connection with the execution of an order for an odd-lot number of shares or units (or principal amount) of a security, unless such amount is included in the remuneration disclosed pursuant to paragraph (a)(5)(ii) of this section; and

(4) The highest bid and lowest offer prices for 100 shares that have been entered by any broker or dealer in, and are displayed on, Level 2 of the NASDAQ, or an equivalent, electronic interdealer quotation system at the time the transaction is effected, unless the security being purchased or sold is listed on a national securities exchange; and ◄

[(3)] ►(5)◄ if he is acting as agent for such customer, for some other person, or for both such customer and some other person,

(i) The name of the person from whom the security was purchased, or to whom it was sold, for such customer or the fact that such information will be furnished upon written request of such customer; and

(ii) The amount of any remuneration received or to be received by him from such customer in connection with the transaction unless remuneration paid by such customer is determined, pursuant to a written agreement with such customer, otherwise than on a transaction basis; and

(iii) The source and amount of any other remuneration received or to be received by him in connection with the transaction: *Provided, however,* That if, in the case of a purchase, the broker was not participating in a distribution, or in the case of a sale, was not participating in a tender offer, the written notification may state whether any other remuneration has been or will be received and that the source and amount of such other remuneration will be furnished upon written request of such customer [.] ► and ◄

► (6) if he is acting as principal for his own account.

(i) The source and amount of any remuneration (other than a customary dealer reallowance, selling concession, or syndicate manager's fee) received or to be received by him from any person, other than such customer, in connection with the transaction; and

(ii) The amount of any mark-up, mark-down, or similar remuneration received, an order to buy from such customer, he purchased the security from another person for resale to such customer or, after having received an order to sell from such customer, he sold the security to another person and purchased the security from such customer for delivery against such sale; and

(iii) In the case of a transaction in an equity security, whether he is a market maker in that security.◄

(b) A broker or dealer may effect transactions for or with the account of a customer without giving or sending to such customer the written notification described in paragraph (a) of this section (until January 1, 1978, § 240.15c1–4(a)) if

(1) Such transactions are effected pursuant to a periodic plan [; and] ►or an investment company plan; and ◄

(2) Such broker or dealer gives or sends to such customer within five days after the end of each quarterly period a

[13] See Securities Exchange Act Release No. 11025 (Sept. 24, 1974), 39 FR 35345 (Oct. 1, 1974).

[14] In adopting Rule 10b-10 the Commission also introduced a new element of flexibility by providing for the possibility of specific exemptions to Rule 10b-10; see Securities Exchange Act Release No. 13508 (May 5, 1977).

[15] Currently, the rule specifies that disclosure is required to be included in the prospectus delivered pursuant to section 5 of the Securities Act of 1933. To afford greater flexibility, the Commission is proposing to delete the references to prospectus disclosure and delivery in the rule although it may well be appropriate in most instances to continue to include information with respect to the use of quarterly statements in the current prospects delivered to purchasers.

[16] Rule 15c1–4(b) specifies that the "designated person" in the case of "group plans" may not hold customer funds for longer than 35 days. See also Securities Act Release No. 4790 (July 13, 1965).

[16] Rule 15c1-4(b) requires the delivery of negative confirmations for at least two consecutive quarters when payments have not been received for a participant in the plan.

written statement disclosing each purchase or sale, effected for or with, and each dividend or distribution credited to, or reinvested for, the amount of such customer (pursuant to the plan) during the period; the date of each such transaction; the identity, number and price of any securities purchased or sold by such customer in each such transaction; the total number of shares of such securities in such customer's account; any remuneration received or to be received by the broker or dealer in connection therewith; and that any other information required by paragraph (a) of this section will be furnished upon written request: *Provided, however,* That the quarterly written statement may be delivered to some other person designated by the customer for distribution to the customer[.]; ►and◄

►(3) In the case of transactions effected pursuant to an investment company plan

(i) Payments for the purchase of securities by such customer or by such customer's designated agent are made directly to, or made payable to, the registered investment company, or the principal underwriter, custodian, trustee, or other designated agent of the registered investment company; and

(ii) the intention to give or send to the customer the written statement referred to in paragraph (b)(2) of this section, in lieu of the written notification required by paragraph (a) of this section, is disclosed in writing to such customer.◄

(c) A broker or dealer shall give or send to a customer information requested pursuant to this rule within five business days of receipt of the request: *Provided, however,* In the case of information pertaining to a transaction effected more than 30 days prior to receipt of the request, the information shall be given or sent to the customer within 15 business days.

(d) For the purposes of this rule,

(1) "Customer" shall not include a broker or dealer;

(2) "Completion of the transaction" shall have the meaning provided in Rule 15c1–1 under the Act;

(3) "Time of the transaction" means the time of execution, to the extent feasible, of the customer's order;

(4) "Periodic plan" means any written authorization for a broker acting as agent to purchase or sell for a customer a specific security or securities (other than securities issued by an open end investment company or unit investment trust registered under the Investment Company Act of 1940), in specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commissions or charges to be paid by the customer in connection therewith (or the manner of calculating them) [.]►; and◄

►(5) "Investment company plan" means any plan under which securities issued by an open-end investment company or unit investment trust registered under the Investment Company Act of 1940 are purchased or sold by a customer pursuant to

(i) An individual retirement or pension plan qualified under the Internal Revenue Code; or

(ii) A contractual or systematic agreement under which the customer purchases at the applicable public offering price, or redeems at the applicable redemption price, such securities in specified amounts (calculated in security units or dollars) at specified time intervals and setting forth the commissions or charges to be paid by such customer in connection therewith (or the manner of calculating them); or

(iii) Any other arrangement involving a group of two or more participants and contemplating periodic purchases of such securities by each participant through a person designed by the group; *Provided,* That such arrangement requires the registered investment company or its agent

(A) To give or send to the designated person a written notification of the receipt of the toal amount paid at or before the completion of the transaction for the purchase of such securities;

(B) To send to any one who was a participant in the prior quarter and on whose behalf payment has not been received in the current quarter a quarterly written statement reflecting that no payment was received; and

(C) To terminate the arrangement and advise all participants of that fact if no payment is received from the designated person on behalf of the group within 10 days of a date certain specified in the arrangement for delivery of that payment by the designated person.◄

(e) The Commission may exempt any broker or dealer from the requirements of paragraphs (a) and (b) of this section with regard to specific transactions or specific classes of transactions for which the broker or dealer will provide alternative procedures to effect the purposes of this section; any such exemption may be granted subject to compliance with such alternative procedures and upon such other stated terms and conditions as the Commission may impose.

* * * * *

All interested persons are invited to submit three copies of written views, data and arguments on the proposed amendments to Rule 10b–10 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than August 10, 1977. Reference should be made to File No. S7–654. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77–18681 Filed 6–29–77;8:45 am]

[17 CFR Part 270]

[Release No. IC–9783, File No. S7–698]

INVESTMENT COMPANY ANNUAL REPORTS

Revision of Regulations; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 77–15959, 42 FR 29828, June 9, 1977. The bracket should read as set forth above.

DATE: No change from original document.

FOR FURTHER INFORMATION CONTACT:

Glenn Payne, Special Counsel, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549 (202–775–0230).

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1977.

[FR Doc.77–18684 Filed 6–29–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 171]

[FRL 747–2; OPP–40004]

FEDERAL CERTIFICATION OF PESTICIDE APPLICATORS IN STATES OR ON INDIAN RESERVATIONS WITHOUT AN EPA APPROVED CERTIFICATION PLAN

Advance Notice of Proposed Rulemaking

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Environmental Protection Agency intends to amend Part 171 of the Protection of Environment Regulations by adding a § 171.11 to enable EPA to conduct a Federal program for the certification of applicators of restricted use pesticides in those States and on those Indian Reservations where there is no approved State or Indian Certification Plan in effect on October 21, 1977. This advance notice of proposed rulemaking is being issued pursuant to EPA's policy for the early institution of rulemaking procedures.

DATE: Interested persons are invited to participate in the development of the proposed rules by submitting such written data, views, or arguments as they may desire. All communications received on or before August 1, 1977, will be considered by the Administrator before taking action on the proposed rules.

ADDRESS: Communications should bear the identifying notation OPP–40004 and be submitted in duplicate to Lois W. French, Acting Chief, Regional Support Branch, Operations Division, Office of Pesticide Programs (WH–570), U.S. En-

vironmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202–755–0356).

FOR FURTHER INFORMATION CONTACT:

Lois W. French, at the above address.

SUPPLEMENTARY INFORMATION: On October 21, 1972, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., was amended. The amended act requires, among other things, EPA to register all pesticides and to classify them into "general use" or "restricted use" categories. It also mandates that after October 21, 1977, those pesticides classified as "restricted use" may only be used by or under the direct supervision of a certified applicator. The applicator certification program is designed to ensure safe use of pesticides to prevent injury to humans and the environment.

Section 4(a)(1) of the amended FIFRA requires EPA to "prescribe standards for the certification of applicators of pesticides." On October 9, 1974 (39 FR 36446), EPA published standards for the certification of applicators of restricted use pesticides at 40 CFR Part 171. The same section of the Act also provides that if a State desires to certify applicators, then the Governor of such State shall submit to EPA for approval a State plan. On March 12, 1975 (40 FR 11698), EPA published regulations to govern State plans at 40 CFR Part 171.

It is EPA's position that Congress intended that the States be primarily responsible for the certification of pesticide applicators. However, EPA has no authority to compel a State to pass enabling legislation or submit a State plan for the certification of applicators.

It is also EPA's position that Congress intended the Agency to certify applicators if a State did not. Therefore, if a State does not have an EPA approved State plan, EPA will establish a Federal certification program in that State in order to meet the requirements of the amended FIFRA. Further, it is the view of the Agency that it is not required to carry out a program identical to one which may conceivably have been carried out by the State itself, nor must the program be structured or enforced so as to only satisfy minimally the national standards.

Implementation of this course will require two major actions by the Agency: (1) Development and implementation of Federal certification plans; and (2) promulgation of regulations to provide the full legal base for the Federal plans. The plans, like the regulations, will undergo public review and comment. However, the plans will proceed essentially independently and on a timetable likely in advance of the regulations, in order to enable the Agency to conduct the certification processes prior to the date the restricted pesticide use provisions of the amended FIFRA become effective. Implementation of Federal certification on Indian Reservations will follow a similar course.

This advance notice of proposed rulemaking is issued under the authority of Sections 4 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq.

Dated: June 23, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc.77-18652 Filed 6-29-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 31, 34, 38, 40, 54, 98, 154]

[CGD 77-069]

CONSTRUCTION AND EQUIPMENT OF EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Development of New Standards

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements of the "IMCO Code for Existing Ships Carrying Liquefied Gasese in Bulk", adopted in London by the Inter-Governmental Maritime Consultative Organization (IMCO) that exceed current standards contained in 46 CFR Subchapters D, F, I, and J. This advance notice invites the public to participate in the rulemaking at an early stage in the process. The adoption of the substantive requirements of the "IMCO Code for Existing Ships Carrying Liquefied Gases in Bulk" would be beneficial in that it would increase the level of safety of existing gas ships.

DATE: Comments must be received by August 11, 1977.

ADDRESS: Comments should be submitted to the 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, S.W., Washington, D.C. 20590 (202 426-1477).

SUPPLEMENTARY INFORMATION:

On October 4, 1976, the Coast Guard published in the FEDERAL REGISTER (41 FR 43822) a Notice of Proposed Rulemaking entitled "Self-Propelled Vessels Carrying Bulk Liquefied Gases." That Notice was based on the "IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk." Both the Code and the Notice were limited to "new" ships. In October, 1976, IMCO adopted the "IMCO Code for Existing Ships Carrying Liquefied Gases in Bulk." This latter Code contains standards for upgrading existing gas ships; that is, those gas ships not covered by the Notice of Proposed Rulemaking of October 4, 1976, and the IMCO Code for new gas ships. Some of these standards exceed current Coast Guard requirements for gas ships. Existing vessels are required to meet certain of those standards 2 years after the effective date of October 31, 1976, while other modifications are required 6 years after the effective date. The Coast Guard plans to make any amendments to current gas ship regulations effective on these same dates.

The proposed rulemaking would apply to a self-propelled vessel that has on board a bulk liquefied gas as a cargo, cargo residue or vaper and that—

a. Is constructed under a building contract awarded before November 1, 1976;

b. In the absence of a building contract, has the keel laid or is at similar stage of construction before January 1, 1977;

c. Is delivered before July 1, 1980; or

d. Has undergone a major conversion for which—

(1) The building contract is awarded before November 1, 1976;

(2) In the absence of a building contract, conversion is begun before January 1, 1977; or

(3) Conversion is completed before July 1, 1980.

Any proposed rules would be derived from the requirements in the "IMCO Code for Existing Ships Carrying Liquefied Gases in Bulk" that exceed current gas ship requirements in 46 CFR Subchapters D, F, I, and J.

Interested persons may obtain a copy of the "IMCO Code For Existing Ships Carrying Liquefied Gases in Bulk" from the following:

1. New York Nautical Instrument and Service Co., 140 West Broadway, New York, New York 10013, phone (212) 962-4522.
2. Southwest Instrument Co., 235 West 7th St., San Pedro, California 90731, phone (213) 832-0358.
3. IMCO Secretariat, Publications Section, 101-104 Piccadilly, London WIV OAE, England.

The purpose of this advance notice is to learn as much as possible from the public and industry regarding the following:

1. The estimated amount of new equipment or material that would be required for existing gas ships.

2. The current purchase price of the equipment or material.

3. The availability of the equipment or material.

4. The length of time needed for the delivery of the equipment or material to the vessel.

5. The length of time needed to install the equipment or material.

6. The cost to install the equipment or material.

DRAFTING INFORMATION: The principal persons involved in drafting this document are: Lieutenant Commander Thomas R. Dickey, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

This advance notice of proposed rulemaking is issued under the following authority:

Regulations for dangerous cargoes issued under R.S. 4472, as amended (46 U.S.C. 170) except those for flammable and combustible liquids issued under sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); the functions, powers, and duties relating to the Coast Guard under R.S. 4472, as amended, transferred to the Department under sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 46 U.S.C. 170 delegated to the Coast Guard under 49 CFR 1.46 (b) and (t), (n)(4).

Dated: June 24, 1977.

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

[FR Doc.77-18774 Filed 6-29-77;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 77-05; Notice 1]

MOTOR VEHICLE LIGHTING

Notice of Proposed Rulemaking

AGENCY: National Highway Traffic Safety Administration.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes amended color specifications for motor vehicle signaling devices. This change is proposed to facilitate manufacturer conformance to OSHA requirements. This proposal would slightly modify the acceptable color coordinates for yellow (amber).

DATES: Deadline for submission of comments: August 15, 1977. Proposed effective date: March 1, 1978, with optional compliance permitted as of date of amendment.

ADDRESS: Submit comments to Docket No. 77-05; Notice 1, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Bill Eason, Office of Crash Avoidance, Motor Vehicle Programs (202-426-2720), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: On October 25, 1976, the General Electric Company (GE) petitioned for initiation of rulemaking to amend Federal Motor Vehicle Safety Standard No. 108 to substitute SAE Standard J578b, "Color Specification for Electric Signal Lighting Devices", September 1974, as the color standard for motor vehicle lighting equipment. GE had been confronted with an OSHA proposal to lower the maximum permissible level of arsenic used in glass making, and on that basis intended to eliminate arsenic entirely from its production. Clear glass made with a substitute for arsenic apparently absorbs yellow dye in a manner that differs from glass made with arsenic, with the result that yellow light emitted through it no longer conforms to the color coordinates for yellow (amber) of SAE J578a, but would be within those for J578b. The NHTSA deferred immediate action because of the imminence of SAE J578c which contains color coordinates that are internationally accepted. On February 10, 1977, GE modified its petition, asking only for a definition of the color yellow (amber) identical to that specified in J578c.

Under the proposal, J578c would become the standard upon amendment of S4.1.5 which would also allow optional compliance with J578a through February 28, 1978.

In consideration of the foregoing it is proposed that paragraph S4.1.5 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 be amended as follows:

§ 571.108 [Amended]

S4.1.5 The color in all lighting equipment covered by this standard shall comply with SAE Standard J578c, February 1977, "Color Specification for Electric Signal Lighting Devices," except that the color in lighting equipment manufactured on or before February 28, 1978, may comply with SAE Standard J578a, April 1965.

In accordance with Department of Transportation policy encouraging adequate analysis of the costs and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA has evaluated the economic and other consequences of this proposal on the public and private sectors and has concluded that there is no cost increase required by a change from J578a to J578c.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The program official and lawyer principally responsible for the development of this proposal are Bill Eason and Taylor Vinson, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1302, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 23, 1977.

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

[FR Doc.77-18507 Filed 6-29-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Possession of Shotshells Loaded With Toxic Shot While Taking Waterfowl in Areas Designated as Non-Toxic Shot Zones

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to amend waterfowl hunting regulations, 50 CFR 20.21(j), on the use of toxic shot in non-toxic shot zones. Presently Section § 20.21(j) permits the use of toxic shot in guns with bores smaller than 12 gauge in zones designated for non-toxic shot. Also, the present wording allows the possession of illegal shells provided they are not placed in the gun. This proposed amendment would allow toxic shot of any gauge other than 12 gauge to be used in non-toxic shot zones, and it would make possession of 12 gauge shells loaded with toxic shot illegal while hunting waterfowl in the zones.

DATES: Comments on this proposed rulemaking will be accepted until July 20, 1977.

ADDRESS: Submit comments to Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert I Smith, Special Projects Coordinator, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-343-8827).

SUPPLEMENTARY INFORMATION: On July 28, 1976, the Fish and Wildlife Service published a final rule, 50 CFR 20.21(j), which restricted the taking of waterfowl with shotshells loaded with toxic shot (41 FR 31388). This rule related to hunting of waterfowl in areas

designated in 50 CFR 20.108 (42 FR 21614–18) as non-toxic shot zones. On September 13, 1976, in recognition of the fact that shotshells loaded with non-toxic shot had not been manufactured for all gauges of shotguns, an amendment to § 20.21(j) was published (41 FR 38772). That amendment went into effect at the time of its publication, and it permitted the use of shotshells loaded with toxic shot in areas designated as non-toxic shot zones, provided the toxic shot was used in shotguns with bores smaller than 12 gauge. That amendment was for one year only.

On December 23, 1976, the Service proposed for public comment an amendment to § 20.21(j), which would have permitted, if adopted, toxic shot in gauges smaller than 12 gauge to be used in non-toxic shot zones for a second year (41 FR 55903–4). Pubic comment on the proposal dealt primarily with two issues. First, waterfowl hunters who use 10-gauge shotguns requested that they be allowed to use shotshells loaded with toxic shot until such time as shells loaded with non-toxic shot are manufactured in 10 gauge. Most other comments related to the difficulty in enforcing § 20.21(j) as it is now worded and as it was proposed to be amended. This wording specifies that a gun loaded with illegal shells constitutes a violation, but illegal shells in possession of the hunter do not in themselves constitute a violation. Those commenting on this subject expressed the view that illegal shotshells should not be permitted in possession of the hunter while hunting waterfowl in non-toxic shot zones. Both of the above suggestions represent significant changes in § 20.21(j) as it is presently worded and as it was proposed to be amended; therefore, a reworded proposed amendment incorporating the above suggestions is offered below for further public comment.

The continued deposition of lead shot by waterfowl hunters using shotguns of the less popular gauges limits efforts of the Service to reduce the problem of lead poisoning in waterfowl. While it is not the intent of the Service to place an undue hardship on those who use these gauges, the Service believes that a time limit must be placed on exceptions to the toxic shot restrictions. Prior to the waterfowl hunting seasons commencing in 1978 the availability of shotshells in various gauges will be reviewed. At that time § 20.21(j) will be amended accordingly. However, in the waterfowl hunting seasons commencing in 1979 the Service plans to terminate all amendments which permit shotshells loaded with toxic shot to be used by waterfowl hunters in zones designated for non-toxic shot.

The Proposed Ruling:

For the waterfowl hunting seasons commencing in 1977 and terminating in 1978 the Service proposes to amend 50 CFR 20 by deleting the present (j) under § 20.21 and replacing it with the following:

§ 20.21 Hunting methods.

* * * * *

(j) While possessing 12-gauge shotshells loaded with any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: Provided, that this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in areas described in § 20.108 as non-toxic shot zones during waterfowl hunting seasons commencing in 1977 and terminating in 1978.

This proposed rule was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–343–8837).

NOTE.—The 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: June 24, 1977.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.77–18653 Filed 6–29–77;8:45 am]

notices

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

CIVIL AERONAUTICS BOARD

[Docket 30679]

FLORIDA-ATLANTA COMPETITIVE NONSTOP SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding (formerly styled the *Atlanta-Daytona Beach/Sarasota-Brandenton Nonstop Proceeding*) will be held on August 16, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Ave., N.W., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 26, 1977, and the other parties on or before August 9, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

The submissions shall cover the Atlanta-Tallahassee market as well as those markets set out in Order 77–3–167, March 30, 1977.

Dated at Washington, D.C., June 23, 1977.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.77-18734 Filed 6-29-77;8:45 am]

[Order No. 77–6–116; Docket Nos. 30478, et al.]

AIR TRANSPORT ASSOCIATION, ET AL.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of June 1977; Dockets 30478, 30520, 30784, 30562, 30633, 28001, 31044.

Multiple revisions to restricted articles tariff No. 6–D, C.A.B. No. 82, proposed by members of the Air Transport Association and other participating carriers. Effective tariff provision of United Air Lines, Inc., regarding shipments of exempt radioactive materials. Nonacceptance of ORM shipments in containers proposed by United Air Lines, Inc. Surcharge per shipment of restricted articles proposed by American Airlines, Inc. Hazardous articles rules and practices investigation.

By tariff revisions[1] bearing various posting and issue dates and marked to become effective June 25, 1977, members of the Air Transport Association, and other participating carriers, propose a thorough revision of the hazardous materials tariff. The proposed tariff, which adopts the Hazardous Materials Regulations (49 CFR 170–189) of the Department of Transportation (DOT) by reference, would cancel all tariff provisions reflecting DOT regulations, and would publish only the more restrictive carrier-imposed regulations on the transportation of hazardous articles.

A complaint requesting investigation of the proposal has been submitted by the Council for Safe Transportation of Hazardous Articles (COSTHA).[2] The complaint contends, inter alia, that safety regulation has been delegated by Congress to DOT; that DOT's rulemaking procedures provide for shipper and carrier input; that the proposed tariff rules have been developed by the Restricted Articles Board (RAB) of the Air Traffic Conference of America, a carrier organization; that the RAB in many instances has relied on erroneous or outdated sources in determining the hazards of various commodities; and that the RAB has issued the tariff rules without shipper input.

COSTHA also alleges that the proposed tariff rules for consumer commodities, ORM–D, violate DOT regulations in that they require marking the package with a different hazard class in addition to DOT's "ORM–D–AIR" marking requirement; that such rules are inimical to safety since they increase confusion; and that such markings are incompatible with other modes of transport, including motor transportation to and from the airport. The complaint further asserts that DOT would permit one quart of carbon tetrachloride per package aboard passenger aircraft, whereas the tariff would prohibit transportation of this material on passenger aircraft altogether, despite the fact that its toxicity is insufficient to warrant such a ban; that the proposed shipper's certification forms for radioactive and non-radioactive restricted articles shipments are incompatible with those for other modes, making it impossible for a shipper to use the same document to deliver his shipment to the airport; and that many poisonous articles are refused transportation by the tariff despite the fact that DOT has not found them to require such total prohibition.

In support of the proposal, and in answer to the complaint, the RAB, on behalf of the filing carriers, asserts, inter alia, that the proposed tariff complies with the Board's suggestion in Order 77–2–59 that restricted articles tariffs contain only provisions that deviate from DOT regulations; that the Court of Appeals, in *Delta Air Lines, Inc., et al.* v. *Civil Aeronautic Board* (*Delta* v. *C.A.B.*), U.S.C.A., D.C. Circuit, Nos. 74–1984 *et al.*, held that air carriers have the authority to file tariffs that are more restrictive than DOT regulations; and that carriers have a statutory obligation to provide safe and adequate service. The RAB further contends that its organization and functions were approved by Board order;[3] that, in fashioning tariff rules governing hazardous articles, it has consulted with representatives of shipper groups, including COSTHA, thus complying with the conditions of the Board's approval; and that COSTHA's objections to the role played by the RAB are totally without merit.

Finally, the RAB claims that the proposed parenthetical hazard classifications for ORM–D shipments (e.g., "Flammable Liquid") are necessary to give carrier personnel adequate information in the event of an incident such as a spill, and are therefore required to ensure safety; that the ban on transportation of carbon tetrachloride in passenger aircraft is justified in light of its highly toxic nature, which has led to its prohibition in household use by the Food and Drug Administration, and because of the possibility that volatile vapors may be carried into cabin or cockpit; that the use of a shipper's certification form that is compatible with that required for international shipments will facilitate ease of shipment by eliminating duplicative paperwork; and that the tariff prohibitions on the carriage of poisons have already been effective for some time, and a complaint at this time is therefore inappropriate.

Third-party answers to the complaint in support of the proposal have also been filed by the Air Line Pilots Association (ALPA) and the Aviation Consumer Action Project (ACAP). The answers, which contain most of the points brought forth by the RAB, stress the statutory obligation of air carriers to provide safe and adequate service, and their right to

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[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 82.

[2] A group consisting of associations of shippers of hazardous articles.

[3] Order 76–3–136, March 22, 1976 (Agreement No. 25598).

promulgate tariff provisions more restrictive than DOT regulations. ACAP also claims that COSTHA's complaint is too vague under the provisions of section 502(a) of the Board's Rules of Practice in that it nowhere states on what basis the tariff provisions are unlawful.

In view of the foregoing and all other relevant factors, the Board concludes that the proposed revisions may be unjust, unreasonable,unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and should be investigated. The Board further believes that certain provisions of the domestic rules and rates tariffs affecting hazardous materials should also be investigated. We will also consolidate two other proceedings, Docket 28001, *Surcharge per shipment of restricted articles proposed by American Airlines, Inc.*, and Docket 30633, *Nonacceptance of ORM shipments in containers proposed by United Air Lines, Inc.*, into the proceeding herein instituted. Finally, the lawfulness of all other restricted article surcharges will be considered.

The instant filing replaces one issued February 1 for March 3, 1977, effectiveness, purportedly reflecting new DOT regulations that became effective January 1, 1977. Both DOT and COSTHA filed complaints against that proposal, alleging numerous conflicts with and violations of DOT regulations. In response to the complaints, the carriers postponed effectiveness of the tariff until April 15, 1977. Postponement of the February 1 revisions, however, left effective tariffs unchanged. Because of the massive revision involved in DOT's new regulations, however, the carriers' tariff was in some respects in serious conflict with DOT regulations. As a result, carriers in many instances could not offer air transportation to shipments of hazardous materials without violating either the regulations, on the one hand, or the tariff, on the other hand.

In recognition of the plight of shippers, the Board[4] granted all direct and indirect U.S. air carriers and exemption from section 403 of the Federal Aviation Act of 1958 and Part 221 of the Board's Economic Regulations to the extent necessary to permit them to offer air transportation of shipments of hazardous articles tendered in conformity with DOT regulations. In that order, the Board suggested that a tariff that published only carrier-imposed regulations would be clearer for both shippers and carrier personnel by eliminating duplication of the DOT regulations. At the time the instant revisions were filed, the Board, by Order 77-4-71, granted the carriers' concurrent request for an extension of the exemption granted in Order 77-2-59, until the effective date of the revisions. At the same time, the carriers again postponed effectiveness of the original proposal to June 25. The instant filing, therefore, supersedes the February 1 revisions.

While the Board considers the proposed tariff a significant improvement over the current chaotic situation, we are still concerned that shippers of hazardous materials may be denied air transportation to which they are lawfully entitled. Both the RAB and the third-party answers stress the carriers' statutory obligation to provide safe and adequate service, emphasizing safety. The Board agrees with this concern. Congress, however, has assigned DOT the responsibility for promulgating rules and regulations relating to air safety. The Board, nevertheless, has the responsibility under the Federal Aviation Act of 1958 (the Act) for the economic regulation of air carriers.

In *Delta* v. *C.A.B., supra*, the Court of Appeals held, inter alia, that carriers have the right to file hazardous materials tariffs that are more restrictive than DOT regulations subject to the noted Board regulation. The Board may finds such tariffs unlawful, but only after notice and hearing, and thereupon may prescribe the lawful rules, regulations, and practices pursuant to section 1002 (d) of the Act.

The Court further ruled that "the Board fulfills its responsibilities with respect to safety questions when it determines that all FAA/DOT safety requirements have been satisfied * * *"[5] but added that the Board has the responsibility to consider the issues of "economic costs, safety hazards (accepting the outer limits of safety as found by the FAA), common carrier responsibilities, and other factors affecting the transportation of hazardous cargo * * *," and that the Board, after conducting a full hearing, has the power to enforce carriage of materials permitted by DOT.[6] In light of these considerations, the Board concludes that all carrier-imposed restrictions on hazardous articles should be subjected to the scrutiny of the hearing process, wherein such issues may be considered. We will, therefore, institute an investigation of the entire restricted articles tariff.

In addition to the provisions of the carriers' hazardous materials tariffs proper, the Board also believes that several provisions of the domestic rules and rates tariffs should be investigated, specifically the surcharges per shipment of restricted articles levied by many carriers and restrictions on the acceptance of hazardous materials in containers.

The investigation will, therefore, also include the lawfulness of surcharges levied by the carriers on restricted articles. Although the issue of lawful charges for restricted articles is now pending in the *Domestic Air Freight Rate Investigation* (*DAFRI*), Docket 22859, that issue is different from a consideration of the relationship between the surcharges and the new DOT regulations, which can be explored in the instant investigation without interfering with the pending decision of the Board in *DAFRI*.[7] All restricted articles surcharges will be included, and the separate investigation of American's surcharge already instituted in Docket 28001 will be consolidated herein.

By Order 77-3-110 the Board ordered an investigation of the non-acceptance of ORM-D commodities in containers proposed by United. We will consolidate that proceeding, as well, into the present investigation, which will extend to the provisions for nonacceptance of other hazardous materials in containers in effect for most carriers.

On March 1, 1977, Miles Laboratories, Inc., filed a complaint asking for investigation of an effective hazardous item tariff provision of United Air Lines, Inc. Since the provision in question has been canceled by the new tariff filings, the Board will dismiss the complaint as moot.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the charges and provisions described in Appendix A[8] insofar as such charges apply in domestic and overseas transportation, and rules, regulations, and practices affecting such charges and provisions, including subsequent reissues or revisions thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges, provisions, and rules, regulations, or practices affecting such charges and provisions;

2. This proceeding shall be designated the *Hazardous Articles Rules and Practices Investigation*, Docket 31044, and shall be assigned before an administrative law judge of the Board at a time and place hereafter to be designated;

3. Dockets 28001 and 30633 are hereby consolidated into Docket 31044.

4. Except to the extent granted herein, the complaints of the Council for Safe Transportation of Hazardous Articles in Dockets 30478 and 30784, the Department of Transportation in Docket 30520, and Miles Laboratories, Inc., in Docket 30562 are dismissed; and

5. Copies of this order shall be served upon the Council for Safe Transportation of Hazardous Articles, the Department of Transportation, the Air Transport Association, the Restricted Articles Board, the Air Line Pilots Association,

[4] Order 77-2-59, February 11, 1977.

[5] Opinion, June 22, 1976, at p. 22, footnotes omitted.

[6] Ibid., pp. 24-25.

[7] The revisions of DOT regulations implemented after close of the record in *DAFRI* should not affect the Board's determinations in that proceeding. Administrative finality requires that proceedings be resolved on the basis of facts existing at the time the record is closed subject to matters which can be officially noticed. In the proceeding instituted herein, we will be considering, as recognized by the Court in *Delta* v. *C.A.B.*, the effect on carrier economics of DOT regulations.

[8] Appendix A, Tariff CAB No. 82 filed as part of original document.

the Aviation Consumer Action Project, and all certificated U.S. air carriers, which are hereby made parties to Docket 31044.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18736 Filed 6-29-77;8:45 am]

[Order 77-6-121; Docket 30871]

GUYANA AIRWAYS CORP.

Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of June, 1977.

Guyana Airways Corporation (GAC) is the holder of a foreign air carrier permit[1] authorizing: (a) foreign air transportation of property and mail between a point or points in the Republic of Guyana; the intermediate points Port of Spain, Trinidid, Bridgetown, Barbados, and San Juan, Puerto Rico; and the terminal point Miami, Florida; and (b) the performance of charter trips of property pursuant to Part 212 of the Board's Economic Regulations.

By application filed on May 11, 1977,[2] GAC requests renewal of its existing foreign air carrier permit. GAC also requests that its application be handled by show cause procedures.

In Order 72-7-103 the Board found that GAC was substantially owned and effectively controlled by nationals of Guyana. The information provided in the instant application for renewal continues to support this finding. Accordingly, it is tentatively found from the foregoing that GAC is owned and controlled by nationals of Guyana.

It is tentatively found that GAC is fit, willing, and able to continue providing the service for which renewed authority is sought. In Order 72-7-103 the Board previously found that GAC met the fitness standards of the Act, and that the service proposed was in the public interest. GAC has no history of formal violations of Board Regulations. An opportunity for reciprocity exists for U.S. air carriers seeking to perform similar operations to Guyana.

On the basis of the record before us, GAC has demonstrated that the renewal of its foreign air carrier permit is in the public interest, and that it possesses the necessary fitness, willingness, and ability to continue providing these services and to conform to the provisions and requirements of the Act and the Board's Regulations.

In view of the foregoing and all the facts of record, the Board tentatively finds:

1. That GAC is substantially owned and effectively controlled by nationals of Guyana;

2. That it is in the public interest to renew the foreign air carrier permit of Guyana Airways Corporation authorizing the carrier, for a period of five years: (a) to engage in foreign air transportation with respect to property and mail between the Republic of Guyana, the intermediate points Port of Spain, Trinidad, Bridgetown, Barbados, and San Juan, Puerto Rico, and the terminal point Miami, Florida; and (b) to engage in charter trips of property in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations;[3]

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Guyana Airways Corporation is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That an evidentiary hearing is not required in the public interest; and

6. That the renewal of Guyana Airways Corporation's foreign air carrier permit is not a "major federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969,[4] and will not be inconsistent with the policy objectives of the Energy Policy and Conservation Act of 1975 (EPACA).[5]

ACCORDINGLY, *it is ordered*, that:

1. All interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and why the foreign air carrier permit issued to Guyana Airways Corporation by Order 72-7-103, should not, subject to the approval of the President pursuant to section 801 of the Act, be renewed for a period of five years;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections, supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[6]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Guyana Airways Corporation, Pan American World Airways, Inc., and the Ambassador of Guyana in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

PERMIT TO FOREIGN AIR CARRIER
(AS AMENDED)

SPECIMEN

Guyana Airways Corporation is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to property and mail, as follows: Between a point in the Republic of Guyana; the intermediate points Port-of-Spain, Trinidad; Bridgetown, Barbados; and San Juan, Puerto Rico; and the terminal point Miami, Florida.

The holder shall be authorized to engage in charter trips of property in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder shall not provide foreign air transportation under this permit unless (1) there is in effect third-party liability insurance in the amount of $1,000,000 or more to

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[1] Issued pursuant to Order 72-7-103, approved July 28, 1972.

[2] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] The authority to perform off-route charters pursuant to Part 212 of the Board's Economic Regulations extends only to the class of traffic authorized in the permit for on-route foreign air transportation (*i.e.*, property), but does not include mail. See, *Sociedad Aeronautica de Medellin, Permit Transfer* 41 CAB 27, 28, n. 4 (1964); *Americana de Aviacion*, Foreign Permit, 48 CAB 489, 490, n. 3 (1968) *Aerotransportes Entre Rios S.R.L.*, Order 72-4-84, n. 2 *Caribwest Airways Limited*, Order 73-5-49, n. 5; *Servicio Aereo de Transportes Comerciales (SATCO)*, Order 73-5-141, n. 4; *Compania de Aviacion "Faucett," S.A.*, Order 73-7-150, n. 1; *ARGO, S.A.*, Order 73-8-90, n. 1; and *Turks Air Limited*, Order 74-6-12, n. 8.

[4] Our tentative finding is based upon the fact that the applicant is seeking renewal of existing authority. Section 312.9 of the Board's Regulations does not require that an environmental evaluation be made in such cases.

[5] Since no new services are to be performed, there will be no material increase in the utilization of fuel.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

meet potential liability claims which may arise in connection with its operations under this permit, (2) there is in effect minimum liability insurance coverage for bodily injury to or death of cargo handlers in the amount of $75,000 per cargo handler, and (3) there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the insurance provided under (1) and (2) above. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and address of the member insurers.

The holder shall conform to the airworthiness and airmen competency requirements prescribed by the Government of the Republic of Guyana for Guyanese international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Republic of Guyana shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto, and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The holder shall not commence any service authorized herein, except pursuant to an initial tariff setting forth rates, fares, and charges no lower than the lowest rates, fares, or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

By accepting this permit the holder waives any right it may posses to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted herein shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ----------, and shall terminate five years thereafter: *Provided, however,* That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Guyana are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------.

(SEAL) *Secretary.*

Issuance of this permit to the holder approved by the President of the United States on ----------
in ----------

[FR Doc.77-18735 Filed 6-29-77;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

PAUKER CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Pauker Corporation, 2840-D Pine Road, Huntingdon Valley, Pennsylvania 19006, a producer of sweaters, was accepted for filing on June 23, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 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 July 11, 1977.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-18756 Filed 6-29-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

MINIATURE CHRISTMAS TREE LIGHTS

Acceptance of Offer To Develop Safety Standard; Summary of Terms of Acceptance

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of acceptance of offer to develop a safety standard; summary of terms of acceptance; invitation to interested persons to participate.

SUMMARY: In this document, the Consumer Product Safety Commission announces that it has accepted an offer from the National Consumers League (NCL), Washington, D.C., to develop a recommended consumer product safety standard for the fire and shock hazards of miniature Christmas tree lights and similar miniature decorative lights. The period for developing the recommended standard begins June 20, 1977 and ends November 16, 1977. This notice summarizes the terms of acceptance of the offer and invites interested persons to participate in the NCL's development of the recommended standard.

FOR FURTHER INFORMATION CONTACT:

At CPSC: Carl Blechschmidt, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C., (301) 492-6557.

At NCL: David Swankin, NCL Project Director, Swankin and Turner, 1625 Eye Street, N.W., Room 923, Washington, D.C. 20006, (202) 872-8660; or Sandra Willett, Executive Director, National Consumers League, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 797-7600.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of March 31, 1977 (42 FR 17154) the Consumer Product Safety Commission initiated a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) to develop a consumer product safety standard for the fire and shock hazards associated with miniature Christmas tree lights and similar miniature decorative lights. The notice invited any person to submit to the Commission, on or before May 2, 1977, either of the following:

(1) One or more existing standards as a proposed consumer product safety standard in this proceeding; or,

(2) An offer to develop one or more proposed consumer product safety standards applicable to miniature Christmas tree lights to reduce or eliminate any or all of the unreasonable risks of injury associated with miniature Christmas tree lights identified in this notice.

In response to the March 31 FEDERAL REGISTER notice, the Commission received two offers to develop a recommended standard applicable to miniature Christmas tree lights, from Underwriters Laboratories, Inc., Long Island, New York and from National Consumers League, Washington, D.C. The Commission also received a submission as an existing standard from the National Ornament and Electric Lights Christmas Association (NOEL), New York.

ACCEPTANCE OF OFFER

The Commission has accepted the offer of the National Consumers League (NCL), 1028 Connecticut Avenue, N.W., Washington, D.C. 20036 to develop a recommended consumer product safety standard applicable to miniature Christmas tree lights. The Commission has determined that NCL (1) is technically competent, (2) is likely to develop an appropriate standard within the 150 day development period, which begins June 20, 1977 and ends November 16, 1977, and (3) will comply with the regulations issued by the Commission under section 7 of the Consumer Product Safety Act (16 CFR 1105; 39 FR 16206) applicable to the development of the standard.

NCL has agreed to develop a recommended standard applicable to miniature Christmas tree lights in accordance with the terms of the Commission's March 31, 1977 notice of proceeding (42 FR 17154); the Commission's regulations for devel-

oping consumer product safety standards (16 CFR 1105; 39 FR 16206); section 7 of the Consumer Product Safety Act, as amended Pub. L. 94–284, May 11, 1976 (15 U.S.C. 2056); and the terms of its agreement with the Commission.

The Commission has agreed to contribute $163,842.00 toward the total cost of developing the standard. The cost contribution will be allocated to offeror personnel salaries, consumer participation expenses, travel and per diem for offeror and consumer participants, meetings expenses, and office expenses.

As provided in section 7(b) of the CPSA, 15 U.S.C. 2056, as amended, the standards development period shall be 150 days commencing on the effective date of the agreement, June 20, 1977, the date the NCL offer was formally accepted by the Commission, and ending on November 16, 1977. If the Commission finds, for good cause, that a longer period of time is appropriate, notice of this finding shall be published in the FEDERAL REGISTER.

Copies of the NCL offer, dated May 2, 1977, with modifications dated May 20, 1977, and a copy of the agreement entered into between the Commission and NCL are available for inspection in the Office of the Secretary, Third Floor, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

METHOD OF DEVELOPMENT

The NCL Executive Committee will retain overall responsibility for assuring performance of the offer. The NCL Executive Committee will appoint a Review Panel, comprised equally of NCL directors and industry members, which will have the authority to make final decisions as to the recommended standard(s) to be submitted to the CPSC at the end of the 150 day development period (November 16, 1977). The Project Director will be Chairman of the Review Panel, and will have administrative responsibility for carrying out the project. The Review Panel, with technical assistance from the Project Staff, will make decisions based on alternative submissions by the Standard Development Committee (SDC) and Cost-Benefit Analysis Committee (CBAC).

Assisted by the Project Director and Project Staff, the SDC, chaired by a person appointed by the NCL Executive Committee, will be responsible for developing alternative standards and test methods to be presented to the Review Panel for final decision. After being briefed by the Project Staff and presented with a risk analysis prepared by the Project Staff, the SDC will review the CPSC staff analysis of the strengths and weaknesses of existing voluntary standards, and the statement of promising regulatory approaches prepared by the CPSC staff, and will develop alternative standards and test methods for each of the identified risks. The SDC will then develop alternative standards and test methods accompanied by a technical rationale to address each of the identified risks. Only if there is unanimity after the initial briefing and presentations would a single standard and test method be developed.

In order to take into account economic consequences of the recommended standards(s), the NCL plan also involves the creation of a Cost-Benefit Analysis Committee (CBAC), chaired by a person designated by the NCL Executive Committee. The CBAC will monitor all meetings of the SDS and will analyze the economic consequences of each alternative. When the alternative recommendations of the SDC are presented to the Review Panel, the CBAC will also present the Review Panel with an analysis of the economic consequences of each alternative.

In the process of developing the recommended standards and test methods, the offeror will employ laboratory facilities provided by participants in the standards development process, independent laboratory facilities, or government laboratory facilities. During the course of the standards development program, each draft of the standard will be submitted to the Standard Development Committee, the Cost-Benefit Analysis Committee, the CPSC monitor, and Review Panel members.

The proceedings of the offeror will be monitored by the Commission. The offeror will prepare monthly progress reports for the Commission and will provide the Commission with a mid-term briefing, approximately halfway through the 150 day standard development period.

All meetings of the Review Panel, Standard Development Committee and Cost-Benefit Analysis Committee will be open. Full transcriptions of the Review Panel meetings will be made. Meetings of other committees will be taped.

In its technical approach, the offeror will undertake a detailed study of available injury information, and will evaluate the effectiveness of the existing voluntary standards. The offeror will then justify the use of parts of the existing standards. In developing a recommended standard(s), the offeror will examine current manufacturing and quality assurance programs. The offeror will also develop a technical rationale and test methods to accompany the recommended standard(s).

The National Consumers League has subcontracted with Weiner Associates of Baltimore, Maryland, to serve as project engineers. Persons with technical questions should contact Mr. Robert Weiner, directly, at 1717 York Road, Lutherville, Maryland 21093 (301) 252–8500.

PARTICIPATION BY CONSUMERS AND OTHER INTERESTED PERSONS

The first meeting of the SDC will take place Tuesday and Wednesday, July 12 and 13, 1977 beginning at 8:30 a.m. at the Mayflower Hotel, 1127 Connecticut Avenue, N.W., Washington, D.C.

In accordance with the Commission's regulations and the terms of the offer, all persons are invited to participate in the standard development process. In order to ensure this participation the offeror will contact directly producer and consumer groups with direct interest in the standard development process. Professional and technical societies will also be contacted. NCL will also distribute a press release announcing the beginning of the standard development process and inviting participation.

NCL will send an announcement to all known consumer groups in the United States on the national, state, and local level seeking participation on the SDC and CBAC. NCL has also sent a letter to consumers with technical backgrounds who have indicated to CPSC an interest in participating in standards development. NCL has stated in its offer that the Virginia Citizens Consumer Council (VCCC) and the Consumer Affairs Committee, Greater Washington Chapter, Americans for Democratic Action (CAC-ADA) will participate on the SDC and the CBAC. All consumer participants on the SDC will have adequate technical support, either from persons NCL learns of from the survey of professional and technically supported by an independent cost/benefit consultant.

NCL has also indicated that it will consider written comments as a form of participation in the standard development process.

All persons interested in participating in the development of the recommended standard applicable to miniature Christmas tree lights should contact David Swankin, NCL Project Director, Swankin and Turner, 1625 Eye Street, N.W., Room 923, Washington, D.C. 20006; (202) 872–8660; or Sandra Willett, Executive Director, National Consumers League, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 797–7600.

Dated: June 27, 1977.

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

[FR Doc.77–18757 Filed 6–29–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 753–8; OPP–33000/511]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were ef-

fected by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755–9315
PM 21 and 22—202/426–2454
PM 24—202/755–2196
PM 31—202/426–2635
PM 33—202/755–9041
PM 15, 16, and 17—202/426–9425
PM 23—202/755–1397
PM 25—202/755–2632
PM 32—202/426–9486
PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed on or before August 29, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended should be made on or before August 1, 1977.

Dated: June 20, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/511)

EPA File Symbol 16–RRE. Dragon Chemical Corp., 7033 Walrond Dr., N.W., PO Box 7311, Roanoke VA 24019. DRAGON DIPEL WETTABLE. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of Potency per mg (1.96 billion International Units per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 239–2211. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(b) of Interim policy. Republished: Additional use pattern. PM21

EPA Reg. No. 239–2211. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(b) of Interim policy. Republished: Changed use pattern. PM21

EPA Reg. No. 352–342. E. I. DuPont De Nemours & Co., (Inc.), Biochemicals Dept., 6054 DuPont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE WATER SOLUBLE POWDER. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 352–342. E. I. DuPont De Nemours & Co. (Inc), Biochemicals Depart., 6054 DuPont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE, WATER SOLUBLE POWDER. Active S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 352–370. E. I. DuPont De Nemours & Co., (Inc.), Biochemicals Dept., 6054 DuPont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 352–370. E. I. DuPont de Nemours & Co. (Inc.), Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA File Symbol 464–LUA. Dow Chemical Co., PO Box 1706, Midland MI 48640. GARLON 3A HERBICIDE. Active Ingredients: Triclopyr (3,5,6-trichloro-2-pyridinyloxyacetic acid), as the triethylamine salt 44.4% Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 1964–ER. New South Manufacturing Co., PO Box 10025, Atlanta GA 30319. LC608B–H. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1964–EE. New South Manufacturing Co., PO Box 10025, Atlanta GA 30319. LC608B–L. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1964–EG. New South Manufacturing Co., PO Box 10025, Atlanta GA 30319. LC608B–M. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 3125–280. Chemagro Mobay Chemical Co., Hawthorn Rd., Kansas City MO 64120. MONITOR 4 LIQUID INSECTICIDE. Active Ingredients: O,S-Dimethyl phosphoramidothioate 40%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM16

EPA Reg. No. 10182–7. ICI United States Inc., Agricultural Chemicals Div., Wilmington DE 19897. PIRIMAR–50WP. Active Ingredients: 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 10650–E. Monarch Chemicals, Inc., 37 Meadow St., Utica NY 13502. MON–O–CHLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 13900–A. Delta Water Laboratories, 4206 Quirt, Lubbock TX 79404. DELTA WATER TREATMENT MICROBIOCIDE K–164. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 40601–R. Bill Wells Pool Supply, 3235 Vassar Drive, N.E., Albuquerque NM 87107. ALGAE-CONTROL CONCENTRATE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40601–E. Bill Wells Pool Supply, 3235 Vassar Drive, N.E., Albuquerque NM 87107. ALGAE-CONTROL. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40602–R. Cooper-Griffin Water Services, 2512 Rio Grande Blvd., N.W., Albuquerque NM 87104. MICROBIOCIDE #300. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.77–18661 Filed 6–29–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 754-2; OPP-50302]

EXPERIMENTAL USE PERMITS

Issuance

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 37889-EUP-1. Mitchell A. Johnson Co., Taylorsville, North Carolina 28681. This experimental use permit allows the use of 100 pounds of the insecticide heptachlor under foundation footings and piers, applied to soil surface where concrete is to be poured and around pipes that will extend through concrete to evaluate control of termites. A total of 25 structural sites is involved; the program is authorized only in the State of North Carolina. The experimental use permit is effective from April 29, 1977, to April 29, 1978. This use is consistent with allowed subsurface treatment using heptachlor (see FEDERAL REGISTER of 2/19/76, p. 7552).

No. 21138-EUP-2. Aldine Products Company, Birmingham, Michigan 48010. This experimental use permit allows the use of 1,800 pounds of the fungicide dichlorophene on trees to evaluate control of Dutch Elm disease. A total of 711 trees is involved; the program is authorized only in the States of Illinois, Indiana, Maine, Michigan, Ohio, Pennsylvania, and Wisconsin. The experimental use permit is effective from April 29, 1977, to April 29, 1978.

No. 241-EUP-63. American Cyanamid Company, Princeton, New Jersey 08540. This experimental use permit allows the use of 240 pounds of the herbicide N-(1-ethylpropyl)-3, 4-dimethyl-2,6-dinitrobenzenamine on corn (except sweet and pop) to evaluate control of annual grasses and broadleaf weeds. A total of 238 acres is involved; the program is authorized only in the States of Alabama, Colorado, Kansas, Georgia, Illinois, Maryland, Nebraska, Tennessee, and Virginia. The experimental use permit is effective from April 29, 1977, to April 29, 1978. Permanent tolerances for residues of the active ingredient in or on corn have been established (40 CFR 180.361).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

STATUTORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

Dated: June 22, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

[FR Doc.77-18659 Filed 6-29-77;8:45 am]

[FRL 753-7; OPP-00055]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

Meeting

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9:30 a.m. to 4:30 p.m. daily on Wednesday, July 20, Thursday, July 21, and Friday, July 22, 1977. The meeting will be held in Room 1112A, Crystal Mall, Building Number 2, 1921 Jefferson Davis Highway, Arlington, Virginia, and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH-566), Rm. 1026, Crystal Mall, Building 2, 1921 Jefferson Davis Highway, Arlington, Virginia, telephone 703-557-7560.

SUPPLEMENTARY INFORMATION: In accordance with Section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact on health and the environment of regulatory actions under sections 6(b) and 25 (a) prior to implementation. The purpose of this meeting is to discuss the following topics:

1. Formal review of the following sections of the Guidelines for Registering Pesticides inthe United States: (a) Subpart B, Introduction to the Guidelines; (b) Subpart D, Chemistry Requirements; (c) Subpart E, Hazard Evaluation: Wildlife and Aquatic Organisms.

2. The Agency may present background information on changes anticipated in its basic regulatory approach to pesticides. Such a presentation would involve a discussion of a generic chemical standards approach to regulation.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above. Interested persons are permitted to file written statements before or after the meeting, and may upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Written or oral statements will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit four copies of a summary no later than July 15, 1977.

Individuals who wish to file written statements are advised to submit ten copies of statements to the Executive Secretary in a timely manner to ensure appropriate consideration by the Panel.

Dated: June 24, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.77-18662 Filed 6-29-77;8:45 am]

[FRL 748-7]

MINNESOTA

Marine Sanitation Device Standard

On January 5, 1977, notice was published that the State of Minnesota had petitioned the Administrator, U.S. Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, for the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota, for the St. Croix River from the Wisconsin Border to Taylors Falls, and for all other interstate waters except Lake Superior, Superior Bay, and St. Louis Bay, the Lower Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, the waters of the Lower St. Croix River, and the Boundary Waters Canoe Area (42 FR 15079, March 18, 1977). The petition was filed pursuant to Section 312(f)(3) of Pub. L. 92-500.

Section 312(f)(3) states, "After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply."

The information submitted to me certifies that there are five stationary pump-out facilities and eighteen septic tank pumpers available to service vessels on the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, and for vessels on the Lower Minnesota River from the mouth to the end of the commercial channel near Shakopee, Minnesota. All five pump-out facilities cited by the State are on the Mississippi River; four of the five facilities (Hastings Marina, Kings Cove Marina, Jolly Roger Marina, and Hidden Harbor Marina) service ony recreational craft, while the fifth facility (Twin City Barge and Towing in St. Paul, Minnesota) services commercial vessels primarily. Of the eighteen septic tank pumpers cited by the State, thirteen are

in municipalities that are either directly on or border on the Mississippi River. Of the remaining five septic tank pumpers cited, one (Anoka Sewer Service in Anoka Minnesota) is on the Mississippi River but is approximately four miles north of the northern limit of the Mississippi addressed by the application; the second (A&B Sanitation in White Bear Lake, Minnesota) is approximately twelve miles east of the Mississippi; the third (Marty Sewer Service, in Lake Elmo, Minnesota) is approximately twelve miles northeast of the Mississippi River; the fourth (Roger F. Wierke, in Rosemount, Minnesota) is between the Mississippi and Minnesota Rivers, and is approximately six miles from the Mississippi River and an estimated eight miles from the Minnesota River; and the fifth (Bob Freiermuth Sanitation Service, in Hampton, Minnesota) is located between the Mississippi and Minnesota Rivers, and is approximately twelve miles from the Mississippi and an estimated twenty miles from the Minnesota River. The State has certified that the combination of stationary pump-out facilities and septic tank pumpers will exclude no vessel because of water depth. The distance covered by this application on the Mississippi River is 54 miles and on the Minnesota River is 22 miles.

The State of Minnesota has certified that all vessel wastes removed at either stationary pump-out facilities or by septic tank pumpers are required to be disposed of at a National Pollutant Discharge Elimination System permitted facility or applied on land in conformance with applicable Federal, State and local requirements. The seasonal and daily operating times of the stationary pump-out facilities, as certified by the State, are adequate.

The Agency has received no comments in opposition to the Minnesota petition that are based on scientific or technical merits.

Following a consideration of the fact that the discharge of sewage from all vessels will be prohibited when the Federal Marine Sanitation Device Standard is fully implemented in 1980, the State of Minnesota withdrew its petitions for the Upper St. Croix River from the Wisconsin Border to Taylors Falls, because such water is incapable of navigation by vessels with installed marine sanitation devices, and for all other interstate water, where ingress or egress to standing waters or interstate navigation by vessels subject to the regulation are physically not possible. Thus, the applicable portions of the Mississippi and Minnesota rivers are the remaining waterways from the January 5 FEDERAL REGISTER notice requiring a determination pursuant to Section 312(f)(3).

Following an examination of the petition and supporting information, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, and for the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota, both within the State of Minnesota.

Dated: June 23, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc.77-18657 Filed 6-29-77;8:45 am]

[FRL 754-1; PF73]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Mobay Chemical Corp., Chemagro Agricultural Div., P.O. Box 4913, Hawthorne Rd., Kansas City MO 64120, has submitted a petition (PP 7F1951) to the Environmental Protection Agency which proposes that 40 CFR 180.320 be amended by establishing a tolerance for residues of the insecticide Mesurol, 3,5-dimethyl-4-(methylthio) phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities artichokes at 0.1 part per million (ppm), beans (lima) at 0.1 ppm, beans (snap) at 1.0 ppm, cabbage at 20 ppm, cauliflower at 5.0 ppm, strawberries at 7.0 ppm and tomatoes at 0.5 ppm. The proposed analytical method for determining residues is by using gas chromatography utilizing a flame photometric detector.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All writtten comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 22, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

[FR Doc.77-18660 Filed 6-29-77;8:45 am]

[FRL 753-6; PP 5G1586/T118]

PESTICIDE PROGRAMS

Renewal of Temporary Tolerances; Thiophanate-methyl

On October 15, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 48390) that in response to a pesticide petition (PP 5G1586) submitted to the Agency by Pennwalt Corp., Agricultural Div., Three Parkway, Philadelphia PA 19102, temporary tolerances were established for combined residues of the fungicide thiophante-methyl (dimethyl [(1,2 - phenylene) bis(iminocarbonothioyl)]bis[carbamate]) and its benzimidazole-containing metabolites in or on the raw agricultural commodities celery at 3 parts per million (ppm), beans (snap) at 2 ppm, and pecans at 0.2 ppm. These temporary tolerances expired October 6, 1976.

Pennwalt Corp. requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Pennwalt Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire May 11, 1978. Residues not in excess of 3 ppm remaining in or on celery, 2 ppm in or on beans (snap), and 0.2 ppm in or on pecans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Section, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M St., SW., Washington DC 20460 (202/755-4851).

(Section 408(j) of the Federal Food, Drug and Cosmetic Act [21 U.S.C. 346a(j)])

Dated: June 22, 1977

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-18658 Filed 6-29-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-453]

1978 COMPOSITE WEEK DATES FOR AM AND FM LICENSEES FOR PROGRAM LOG ANALYSIS

JUNE 24, 1977.

The following dates will constitute the composite week for use in the preparation of: (1) Program log analysis submitted with renewal applications for commercial AM and FM station licenses which have expiration dates in calendar year 1978; and (2) assignment of license and transfer of control applications for AM and FM stations which are filed in calendar year 1978.

Sunday, September 26, 1976.
Monday, April 18, 1977.
Tuesday, May 10, 1977.
Wednesday, January 19, 1977.
Thursday, November 11, 1976.
Friday, August 6, 1976.
Saturday, February 26, 1977.

Commercial television licensees and permittees with license expiration dates of February 1 and April 1, 1978 will use, in answering Questions 5, 11 and 12 of revised Section IV of FCC Form 303, the composite week dates previously used in preparing the 1977 Annual Programming Report. Stations whose licenses expire on June 1 and thereafter during calendar year 1978 will use a composite week that will be issued in November, 1977. The composite week dates to be used in the preparation of the 1977 Annual Programming Report (FCC Form 303-A), required to be filed February 1, 1978 will also be issued in November, 1977.

Action by the Commission June 23, 1977. Commissioners Wiley (Chairman), Lee, Hooks, Quell, Washburn, Fogarty and White.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-18732 Filed 6-29-77;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01190---	A/S Gerrards Rederi & A/S Gerrards Rederi II: *Georgia.*
01383---	Rederiaktiebolaget Gustaf Erikson: *Degero, Eckero, Norro.*
01658---	Compania Achilles de Navegacion S.A.: *Nea Tyhi.*
01935---	Partnership between steamship company Svendborg Ltd. and Steamship Company of 1912 Ltd.: *Maersk Boulder, Maersk Breaker.*
01986---	Aktiebolaget Transmarin: *Bernhardina.*
02163---	J. Lauritzen A/S: *Olau Nord.*
02241---	Cape Continent Shipping Company (Proprietary) Ltd.: *Transvaal.*
02471---	P. T. Djakarta Lloyd: *Djatibaru.*
02601---	Caraibische Scheepvaart Maatschappij N.V.: *Cartago.*
02649---	Schiffahrtsgesellschaft Friesecke K.G.: *Helga Friesecke, Mar Tierra.*
02930---	Compania Sud-Americana De Vapores: *Copiapo, Imperial, Aconcagua, Maipo.*
03371---	Compania De Navegacion "Anderson" S.A.: *Sincerity.*
03387---	Deutsche Shell Tanker GMBH: *Caprella.*
03505---	Showa Yusen Kabushiki Kaisha: *Yamanashi Maru.*
03614---	A/S Kristian Jebsens Rederi: *Birknes.*
03733---	Great Lakes Dredge & Dock Company: *No. 53.*
04128---	Skips A/S Westray: *Brunhild.*
04172---	Eklof Marine Corp.: *Reliable.*
04404---	Lars Rej Johansen: *Jotina.*
04357---	Koninklijke Nedlloyd B. V.: *Kapelle, Karakorum, Nedlloyd Kyoto, Laarderkerk, Lelykerk, Nedlloyd Delft, Bovenkerk, Sinoutskerk, Spaarnekerk, Steenkerk, Streefkerk, Scheide Lloyd, Nedlloyd Kingston, Nedlloyd Kimberley, Amstelstad, Zuiderkerk, Banggai, Batjan, Batu, Bengkalis, Wonosobo, Nijkerk, Zaankerk, Zonnekerk, Nedlloyd Dejima, Nedlloyd Katwijk, Nedlloyd Kembla, Nedlloyd Rockanje, Leiderkerk, Merwe Lloyd, Mississippi Lloyd, Musi Lloyd, Neder Ebro, Neder Eems, Madison Lloyd, Main Lloyd, Marne Lloyd, Mersey Lloyd, Maas Lloyd, Loire Lloyd, Leuve Lloyd, Abel Tasman, Seine Lloyd, Neder Linge, Neder Lek, Neder Rhone, Neder Rijn, Simonskerk, Serooskerk, Waalekerk, Westerkerk, Willemskerk, Wissekerk, Schie Lloyd, Neder Weser, Neder Waal, Neder Elbe.*
04625---	American Commercial Lines, Inc.: *Chem 36, Chem 7, Chem 33, Chem 8.*
05168---	Transcontinental Navigation Corporation: *Western Eagle.*
05520---	Union Carbide Corp.: *NMS 1602, DXE 1105, TCB 68, DXE 1104.*
05617---	Maritima Del Norte, S.A.: *Sierra Espuna, Sierra Escudo.*
05770---	C.A. Venezolana De Navegacion: *Yaracuy, Guarico.*
05874---	Sonoda Kisen K. K.: *Itohamu Maru No. 3, Yukizono Maru.*
05998---	Navarino Shipping & Transport Company Ltd.: *Prosperity.*
06063---	Belcher Towing Company: *Barge No. 22, Barge No. 21, Barge No. 20, Barge No. 19, Barge No. 18, Barge No. 10, Barge No. 11. CTCO 172.*
06384---	Mercury Shipping Co., Ltd.: *Mercury Bay.*
06400---	Searoute Shipping Co. Ltd.: *Elna.*
06476---	United International Carriers Ltd: *Chu Fujino.*
06680---	The Great Fortune Navigation (Singapore) Private Ltd.: *Great Faith.*
06712---	Chang An Marine Corp.: *Ever Lasting.*
06854---	United International Ore Carriers Ltd: *Trentwood.*
07019---	Allied Shipping International Corp.: *Pennant.*
07149---	United International Bulk Carriers Ltd.: *Roberts Bank.*
07360---	Hokuyo Suisan Kabushiki Kaisha: *Hoyo Maru No. 21, Hoyo Maru No. 2, Hoyo Maru No. 3.*
07407---	United International Cargo Carriers, Ltd.: *Chalmette.*
07530---	Riverside Tank Corp.: *Udomar.*
07643---	Nebula Shipping Ltd.: *Nebula.*
07729---	Esteli S. A.: *Doctor Lello.*
07808---	Fleet Towing Co., Inc.: *Van Powell.*
07842---	United International Alumina Carriers Ltd.: *Gene Trefethen.*
07951---	Aquarella Navigation Co. Ltd.: *Marivic.*
08234---	Burmah Oil Tankers Ltd.: *Burmah Cameo.*
08289---	River Towing, Inc.: *L 14.*
08516---	Condor Navigation Inc.: *Stolt Condor.*
08692---	Rita Shipping Co., Inc.: *Rita.*
09021---	Daeyang Shipping Corp. Ltd.: *Aeneas.*
09137---	Arne Teigens Rederi A/S: *Rytterstind.*
09371---	Bilbo E. Williamson: *GTC-5.*
09451---	Kimolos Shipping Co. S.A. of Panama: *Nema.*
09467---	Reederei Hans Beilken OHG: *Scol Independent.*
10423---	Merry Shipping Co. Inc.: *No. 128, No. 137.*
10759---	Indo Pacific Carriers Inc.: *Hawaiian Patriot.*
11295---	Maroco Tankers, S.A.: *Barabara Massey.*
11484---	Thomas and Hall Trading Co. Ltd.: *Walka.*
11489---	Maritime Shipping Corp.: *Ytai.*
11659---	West Indies Oil Co. Ltd.: *Bunker Antigua.*
12023---	Kokusai Shipping K.K.: *Sanko Maru.*
12362---	Konpiramaru Gyogyo Kabushiki Kaisha: *Konpiramaru No. 7.*
12374---	Bayard Line (Maldives) Ltd.: *Yukize Maru.*
12378---	Antietam Tankers Inc.: *Antietam.*
12603---	Sea Containers Atlantic Ltd.: *Aqaba Crown.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18755 Filed 6-29-77:8:45 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of 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 agree-

ment at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 20, 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, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9214-22, among the member lines of the above named conference, provides that the parties may appoint the Chairman or other staff member of the equivalent Westbound Conference (Continental North Atlantic Westbound Freight Conference) as resident representative in Europe to perform such functions authorized by Articles X and XI of the Agreement as the Chairman may designate; including attending and chairing meetings in Europe, attending to shippers requests and complaints in Europe, and various administrative functions.

By Order of the Federal Maritime Commission.

Dated: June 24, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18753 Filed 6-29-77;8:45 am]

SEATRAIN INTERNATIONAL S.A. AND PRUDENTIAL LINES, INC.

Notice of 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 July 20, 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:

Paul D. Coleman, Esquire, Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No. 10299, a cooperative working arrangement between Seatrain International, S.A. ("Seatrain") and Prudential Lines, Inc. ("Prudential"), would provide for the establishment of an arrangement for the interchange of cargo containers and related equipment for use in connection with the operation of Seatrain's services among ports in the Caribbean, including ports in Puerto Rico, and Prudential's services between ports in the Dominican Republican and ports in South America in accordance with the terms of the agreement.

By Order of the Federal Maritime Commission.

Dated: June 24, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18754 Filed 6-29-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-425]

ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 22, 1977.

Take notice that on June 7, 1977, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP77-425 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and deliver of up to 3 billion Btu's per day equivalent of natural gas to Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver to Boston Gas, for liquefaction and redelivery and ultimate use in the Providence Tank, up to 70 billion Btu's per month of natural gas at a rate not to exceed 3 billion Btu's for the period ending October 31, 1977. Applicant states that such gas would ultimately be returned to Applicant for delivery to one of its customers, Providence Gas Company (Providence Gas), under existing rate schedules and certificate authorizations.

Specifically, Applicant indicates that it would loan gas to its wholly owned subsidiary, Algonquin LNG and that the subject gas would be liquefied by Boston Gas upon delivery by Algonquin Gas, and redelivered by Boston Gas in liquefied form for transportation and delivery by truck to the Providence Tank where it would be used to maintain the cold required by such tank. Applicant states that when such LNG vaporizes through the normal boil-off process in the Providence Tank, Algonquin Gas would receive it so that it once again would become a part of system supply, and that such gas would then be delivered to Providence Gas under Algonquin Gas existing rate schedules.

Applicant states that it has entered into an agreement, dated May 11, 1977 with Boston Gas for the liquefaction service and that under the terms of such agreement, Boston Gas would liquefy the necessary volumes of natural gas for Applicant for $1.115 per million Btu's, plus $20.00 for each truck loaded (approximately 2.5 cents per million Btu's). After such liquefaction, Boston gas would deliver the gas into an LNG truck for transportation and delivery to the Providence Tank at an estimated cost of approximately 40.0 cents per million Btu's, bringing the liquefaction and trucking costs for the LNG, when delivered to the Providence Tank, to approximately $1.54 per million Btu's.

Applicant states that it requires the LNG in order to maintain the Providence Tank at the proper temperature for storing LNG during the months of April through October, and that the need for such gas during the summertime occurs because during the winter the remaining portions of the Providence Tank are expected to be leased to others, with boil-off responsibility being assumed by such other customers as part of the storage arrangements with them. Applicant further states that it could avoid compensation to Providence Gas by allowing the LNG from another source to be put in the tank for purposes of "boil-off liquid" by these direct arrangements with Boston Gas.

Applicant asserts that the net cost of such alternative arrangement would be less, and Applicant can loan gas to Algonquin LNG at no economic or other cost to the customers of Applicant. The instant proposal can be implemented with existing facilities of Boston Gas, Algonquin Gas and Algonquin LNG, it is said.

It is stated that under present procedures, boil-off gas from the Providence Tank is provided by Providence Gas. Consequently, Providence Gas had to acquire a supply of LNG in excess of its actual requirements in order to maintain Algonquin LNG's tank cold, it is said. Applicant indicates that the instant pro-

posal would alter existing arrangements from, the standpoint that, whereas in past summers Algonquin LNG was obliged to compensate Providence Gas for Algonquin LNG's share of boil-off at costs ranging up to $1.62 per million Btu's, the present proposal would allow Algonquin LNG to borrow gas to be liquefied, and thus provide its own source of cold and to relieve Providence Gas of the burden of making arrangements for the LNG cooling effect needed by Algonquin LNG. The results would be to reduce Algonquin LNG's cooling cost from $1.62 per million Btu's to approximately $1.54 per million Btu's (liquefaction and trucking costs only).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18717 Filed 6-29-77;8:45 am]

[Docket No. E-7671]

BLANDIN PAPER CO., ET AL.

Order Approving Settlement

JUNE 23, 1977.

This proceeding involves a proposed settlement of payments for headwater benefits due the United States from owners of 12 hydroelectric facilities located on the Upper Mississippi River between the source of the river at Lake Itaska and Minneapolis, St. Paul, pursuant to provisions of Section 10(f) of Part I of the Federal Power Act.[1] The settlement offer which fixes the sum due for headwater benefits for the period 1925 to 1965 for facilities operated by Blandin Paper Company, et al.[2] The six federally owned headwater improvements which provide benefits are: Winnibigoshish Lake, Leech Lake, Pokegama Lake, Sandy Lake, Pine River Reservoir, and Gull Lake. The settlement is sponsored or not opposed by all parties to the proceeding except for Staff.

Although staff raises a number of issues concerning methodology in assessment of headwater benefits, the basic issue in this proceeding is whether or not to accept the offer of settlement of $201,358 which includes the payment for cost of studies provided under Section 10(f), or Staff's final determination of $631,000, including $63,600 for the cost of studies. In approving this settlement we are mindful of the fact that staff has produced, since May 1971, four or five studies each changing and each increasing the amount of the assessment and charge for making the assessment.

The following contained in pg. 4 of the memorandum of Blandin Paper Company, Minnesota Power and Light Company, The Potlach Corporation and The Ford Motor Company in support of the settlement is worthy of attention.

In the circumstances, we believe the offer of settlement to yield an equitable apportionment of the headwater benefits.

In view of the length of time which has passed and the delays and costs already incurred by all parties, the purpose of the statute would not be served if further proceedings were ordered or if the amounts staff seeks were assessed.

The Commission orders: (A) The proposed settlement of payments for headwater benefits due the United States certified to this Commission by the presiding Administrative Law Judge on July 19, 1976, is incorporated herein by reference, approved and made effective.

(B) The payments specified in the proposed offer of settlement shall be paid within 60 days of the date of this order.

By the Commission.[3] Commissioner Smith dissenting, filed a separate statement appended hereto.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18725 Filed 6-29-77;8:45 am]

[Docket Nos. ER76-229, ER76-633, and ER76-661]

CENTRAL LOUISIANA ELECTRIC CO.

Certification of Settlement Agreement

JUNE 22, 1977.

Take notice that on June 7, 1977, the Presiding Administrative Law Judge certified to the Commission a settlement agreement filed by Central Louisiana Electric Company on June 3, 1977, which would dispose of all issues in these consolidated dockets.

As set forth in the Settlement Agreement, CLECO has agreed to modify its Rate Schedule WR-1 as filed on April 23, 1976, which is applicable to service to the Towns of Boyce and Elizabeth, Louisiana, Gulf States Utilities Company (Gulf States) and to Southwest Louisiana Electric Membership Corporation (SLEMCO) at Melville, Louisiana. CLECO has also agreed to modify its Service Schedule C—Supplemental Power to the Electric System Interconnection Agreement between CLECO and Cajun Electric Power Cooperative, Inc. (Cajun) as filed on April 30, 1976.

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[1] Section 10(f) provides in pertinent part as follows:

"(f) That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permitee, or of the United States of a storage reservoir or other headwater improvement, the Commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the Commission. The licensees or permittees affected shall pay to the United States the cost of making such determination as fixed by the Commission. [41 Stat. 1070; 49 Stat. 848-844; 16 U.S.C. 803(f)] • • •

Whenever any power project not under license is benefited by the construction work of a licensee or permitee, the United States or any other agency thereof, the Commission, after notice to the owner or owners of such unlicensed project, shall determine and fix a reasonble and equitable annual charge to be paid to the licensee or permitee on account of such benefits, or the United States if it be the owner of such headwater improvement [49 Stat. 844; 16 U.S.C. 803(f)]"

[2] Blandin Paper Company, Minnesota Power & Light Company, Potlatch Corporation, St. Regis Paper Company, Northern States Power Company, General Mills, Inc., and Ford Motor Company.

As this proceeding drags into its sixth (and for Companies its costliest) year, there is no present prospect of an early conclusion. The Staff position, which has undergone a continuing evolution for five years, has steadily enlarged the Companies' exposure in this proceeding. If Companies had made no protest whatsoever in their comments on the original May 1971 Report, but had merely requested a final bill from the Commission in the amount then recommended by the Staff, not only would the amount of time devoted as well as the litigation expenses have been greatly reduced, but their 10(f) charges would have been approximately one-third of the amount now claimed by the Staff. All of Companies' comments and objections to the Staff's various reports in this proceeding have been relevant, material, and made in good faith, but the expense of continued litigation would make Pyrrhic even a total victory by the Companies. Companies' interest in an offer of settlement, therefore, developed not for any lack of confidence in their legal position, but because the mounting costs of litigation will surely soon surpass the original controversy.

[3] Dissenting statement of Commissioner Smith filed as part of the original document.

The only customer to intervene in this proceeding, SLEMCO, withdrew as an intervenor before settlement negotiations began. Cajun, although not a party, participated in the final settlement conference between CLECO and Staff. CLECO states that the Settlement Agreement rates if collected throughout the year ending April 30, 1977, would have provided CLECO with additional revenues of $1,233,255 from service to the affected wholesale customers. (CLECO had agreed not to collect the full amount of the rate increase requested with respect to Boyce, Elizabeth, Gulf States and SLEMCO at Melville until May 31, 1977.)

The Settlement Agreement includes an increase in the composite depreciation rate on electric production plant from 2.73% to 3.31%.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 8, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18707 Filed 6-29-77;8:45 am]

[Docket No. RP72-122]

COLORADO INTERSTATE GAS CO.

Petition

JUNE 22, 1977.

Take notice that on June 13, 1977, Colorado Interstate Gas Company (CIG) filed in Docket No. RP72-122 a Petition pursuant to Section 1.7 of the Federal Power Commission's Rules of Practice and Procedure and Order No. 7 of the Administrator, Emergency Natural Gas Act of 1977 (ENGA), issued in Docket No. E77-92 on April 22, 1977. By its Petition, CIG seeks Commission approval to recover the cost of gas purchased by CIG pursuant to Section 6 of the ENGA through the normal operation of CIG's tariff PGA clause.

CIG avers that it has contracted for two purchases of natural gas pursuant to Section 6 of the ENGA and consistent with orders of the Administrator, ENGA. CIG states that it agreed to make the purchases in February, 1977 to:

(1) Aid its negotiations for the long term dedication of such gas to CIG after the emergency sale,

(2) Provide for readily available supplies of gas should CIG be ordered to deliver gas to other pipelines under Section 4 of the ENGA,

(3) Help restore CIG's storage gas inventory, and

(4) Protect service to CIG's higher priority customers should the weather in its markets at that time take a turn for the worse.

CIG also avers that by his Order No. 7, the Administrator, ENGA, authorized an interstate pipeline company to seek Commission approval to use its effective PGA tariff provision to flow through the allocable jurisdictional costs of purchases under Section 6, ENGA, if the purchases are 2.0 percent or less of the pipeline's total forecasted monthly sales. CIG states that its purchases pursuant to Section 6, ENGA, have never approached 2.0 percent of its projected sales for the four months of actual experience to date. CIG further avers that it does not anticipate contracting for any additional Section 6 purchases between now and July 31, 1977 which would cause CIG to exceed the 2.0 percent limit. CIG requests that its Petition be granted and that it be permitted to recover the cost of gas purchased by it pursuant to Section 6, ENGA, through the normal operation of its tariff PGA clause.

CIG states that it served copies of its Petition on all parties in Docket No. RP-72-122.

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 Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 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 proceesding. 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.77-18699 Filed 6-29-77;8:45 am]

[Docket Nos. G-4907 and CP76-431]

DORCHESTER GAS PRODUCING CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Order Granting Application To Amend Certificate of Public Convenience and Necessity and Making Determination on Petition for Declaratory Order

JUNE 21, 1977.

Preliminary statement. On November 9, 1976, Dorchester Gas Producing Company (Dorchester) filed an application requesting that the Federal Power Commission amend the certificate of public convenience and necessity issued June 22, 1955, in Docket No. G-4907,[1] authorizing the sale by Dorchester of natural gas to Natural Gas Pipeline Company of America (Natural), pursuant to a contract with Natural dated December 1, 1946. The application seeks authorization for Dorchester to continue the sale under the terms of the base contract, as amended on May 6, 1976, to provide for an increase in the quantity of hydrocarbons extracted from the gas stream in the form of liquids by means of modernization of an existing extraction plant, provided that the Commission finds an application to be required. It is Dorchester's position that it needs no authorization to so increase its extractions. It states it filed for the above authorization in order to avoid delay in its plant modernization program.

Background. Dorchester sells gas to Natural under the above-mentioned certificate and its related FPC Gas Rate Schedule No. 2 at a price of 17.9022 cents per Mcf at 14.65 psia plus tax reimbursement (the minimum rate under Opinion No. 749, as amended). The gas involved is produced from approximately 78,000 acres in Texas County, Oklahoma.

Subject to certain limitations, the 1946 base contract permits Dorchester "to extract from the gas to be delivered hereunder nitrogen, helium, and also natural gasoline, butane, propane and other hydrocarbons other than methane, together with any methane necessarily removed from the gas in the process of recovering such other constituents." The contract further provides that gas delivered at the metering equipment of Natural (at the plant outlet) shall contain at least 950 Btu's per cubic foot, except as Natural may at its option accept gas of lower quality. However, Dorchester is required to refrain from permanantly removing hydrocarbons from the gas to the extent that their removal may reduce the heating value of the gas below 950 Btu's per cubic foot.

By the amendment of May 6, 1976, to their 1946 contract, Dorchester and Natural have agreed as follows:

(1) They have deleted from the gas purchase contract the provision requiring Dorchester to refrain from permanently removing reserved hydrocarbons from the gas stream entering the plant to the extent that their removal might reduce the heating value of the residue gas below 950 Btu's per cubic foot. In lieu thereof, they have substituted a provision limiting to 25 percent of the Btu's in the gas stream entering the gasoline plant the Btu's which Dorchester may remove in extracting its reserved hydrocarbons, including processing fuel.

(2) They have deleted from the gas purchase contract the paragraphs which reduce by 10 percent the price to be paid Dorchester for gas delivered to Natural containing less than 960 Btu's per cubic foot, and by 20 percent the price to be paid for gas containing only 950 Btu's. They have substituted in lieu of the deleted paragraphs a provision proportionally adjusting the price to be paid for gas containing more or less than 965 Btu's per cubic foot.

(3) They have agreed that if an applicable minimum price is ever established by order, decision, or legislation the minimum price to be paid shall be adjusted downward if the gas delivered by Dorchester to Natural contains less than 965 Btu's per cubic foot.

(4) They also have agreed that the amendment shall not become effective

[1] The certificate was issued to Dorchester's predecessor, Dorchester Corporation, but was amended by order issued May 29, 1963, to substitute Dorchester as the certificate holder.

until receipt of all requisite Commission approval deemed necessary in either party's sole judgment, and that either party may terminate the amendment at any time prior to receipt of such approval by giving written notice to the other.

On June 9, 1976, Dorchester filed the May 6, 1976, amendment as a proposed supplement to its Rate Schedule No. 2.

The extraction plan involved is Dorchester's Hooker Gasoline Plant in Texas County, Oklahoma. It has historically removed, and presently removes, 15.5 percent of the gas stream's total Btu's by removing 54 percent of the stream's propane, 85.7 percent of its butane, and 95.4 percent of its heavier-than-butane hydrocarbons, plus processing fuel. This changes the stream's Btu's from 1,064 to 982 per cubic foot.

Dorchester's preferred plan is, by means of its proposed improved extraction facilities, to remove 25 percent of the stream's Btu's by removing nearly 83 percent of its ethane and virtually a hundred percent of all the heavier-than-ethane hydrocarbons, plus processing fuel. Stream Btu would go from 1,064 to 912. In order to be effectuated, this plan would require the contract amendment of May 6, 1976, referred to previously. (This plan is sometimes hereinafter referred to as Plan I.)

Dorchester has an alternate plan which it would want to utilize if it were unable to utilize its preferred plan (Plan I). Under the alternate plan Dorchester would remove approximately 32 percent of the stream's Btu's but would, in essence, restore the 912 Btu gas to 982 Btu quality by removing part of the inert nitrogen. This plan would result in the removal of 4.7 percent of the inlet stream's methane, 96 percent of its ethane, and virtually 100 percent of all the heavier-than-ethane hydrocarbons, plus processing fuel. Stream Btu under this plan would go from 1,064 to 982. Since this plan does not lower stream Btu below the 950 Btu minimum of the 1946 contract, it could be effectuated without amendment of such contract. (This plan is sometimes hereinafter referred to as Plan II.)

The Natural petition. The shrinkage volumes involved in this proceeding are from the gas, previously described, sold to Natural by Dorchester. Dorchester transports the gas from the wells to Natural's Compressor Station No. 101. From there, Natural transports the gas 1/5 of a mile to Dorchester's extraction plant. After liquids extraction, the gas flows back into Natural's line where it is received by Natural for its general system use. A certificate for the construction and operation of Natural's facilities necessary for this purchase was issued to Natural on January 28, 1947, in Docket No. G-771. On July 2, 1976, Natural filed with the Commission in Docket No. CP76-431 a petition for an order declaring and confirming that it has authority under such existing certificate to transport the increased shrinkage volumes contemplated by Dorchester's proposed increased extraction activities. This will be discussed infra.

The Dorchester proposal. Dorchester's sale of gas by its December 1, 1946, contract to Natural is made expressly subject to a right of Dorchester to extract nitrogen, helium, natural gasoline, butane, propane, and "other hydrocarbons other than methane, together with any methane necessarily removed from the gas in the process of recovering such other constituents." In the Commission's view, the dedication of this gas to interstate commerce, as evidenced by the certificate of public convenience and necessity issued to Dorchester in June of 1955, is subject to these extraction rights to the extent that Dorchester may exercise them. It follows, therefore, that Dorchester may increase its extraction activities without application to the Commission, so long as such activities are within the scope of the extraction rights provided for in its 1946 contract.

It is often said in the decided cases that extraction of liquids is a non-jurisdictional activity and Dorchester relies on such language to support its position that the extent of its extractions from the gas it sells to Natural is a private contractual matter beween itself and Natural.

The Commission agrees that extraction of liquids is a non-jurisdictional activity. To the extent it is provided for in the contract originally dedicating gas to interstate commerce, the hydrocarbons liquefied pursuant to the contract are considered as having been reserved from the interstate sale, and as not being dedicated to interstate commerce.

This is illustrated in *Phillips Petroleum Company*, 24 FPC 537 (1960), cited by Dorchester, a proceeding to determine just and reasonable jurisdictional rates applicable to Phillips under Sections 4(e) and 5(a) of the Natural Gas Act. A Phillips witness described the company contracts as follows, 24 FPC p. 680:

Most contracts that we have for delivery of gas from our plants do not require any degree of liquid removal. It is usually the other way, in that the removal is limited, which is accomplished by limiting or setting a minimum on the Btu that can be delivered.

In practice all of those contracts, [sic] it is known at the time that we enter into the contract that the gas will be processed, and that residue gas is the gas that will be delivered from the plant, so it is within the contemplation of both parties at the time the contract is entered into that the gas will be processed.

It was in this context, i.e., that of liquefiable hydrocarbons reserved from interstate gas sales contracts, that the Commission held that Phillips' gasoline plant operations were non-jurisdictional.

No certificate amendments are required to initiate and maintain these extraction operations, or to increase them, so long as they are kept within the scope of the original contract. Of course, an increase in extraction operations would result in less gas and less Btu's being delivered to the interstate sale. But this can happen only where extractions were not up to the level authorized in the contract in the first place. Therefore, no gas previously dedicated to interstate commerce without reservation is diverted from interstate commerce.

We do not view the rule in *Sunray Mid-Continent Oil Co.* v. *FPC*, 364 U.S. 137 (1960), that gas once dedicated to interstate commerce cannot be withdrawn without Commission approval, as applicable to gas dedicated subject to a reservation not inconsistent with the certificate.

However, in the case of that portion of a natural gas stream not subject to reserved extraction rights, the situation is different. Such gas cannot be made available for liquid extraction without Commission approval. This is illustrated in *Panhandle Eastern Pipe Line Co.* v. *FPC*, 359 F. 2d 675 (1966) where Panhandle proposed to divert its gas stream from one existing extraction plant to a new plant in the same immediate vicinity in order to extract helium and a greater amount of liquid hydrocarbons. The old plant could not extract helium. No construction of jurisdictional transportation facilities was involved, since such facilities as were necessary were already in existence. Panhandle sought certificate authority only for transportation of fuel volumes of gas to the new plant, but the Commission required it to obtain a certificate for transportation of the entire shrinkage volumes including the fuel volumes. The Court affirmed, holding that while the Commission had no jurisdiction over the helium, by virtue of the Helium Amendments Act, 50 U.S.C. § 167l, it was not prevented from exercising jurisdiction over helium-bearing natural gas. The Court expressly held that the Commission has certificate jurisdiction over transportation of the hydrocarbon portion of shrinkage volumes of gas to a non-jurisdictional facility for removal of hydrocarbons.

Certificate jurisdiction of the Commission over transportation of natural gas for non-jurisdictional purposes is well settled. *Panhandle Eastern Pipeline Co.* v. *FPC supra*, (liquids extraction); *FPC* v. *Louisiana Power & Light Co.*, 406 U.S. 621 (1971) (direct sales); *FPC* v. *Transcontinental Gas Corp.*, 365 U.S. 1 (1961) (direct sales).

While Dorchester's Plan II does come within the scope of its rights under the original contract and certificate, its Plan I clearly does not, since it would violate the provision of the 1946 contract requiring that extraction activities not lower the Btu of the remaining stream below 950 Btu's per cubic foot. Therefore, the rule in *Sunray, supra*, would require Commission authorization for Plan I to be implemented, since it would represent a change in service from that authorized under the certificate. However, if we were to find that the extraction plan requiring Commission approval would be more in the public interest than the plan not requiring approval, then we believe it would be our duty, nothing else

appearing, to approve the former plan on that basis alone. The question, therefore, is whether Plan I is better than Plan II. If authorization for Plan I is withheld, Dorchester can still implement Plan II.

The trade-off between these two plans from the standpoint of Natural and the consumers on its system is more gas and more total Btu's at a lower Btu per cubic foot with Plan I; or less gas and less total Btu's at a higher Btu per Mcf with Plan II. From Dorchester's point of view, the trade-off is smaller plant investment and expense for fewer saleable liquids versus greater extraction investment and expense for more saleable liquids. Both Dorchester and Natural support Plan I.

As discussed above, Dorchester's principal argument for Plan I is that it takes less total Btu's from the stream to Natural than the maximum that could be taken under Plan II. Dorchester's filing, as well as an analysis thereof by the Staff, indicates that Plan I would bring a 25 percent reduction in total stream Btu's with delivered gas having a heating value of 912 Btu's per cubic foot, as against Plan II which would bring a 32 percent reduction in total stream Btu's with delivered gas having a heating value of 982 Btu's per cubic foot. Staff's study indicates that these figures take into consideration that Dorchester gas comprises 58 percent of the stream sold to Natural, the balance being sold by approximately fourteen other producers who are not parties to this proceeding. Both of Dorchester's plans allocate to these other producer sales the minimum Btu's per Mcf, 1,000, called for in their contracts.

Our study of this matter leads us to conclude that Plan I should be made available for use by the parties hereto because it delivers more gas and more Btu's to the interstate market than Plan II. True, the total stream would be 912 instead of 982 Btu's per cubic foot, but the effect of this on a system the size of Natural's should be minimal. Gas of lower Btu than 912 is commonly bought and sold for pipeline purposes throughout the industry. In any case, we do not believe a question exists in this regard of sufficient importance to justify setting this matter for formal hearing. It will be recalled that under the May 6, 1976, contract amendment, Natural and its consumers will get a reduction in purchase price proportionate to the lowering in Btu per cubic foot for whatever lower Btu gas they take from Dorchester.

Upon consideration, the Commission has determined to grant Dorchester's application insofar as Plan I is concerned. It needs no authorization beyond its original certificate to proceed with Plan II.

Need for certification on the part of Natural. Natural needs no additional certificate autority to transport shrinkage volumes to the Dorchester plant so long as Dorchester's extraction activities are within the scope of its present certificate, that is, as long as they remain as they are or as they would be under Plan II, but additional certificate authorization will be required for Natural if Dorchester exceeds the scope of its original contract and present certificate authorization by proceeding with Plan I. This latter would hold even if Natural were transporting no volumes which it is not already transporting, because it would be transporting them for a different extraction operation which required new Commission authorization. See *Panhandle Eastern Pipe Line Co. v. FPC*, supra.

Interventions. After due notice of Dorchester's application in Docket No. G–4907 and Natural's petition for decalaratory order, no intervention petitions or notices were filed, except that Natural petitioned to intervene in Dorchester's docket. Natural did not request a hearing or oppose the granting of Dorchester's application.

The Commission finds: At a hearing held on June 16, 1977, the Commission on its own motion received and made a part of the record in Docket No. G–4907, all evidence, including the application, affidavits, and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds: (1) Dorchester is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) Amendment of Dorchester's certificate of public convenience and necessity in Docket No. G–4907 in the manner set forth hereinafter is required by the public convenience and necessity.

(3) Participation by Natural in the proceeding in Docket No. G–4907, according to its petition to intervene, may be in the public interest.

The Commission orders: (A) The certificate of public convenience and necessity heretofore issued to the predecessor in interest of Dorchester Gas Producing Company on June 22, 1955, in Docket No. G–4907, as amended, authorizing the sale by Dorchester of gas to Natural Gas Pipeline Company of America (Dorchester's FPC Gas Rate Schedule No. 2), is hereby further amended to permit delivery of lower Btu gas to Natural than provided for in the base contract for such sale (dated December 1, 1946), to the extent necessary to effectuate an amendment to the base contract entered into by Dorchester and Natural on May 6, 1976, providing for different hydrocarbon extraction operations than were possible under the base contract, all as described in the body of this order.

(B) Natural will be required to obtain authorization to transport to the liquefication point any hydrocarbons which may be extracted by Dorchester as contemplated by Ordering Paragraph (A), pursuant to the May 6, 1976, contract amendment between Dorchester and Natural.

(C) Natural is permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided further,* That the admission of Natural shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18715 Filed 6-29-77;8:45 am]

[Docket No. CP77-289]

EL PASO NATURAL GAS CO.

Amendment to Application

JUNE 21, 1977.

Take notice that on June 6, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-289 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the operation of certain facilities for the injection of gas into Clay Basin Field for Northwest Pipeline Corporation (Northwest), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on March 8, 1977, at Docket Nos. CP77-289 and CP76-285, Applicant and Mountain Fuel Resources, Inc. (Resources), respectively, filed a joint telegraphic request for authorization to install certain facilities necessary to permit injections of gas volumes for Applicant's account into Resources' Clay Basin Field commencing May 1, 1977, pursuant to certain storage arrangements involving Applicant, Resources and Northwest for the protection of service to its east-of-California (EOC) customers' Priority 1 and 2 requirements. It is further stated that applications in support of the telegraphic request, with a request for temporary authorization, were filed by Resources on March 10, 1977, and Applicant on March 11, 1977.

Applicant states that in the telegraphic request and its supporting application in the instant docket, it requested authorization to install two compressor units, with a combined total of 4,990 horsepower, and appurtenances thereto, at the intersection of Northwest's mainline system and Resources' Clay Basin Lateral located near Dutch John, in Dagget County, Utah. It is indicated that on March 17, 1977, in the instant docket and Docket No. CP76-285, the Commission granted Applicant and Resources temporary authorization to install the proposed facilities.

It is stated that the immediate commencement of installation of the subject facilities was required in that the parties anticipated that Applicant would be able to store and preserve up to 26,000,000 Mcf of gas in the Clay Basin Field if those facilities were installed and ready to commence operation by May 1, 1977. Applicant indicates that pursuant to the authorizations granted by the Commis-

sion on March 17, 1977, the installation of those facilities has been substantially completed and they are now ready for operation. However, for reasons unrelated to the installation or operability of those facilities, Applicant has not been able, to date, to finalize certain other arrangements necessary to the effectuation of its storage arrangements with Resources and Northwest, it is said. Consequently, those facilities, although ready for operation upon the receipt of requisite authorizations, are presently standing idle, it is indicated. It is stated that Northwest advised Applicant and Resources that it understands that as a result of the installation of the subject facilities, the daily injection capability in the Clay Basin Field would be increased to approximately 250,000 Mcf which is 100,000 Mcf per day greater than the initial injection rate contemplated for Northwest, and that it desire that those facilities be beneficially utilized pending the effectuation of Applicant's own Clay Basin storage arrangements in order to maximize injections of gas into Clay Basin Field for Northwest's account during the 1977 injection season pursuant to the existing storage arrangements between Resources and Northwest set forth in the agreement which constitutes Resources' presently effective storage service Rate Schedule S-1. It is indicated that Northwest requested that Applicant and Resources seek authorization to permit the use of the subject facilities to facilitate injections of gas for Northwest's account until such time as those facilities are required for Applicant's use.

Applicant states that the use of the subject facilities for the injection of Nortwest's gas into Clay Basin Field would permit Northwest to achieve its maximum storage inventory at an earlier date than would be possible if those facilities were not so utilized, with the result that upon finalization of the remaining outstanding arrangements respecting Applicant's own Clay Basin storage project, Northwest and Resources would each be able to utilize existing transport and storage facilities to a much greater extent than would otherwise be the case to accommodate the quantities of Applicant's gas available for injection into the Clay Basin Field.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 11, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18716 Filed 6-29-77;8:45 am]

[Docket No. RI77-101]

PHILLIP C. FERGUSON

Petition for Special Relief

JUNE 22, 1977.

Take notice that on May 17, 1977, Phillip C. Ferguson (Ferguson), P.O. Box 68, Woodward, Oklahoma 73801, filed a petition for special relief in Docket No. RI77-101 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 C.F.R. 2.76).

Ferguson seeks authorization to charge $1.42 per Mcf for the sale of gas from two wells located in Woodward County, Oklahoma. Ferguson states that it is no longer economical to continue producing the subject gas at the current rates. The purchaser of the gas is Northern Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 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 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be conisidered 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.77-18706 Filed 6-29-77;8:45 am]

[Docket No. ER77-451]

GEORGIA POWER CO.

Change in Rate Schedule

JUNE 22, 1977.

Take notice that on June 15, 1977, Georgia Power Company (Georgia) tendered for filing a proposed change in its Interchange Contract with Savannah Electric and Power Company (Savannah). Georgia states that the proposed change in rate schedule does not change the level of the rate at which it and Savannah purchase and sell capacity, and that the proposed change is merely a modification of the amount of capacity purchases and sales between Georgia and Savannah to reflect revised estimates of Savannah's load and generating capability.

Georgia requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1977 to be assigned to the proposed modification since, according to Georgia, both parties have agreed upon that date, and because Savannah requires the revised quantity of capacity effective on that date.

Georgia states that copies of the proposed modification have been mailed to Savannah.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 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.77-18714 Filed 6-29-77;8:45 am]

[Docket Nos. CI75-173, CI77-131, CI77-149, CI77-199, CI77-255, CI77-266]

GULF OIL CORP.

Certification of Proposed Settlement Agreement

JUNE 22, 1977.

Take notice that on June 15, 1977, Presiding Administrative Law Judge Allen C. Lande certified to the Commission for its consideration a Settlement Proposal in the above-entitled proceedings.

Gulf Oil Corporation (Gulf) has filed applications for abandonment authorization in each of the above-mentioned dockets. Gulf proposes to terminate the present sales as certificated and instead deliver gas from the supplies involved to Texas Eastern Transmission Corporation (Texas Eastern) under Gulf's warranty contract that has been the subject of proceedings in Docket No. CI64-26.

The above-entitled proceedings were consolidated and set for hearing by Commission orders issued February 28 and March 14, 1977. Pursuant to an order of the Presiding Administrative Law Judge issued April 28, 1977, a prehearing and settlement conference was held on June 14, 1977, during which Gulf presented the instant settlement proposal.

Under the terms of the settlement proposal, Gulf and the current pipeline purchasers will promptly execute short-term renewal contracts which will permit Gulf to collect the applicable renewal contract rate in accordance with the Commission's Regulations for the sales of gas involved in these proceedings. The renewal contracts will provide for a primary term to run until the conclusion of the proceedings in

Docket Nos. CI77–95, *et al.*,[1] and any judicial review thereof, and thereafter the contracts will be in effect for successive secondary monthly terms, subject to termination by either party at the conclusion of the primary term. Upon Commission approval of the settlement proposal Gulf's abandonment applications will be withdrawn without prejudice. If Gulf prevails on its abandonment applications in Docket Nos. CI77–95, *et al.*, then Gulf may terminate the short-term renewal contracts and refile its abandonment applications in the instant proceedings to be heard *de novo*. If Gulf does not prevail on its applications in Docket Nos. CI77–95, *et al.*, then Gulf and the current pipeline purchasers will enter into new five-year-term renewal contracts if the short-term contracts are terminated.

In accordance with the date for comments agreed upon by all parties in attendance at the prehearing and settlement conference, all comments on the proposed settlement agreement shall be filed on or before June 24, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–18708 Filed 6–29–77;8:45 am]

[Docket No. ER76–555]

INTERSTATE POWER CO.

Filing of Settlement Agreement

JUNE 21, 1977.

Take notice that on June 10, 1977, Interstate Power Company (Interstate) submitted for filing for approval by the Commission a proposed stipulation and settlement agreement for electric transmission service from Interstate to seven municipal wheeling customers in Minnesota. Interstate states that this settlement has been reached by Interstate, and the seven municipalities affected, to-wit, Adrian, Jackson, Lakefield, Luverne, Westbrook, Windom, and Worthington, Minnesota as a result of a settlement conference held at the Federal Power Commission on October 19, 1976. Interstate states that this settlement agreement provides for settlement of all issues arising in this rate proceeding.

Interstate states the following:

The settlement allows Interstate an annual increase of $301,653. Interstate had sought an annual increase of $361,794. The settlement includes a revised cost of service of 4.34 mills per kwh, and revised Interstate Power Company Rate Schedule Supplement No. 2 to Interstate's Rate Schedules FPC Nos. 101, 103 and 105 and Supplement No. 3 to FPC No. 108. As to Interstate Rate Schedules FPC Nos. 38, 40, and 67 for the communities of Jackson, Windom and Lakefield, respectively, it is agreed that the rate for transmission service of 4.34 mills per kwh will apply to service to those communities upon expiration of the fixed rate provisions of their respective contracts which expire August 2, 1978, April 6, 1979 and March 16, 1979, respectively. Interstate in its settlement agreement proposes to refund any excess collected under its proposed rate, as provided by Commission Order 513–A.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, on or before July 6, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–18722 Filed 6–29–77;8:45 am]

[Docket No. ER77–449]

KENTUCKY UTILITIES CO.

Voltage Level Upgrading

JUNE 22, 1977.

Take notice that on June 14, 1977, Kentucky Utilities Company (Kentucky) tendered for filing a change in its Rate Schedule FPC No. 69 as relates to Electric and Water Plant Board of the City of Frankfort (Customer) to include an upgrading of delivery voltage from 34.5 KV to 69 KV. Kentucky states that this delivery voltage upgrading will improve the quality and increase the reliability of service to the electric systems of both Kentucky and city.

Kentucky requests waiver of the Commission's notice requirements to allow said service to become effective as of May 3, 1977.

Kentucky states that copies of the tendered filing have been sent to Customer and the Kentucky Public Service Commission.

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 July 1, 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.77–18711 Filed 6–29–77;8:45 am]

[Docket No. ID–1549]

GERALD P. MALONEY

Application

JUNE 22, 1977.

Take notice that on June 13, 1977, Gerald P. Maloney, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Ohio Valley Electric Corporation, Electric Utility.
Vice President, Indiana-Kentucky Electric Corporation, Electric Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE. Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 11, 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.77–18705 Filed 6–29–77;8:45 am]

[Docket No. CP77–424]

MIDWEST NATURAL GAS CORP., AND TEXAS GAS TRANSMISSION CORP.

Application

JUNE 22, 1977.

Take notice that on June 7, 1977, Midwest Natural Gas Corporation (Applicant), 19 N.E. Third Street, Washington, Indiana 47501, filed in Docket No. CP77–424 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corporation (Respondent) to connect its natural gas transmission facilities with the proposed facilities of Applicant at a point near Edwardsport, Indiana, situated in Knox County, Indiana, 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 Applicant presently distributes natural gas purchased from Respondent in the communities of Salem, Scottsburg, Austin and Crothersville, all situated in Washingon County, Indiana, and that Applicant also owns and operated distribution facilities in the communities of Plainville, Odon and Elnora, situated in Daviess County, and Newberry, situated in Greene County, all in Indiana which communities are presently being served with natural gas produced from wells owned and operated by Natural Gas Processors, Inc., also situated in Daviess County, Indiana.

[1] Gulf filed similar applications for abandonment authorization in Docket Nos. CI77–95, *et al.*, in which Gulf proposed to terminate presently-certificated sales and instead deliver the gas involved to Texas Eastern under the warranty contract. The Commission denied those abandonments in Opinion No. 799, issued May 10, 1977. The proceedings in Docket Nos. CI77–95, *et al.*, are currently pending Commission action on Gulf's application for rehearing of Opinion No. 799.

Applicant indicates that its contract demand with Respondent for service to the Salem-Scottsburg service area is 8,562 Mcf per day, and that Applicant owns and operates a propane-air plant located in Scottsburg, which plant has a peak day capacity of 2,000 to 2,400 Mcf per day. Consequently, while Applicant has peak requirements in the Salem-Scottsburg area of 8,575 Mcf, it is able to provide peak day services in this area by use of its peak shaving plant in Scottsburg, it is said.

Applicant states that the subject interconnection would be used as an additional delivery point at Edwardsport, Indiana for previously authorized allocated contract volumes of natural gas. Applicant further states that no increase in its summer season quantity entitlement of 449,832 Mcf and/or its winter season entitlement of 808,882 Mcf is requested. It is stated that the natural gas wells supplying the Plainville service area are becoming depleted and Applicant desires to avoid cutoff of service to the Plainville service area. Consequently, Applicant states that it seeks only deliveries for Plainville by displacement of volumes not needed in the Salem-Scottsburg area. Applicant states that no new customers would be added in Plainville and only high priority uses would be served.

Specifically, Applicant proposes to construct and operate the following facilities:

1. 3 inch I.D. Welded Steel, Coated and Wrapped Pipe
2. 6 inch Casing (R.R. Crossing)
3. 3 inch Valves and Boxes (Weld End)
4. 3 inch Valves and Boxes (Weld End-Flange)
5. 3 inch Insulating Kits
6. Odorizer
7. Regulator Station and Appurtenances
8. Cathodic Protection

Applicant states that it proposes to finance the cost of the required facilities out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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.77-18718 Filed 6-29-77;8:45 am]

[Docket No. ER77-307]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 22, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June 6, 1977, tendered for filing pursuant to the Interconnection Agreement between PSCI and Louisville Gas and Electric Company a Fourth Supplemental Agreement.

PSCI indicates that said Supplemental Agreement provides for an increase in the demand charge for Short Term Power from 45¢ per kilowatt per week to 60¢ per kilowatt per week.

PSCI requests a proposed effective date of May 13, 1977, and requests that the Commission waive the 30 day notice requirement.

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 §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18712 Filed 6-29-77;8:45 am]

[Docket No. ER77-351]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 22, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June 6, 1977, tendered for filing pursuant to the Interconnection Agreement between PSCI and Northern Indiana Public Service a Fourth Supplemental Agreement.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 50¢ per kilowatt per week to 60¢ per kilowatt per week.

PSCI requests a proposed effective date of June 1, 1977, and requests that the Commission waive the 30 day notice requirement.

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 §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18701 Filed 6-29-77;8:45 am]

[Docket No. ER77-349]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 22, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June 6, 1977, tendered for filing pursuant to the Interconnection Agreement between PSCI and The Cincinnati Gas & Electric Company a Fourth Supplemental Agreement.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 50c per kilowatt per week to 60c per kilowatt per week.

PSCI requests a proposed effective date of June 1, 1977, and requests that the Commission waive the 30 day notice requirement.

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 §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 1, 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 filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18703 Filed 6-29-77;8:45 am]

[Docket No. ER 77-352]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 22, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June

6, 1977, tendered for filing pursuant to the Interconnection Agreement between PSCI and Central Illinois Public Service Company a Fourth Supplemental Agreement.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 50¢ per kilowatt per week to 60¢ per kilowatt per week.

PSCI requests a proposed effective date of June 1, 1977, and requests that the Commission waive the 30 day notice requirement.

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 §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 1, 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 filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18710 Filed 6-29-77;8:45 am]

[Docket No. RP77-102]

PUBLIC SERVICE CO. OF NORTH CAROLINA, INC., ET AL.

Complaint and Petition for Order To Show Cause

JUNE 21, 1977.

Take notice that on June 6, 1977, Public Service Company of North Carolina, Inc., Piedmont Natural Gas Company, Inc., and North Carolina Natural Gas Corporation (Complainants) filed in Docket No. RP77-102 a complaint and petition for order to show cause pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure (18 CFR 1.6) and Sections 4, 5, 7 and 16 of the Natural Gas Act.

Complainants request that the Commission immediately order Transcontinental Gas Pipe Line Corporation (Transco) to purchase available volumes of emergency gas to the extent necessary to offset curtailment of Priority 1 and 2 loads on its system, and such volumes be "rolled-in" to Transco's system supply and priced on such a rolled-in basis to Transco's customers. In the alternative, Complainants urge that the Commission direct Transco to show cause why such an order should not be issued.

Complainants state that Transco's present pricing and allocation of emergency gas has resulted in an untenable situation in North Carolina and that the extreme curtailment situation on the Transco system makes Complainants' requested purchase and pricing procedure for emergency gas "particularly appropriate and necessary."

Any person desiring to be heard or to make any protest with reference to said complaint should on or before July 6, 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.77-18723 Filed 6-29-77;8:45 am]

[Docket No. ER77-432]

PUGET SOUND POWER & LIGHT CO.

Agreement

JUNE 22, 1977.

Take notice that Puget Sound Power and Light Company (Puget) on June 10, 1977 tendered for filing a Service Agreement dated April 1, 1977, between Puget and Seattle City Light (Seattle).

Puget states that under said agreement service was provided to Seattle by Puget's Whitehorn Combustion Turbine Generating Station at incremental costs of $11,260.00 and replacement fuel costs of $191,785.44. Puget further states that no portion of fixed costs was included in the charges to Seattle.

Puget indicates that service under said agreement commenced on April 1, 1977, and fuel consumption and costs were not determined until after deliveries were completed. Puget requests waiver of the Commission's notice requirements to allow an effective date of April 1, 1977 for said agreement.

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, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 1, 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.77-18709 Filed 6-29-77;8:45 am]

[Docket No. CP76-418]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

JUNE 21, 1977.

Take notice that on June 14, 1977, Sea Robin Pipeline Company tendered for filing Original Sheet Nos. 172 through 192 to its FPC Gas Tariff, Original Volume No. 2, being a transportation agreement between Sea Robin Pipeline Company and Natural Gas Pipeline Company of America dated June 24, 1977. It is proposed that these tariff sheets become effective May 4, 1977.

The Company states that copies of the tariff sheets have been mailed to Natural Gas Pipeline Company of America.

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 Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 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.77-18724 Filed 6-29-77;8:45 am]

[Project No. 516; Docket No. E-7791]

SOUTH CAROLINA ELECTRIC & GAS CO.

Offer of Settlement

JUNE 21, 1977.

Public notice is hereby given that on June 7, 1977, pursuant to Sections 1.18 (e), 1.27(b) and 1.30 of the Commission's Rules of Practice and Procedure, 18 CFR §§ 1.18(e), 1.27(b) and 1.30 (1976), the Presiding Administrative Law Judge certified to the Commission an offer of settlement and certain portions of the record respecting the construction of a new ash disposal pond for the existing 250MW coal-fired McMeekin Steam Electric Generating Station, located within the boundary of Project No. 516. The Offer of Settlement states that no party to the proceeding has expressed opposition to the settlement.

Any person desiring to be heard or to protest the said Offer of Settlement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before August 1, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the Offer of Settlement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18721 Filed 6-29-77;8:45 am]

[Docket No. ER77-450]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

Proposed Change in Rates

JUNE 22, 1977.

Take notice that on June 15, 1977, Southern Indiana Gas and Electric Company (Southern Indiana) filed a proposed increased rate in the service provided to Henderson-Union Rural Electric Cooperative Corporation. Southern Indiana indicates that the proposed rate is its standard resale rate with its standard fuel cost adjustment. The proposed effective date is August 1, 1977.

According to Southern Indiana the increased revenues from the rate as proposed would amount to $18,675 annually.

Any person desiring to be heard or to make protest with reference to said filing should on or before July 1, 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. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18713 Filed 6-29-77;8:45 am]

[Docket No. CP77-431]

TENNESSEE GAS PIPELINE CO.

Application

JUNE 22, 1977.

Take notice that on June 9, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP77-431 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a natural gas storage service for 3 years for East Tennessee Natural Gas Company (East Tennessee) and to serve permanently East Tennessee under Applicant's CD-1 Rate Schedule, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to render a limited-term natural gas storage service for East Tennessee during each of three consecutive twelve-month periods in 1977-78, 1978-79 and 1979-80. Applicant proposes to receive during each summer of such three-year period daily volumes from East Tennessee to permit it to store up to its total storage volume of 500,000 Mcf and to deliver such stored volumes to East Tennessee during the winter of such three-year period. This storage service would be rendered only when in Applicant's sole opinion its operating conditions so permit, it is said. It is stated that East Tennessee's total storage volume of 500,000 Mcf under this limited-term storage service would be available to Applicant from East Tennessee's purchases from Applicant or from volumes of natural gas which East Tenhessee may purchase from sources other than Applicant.

It is stated that pursuant to a letter agreement dated April 20, 1977 between Consolidated Gas Supply Corporation (Consolidated) and Applicant, Consolidated would provide Applicant, during each of the three periods, a storage capacity of 500,000 Mcf and a daily volume of 3,300 Mcf which storage service would enable Applicant to resell a similar service to East Tennessee. Applicant states that in order to render such storage to East Tennessee, it would utilize the storage service which Consolidated has recently agreed to sell to Applicant together with the available capacity of its existing pipeline and storage facilities which is not required by Applicant to render previously authorized firm services.

It is indicated that on days when the total daily volume requested for delivery by Applicant is less than the daily volume available to Applicant from Consolidated, Applicant would, whenever in its sole opinion, its operating conditions permit, inject into its own storage facilities the volume of gas received from Consolidated but not delivered to East Tennessee. It is further indicated that on days when the total daily volume requested for delivery by East Tennessee exceeds the daily volume available to Applicant from Consolidated, Applicant would, whenever in its sole opinion, its operating conditions permit, withdraw natural gas from its own storage facilities to enable it to deliver the requested daily volume to East Tennessee. Consequently, to provide the daily deliverability proposed would at no time jeopardize Applicant's storage balances or its firm services to other customers, it is said.

Applicant states that the limited-term storage service which it proposes to render would be rendered pursuant to a Limited-Term Storage Service Contract proposed to be entered into by Applicant and East Tennessee, and also pursuant to Applicant's proposed Limited-Term Storage Service Rate Schedule (LTSS-1).

It is indicated that the proposed LTSS-1 storage service is substantially identical to Applicant's former LTSS-1 storage service to East Tennessee certificated by the Commission's order of December 2, 1975, as amended by order of October 15, 1976, in Docket No. CP76-2. Applicant states that its former LTSS-1 storage service commenced on December 2, 1975, and under the terms of the certificate and of Applicant's Limited-Term Storage Service Contract with East Tennessee, such service is scheduled to terminate on October 15 of this year. East Tennessee has and will have volumes of gas remaining in storage under the previous LTSS-1 storage service, which volumes are not needed by East Tennessee to serve its firm markets during the 1977 summer but would urgently be needed during the 1977-78 winter, it is said. Applicant states that in order to avoid the requirements that East Tennessee physically remove all gas remaining in storage for its account under the former LTSS-1 storage service prior to the termination of such service on October 15, Applicant requests authorization to carry over such remaining LTSS-1 storage gas and to include such volumes among the Total Storage Volume to be made available to East Tennessee under the LTSS-1 Rate Schedule.

It is stated that in order to enable East Tennessee, which is presently served under Applicant's Rate Schedule G-1 to be eligible to receive the proposed storage service, it is necessary that East Tennessee be served under Applicant's Rate Schedule CD-1 in lieu of under its Rate Schedule G-1. The availability provisions of Applicant's Rate Schedule G-1 provide, in part, that such service is available to any Buyer "which does not have available to it underground gas storage", it is said. Applicant states that this provision prevents a customer from purchasing natural gas form Applicant under the Rate Schedule G-1 when such customer obtains underground natural gas storage. Consequently, Applicant seeks authorization to render natural gas service to East Tennessee under Applicant's Rate Schedule CD-1 on a permanent basis.

It is stated that Applicant is willing to grant East Tennessees' request to decrease East Tennessee's maximum daily contract quantity (MDQ) from its presently authorized MDQ of 333,065 Mcf to the requested new MDQ of 325,719 Mcf, and that such volume (325,719 Mcf) is the sum of East Tennessee's firm service authorizations. But utilizing its system flexibility and the new Contract Demand of 325,719, East Tennessee's ability to serve its firm service authorization would not be impaired, it is said.

It is indicated that the compensation to be paid each month by East Tennessee to Applicant for service under this Rate Schedule would consist of the sum of the following monthly charges:

PURCHASE STORAGE SERVICE CHARGE

A Purchased Storage Service Charge which would be a sum equal to the monthly amount billed to Applicant by Consolidated for the Purchased Storage Service applicable thereto.

ADDITIONAL STORAGE SERVICE CHARGE

An Additional Storage Service Charge which would be a product equal to the Additional Storage Service Rate of 51.13 cents multiplied by the total daily Actual Withdrawal Volumes during the month.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a peti-

tion 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. 77-18708 Filed 6-29-77; 8:45 am]

[Docket No. CP77-435]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 22, 1977.

Take notice that on June 10, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-435 an appliction pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that United will purchase natural gas produced in Vermilion Area Block 22, offshore Louisiana and delivered in a daily contract demand quantity of up to 90,000 Mcf into Applicant's existing Central Louisiana Gathering System onshore in the Pecan Island area of Vermilion Parish. Applicant will transport and deliver equivalent MMBtu, less attributable MMBtu used for fuel and shrinkage if the gas is processed and a pro rata share of any gas lost and unaccounted for, to or for the account of United at the existing point of interconnection between such systems to be located near Crowley, Acadia Parish, Louisiana, and the existing point of interconnection between Transco's system and the system of Tennessee Gas Pipeline Company also located near Crowley, Acadia Parish, Louisiana.

Applicant avers that no additional facilities will be required to render this transportation service, for which Applicant will initially charge United an amount per month equal to 3.50¢ per Mcf times the applicable contract demand quantity times the number of days in such month.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 11, 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 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.77-18719 Filed 6-29-77;8:45 am]

[Docket No. ER77-439]

TUCSON GAS & ELECTRIC CO.

Filing of Tucson-APS 1977 Energy Agreement

JUNE 22, 1977.

Take notice that Tucson Gas & Electric Company ("Tucson") on June 13, 1977 tendered for filing the Tucson-APS 1977 Energy Agreement (the "Agreement") dated June 3, 1977 between Tucson and Arizona Public Service Company ("APS").

Tucson indicates that the primary purpose of this Agreement is to establish terms and conditions between the parties for the delivery by Tucson to APS of a guaranteed amount of oil-fired energy for resale during the term provided in the Agreement. Tucson further indicates that the parties desire that this Agreement shall extend as an initial rate schedule until August 31, 1977.

Tucson requests waiver of the Commission's notice requirements to allow the Agreement to become effective as of July 1, 1977.

Any person desiring to be heard or to make application with reference to said Agreement 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 July 6, 1977. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18702 Filed 6-29-77;8:45 am]

[Docket No. ID-1692]

JOHN W. VAUGHAN

Application

JUNE 22, 1977

Take notice that on June 9, 1977, John W. Vaughan, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following position: Director, Ohio Valley Electric Corporation, Electric Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Proctice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18704 Filed 6-29-77;8:45 am]

[Docket No. E-9596]

WISCONSIN MICHIGAN POWER CO. AND WISCONSIN ELECTRIC CO.

Joint Application for Authority to Merge

JUNE 21, 1977.

Take notice that Wisconsin Michigan Power Company (Wisconsin Michigan) and Wisconsin Electric Power Company (Wisconsin Electric) on June 10, 1977 tendered for filing a Joint Application for approval, pursuant to Section 203 of the Federal Power Act, of the merger of all of the facilities of Wisconsin Michigan with all of the facilities of Wisconsin Electric.

Wisconsin Michigan and Wisconsin Electric propose that the merger become effective at midnight on December 31, 1977. Wisconsin Michigan and Wisconsin Electric indicate that Wisconsin Electric owns all of the outstanding shares of common stock of Wisconsin Michigan.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18720 Filed 6-29-77;8:45 am]

[Docket No. CP77-421]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 22, 1977.

Take notice that on June 3, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-421 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 18,000 Dekatherms (dt) equivalent of natural gas per day on an interruptible basis for Carolina Pipeline Company; Delmarva Energy Company, an affiliate of Delmarva Power & Light Company; Eastern Shore Natural Gas Company; NCNG Exploration Corporation, an affiliate of North Carolina Natural Gas Corporation; Pennsylvania Gas and Water Company; Phila-Electric Company; Piedmont Exploration Company, Inc., an affiliate of Piedmont Natural Gas Company, Inc.; Rockingham Exploration Company, an affiliate of North Carolina Gas Service Division of Pennsylvania & Southern Gas Company; South Jersey Gas Company; Tar Heel Energy Corporation, an affiliate of Public Service Company of North Carolina, Inc.; United Cities Gas Company, North and South Carolina Division; Owens-Corning Fiberglass Corporation; Burlington Industries, Inc.; and Deyco Enterprises, Inc., an affiliate of Cherokee Brick Company of North Carolina, Inc., (Customers); all of which are existing direct or indirect customers of Applicant, or affiliates of such customers, who have working interests entitling them to share in the gas production discovered through three exploration and development programs to which these customers have made substantial financial commitments, 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 in 1975, through Applicant's initiative, two joint venture exploration and development programs were established under the management of independent oil and gas producers, and that certain of Applicant's existing distribution customers, certain industrial customers served by the distributors and Applicant's one direct customer were asked to join by making commitments to the financing of the proposed drilling budgets for these programs. Applicant states that incentive for the customers to join was their expectation that participation would earn them a working interest in any successful gas discoveries which could be taken in kind and Applicant committed itself to arrange for the transportation of the participants' gas to their market areas of their plants.

The Transmac Exploration and Development Program (Transmac), managed by McMoran Exploration Co., was established as a three-year program with a total drilling budget of $36 million, and the program is in the process of being revised and expanded with a proposed annual budget of $20 million beginning in September 1977, increasing to $22.5 million and $2.5 million annually in the next two succeeding years, it is said.

It is stated that the Robert Mosbacher/Transco Exploration Company Joint Venture (Mosbacher), under the management of Robert Mosbacher, was established in May 1975, with an initial drilling budget of $9 million, and that this program is also being revised and expanded for a three-year period, beginning May 1977, with annual budgets of $12, $13.5 and $15 million, respectively. Applicant asserts that both programs are under the immediate management of experienced operators with an established record of successful oil and gas operations; each operator has, at the time the programs were put together, an inventory of leases on drilling prospects in the Gulf Coast area which were transferred to the programs and which allowed the programs to begin drilling operations at an accelerated pace.

Transco Exploration Company (TXC), Applicant's exploration and production affiliate, is and would continue to be a contributing participant in both the Transmac and Mosbacher drilling programs, it is said. It is stated that TXC's working interest in wells would be sold to Applicant, unless prior dedications interfere, or unless the site and location of the discovery would make delivery into Applicant's system infeasible. Applicant states that it has a right of first refusal to purchase the operators' working interest in successful gas wells.

The third drilling program in which Applicant's customers have participated was established by Enterprise Resources, Inc., a subsidiary of Stone and Webster, Inc., and an independent producer with experience in organizing investments in oil and gas drilling ventures and managing producing properties, it is said. Applicant indicates that this program was established as a partnership: Enterprise Resources is the general partner, and the participating customers are limited partners. It is stated that the first year expenditures, beginning October 1975, were $3.3 million; the second year budget is $3.7 million and it is proposed to expand the program to a $15 million three-year program, beginning October 1977.

Applicant states that over $30 million in risk money has been expended so far through these three programs for exploration and that substantial additional expenditures have been made by the participants to complete discoveries into producing wells. It is stated that results of these programs, as of May 1, 1977, are as follows:

	Transmac	Mosbacher	Enterprise
Wells drilled	51	57	10
Number of fields or areas with discoveries	7	5	4
Gas wells completed	16	12	5

Applicant states that most of its resale customers who have joined the programs elected to participate through affiliates which have qualified as "small producers", and that in most cases where the resale customer is represented in the programs through a small producer affiliate, the transportation service proposed would be rendered for the account of affiliate with deliveries being made to the principal at existing delivery points on Applicant's system.

It is stated that two industrial customers participated through affiliates; one participated directly, and that deliveries to the indirect industrial customers who have participated would be made at existing delivery points to Applicant's distributors serving such customers.

The following are said to be customers for which transportation service is proposed indicating, where appropriate, the relationship explained above:

(a) *Resale Customers*

Carolina Pipeline Company, Delmarva Energy Company, affiliate of Delmarva Power & Light Company

Eastern Shore Natural Gas Company [1]
NCNG Exploration Corporation, affiliate of North Carolina Natural Gas Corporation
Pennsylvania Gas and Water Company
Philadelphia Electric Company [2]
Piedmont Exploration Company, Inc., affiliate of Piedmont Natural Gas Company, Inc.
Rockingham Exploration Company, affiliate of North Carolina Gas Service Division of Pennsylvania & Southern Gas Company
South Jersey Gas Company [3]
Tar Heel Energy Corporation, affiliate of Public Service Company of North Carolina, Inc.
United Cities Gas Company, North and South Carolina Divisions [4]
(b) *Direct Sale Customer*
Owens-Corning Fiberglas Corporation [5]
(c) *Indirect Customers*
Burlington Industries, Inc.[6]
Devco Enterprises, Inc., affiliate of Cherokee Brick Company of North Carolina, Inc.[6]

Applicant states that under these agreements which are for one year primary terms and year-to-year thereafter, the transportation customers undertake to have their gas delivered to Applicant's system at no expense to Applicant, and it is understood that no facilities are to be constructed to effectuate deliveries to them.

Applicant indicates that the current rates it proposes to charge for the proposed transportation service, depending on location of the delivery point on Applicant's system are: Zone 1 deliveries, 28.2 cents per dt; Zone 2 deliveries, 29.8 cents per dt; and Zone 3 deliveries, 31.5 cents per dt. Applicant states that the agreements provide that it would retain a percentage of the gas delivered to its system by the transportation customers for compressor fuel and line loss make-up, such percentage to be the same as Applicant retains for other interruptible transportation deliveries in the same zone where delivery is made under the transportation service proposed.

It is stated that in the case of distributors who would receive the transportation gas, the daily quantity transported (less the quantities retained for compressor fuel and line loss make-up), when combined with the quantities the distributor is scheduling under Applicant's Contract Demand (CD) Rate Schedule, other transportation agreements with Applicant, and any quantities being scheduled for transportation by industrial and commercial customers of the distributor, shall not exceed the distributor's authorized daily entitlement under its Rate Schedule CD. Similar limitations apply to the transportation deliveries made to distributors for the account of the indirect industrial customers and to the one direct industrial customer, it is said.

Applicant states that the transportation gas would be utilized by the principals who have participated in the drilling programs to moderate the impact on their high-priority end uses of Applicant's curtailments of gas deliveries under CD service agreements and its one direct sales contract.

As of May 1, 1977, the three drilling programs in the aggregate have discovered gas in 16 fields or areas and that 33 wells have been completed in these fields, it is said. It is stated that of the 16 productive areas in which the transportation customers have interests entitling them to gas, gas is immediately available for transportation from 8 fields:

Program/field:	*Estimated average daily quantity (1,000³ per day at 14.73)*
Transmac:	
Loisel Field, Iberia Ph., La	337
Kawitt area, Karnes and DeWitt Counties, Tex	82
West Mermentau area, Acadia Ph., La	443
Mosbacher: Southwest Gibson area, Terrebonne Ph., La	427
Enterprise:	
South Gist iFeld, Newton County, Tex	85
East Hordes Creek Field, Goliad County, Tex	995
North Jefferson Island Field, Iberia Ph., La	408
South Tomball Field, Harris County, Tex	995
Total	3,772

The volumes shown are estimated initial delivery rates for all participants in the program, it is stated.

Applicant requests authority to transport up to 18,000 dts equivalent of natural gas per day for its proposed transportation customers from all sources in which they now have or would have entitlements to gas discovered through the three drilling programs. Applicant states that gas is available to the customers presently in eight fields or areas, that additional drilling, testing and development is going on in eight others where initial discovery wells have been drilled and 12 wells are still in the drilling stage. Applicant further states that the authority it requests would allow flexibility and expedition in transporting through its system additional gas for the drilling program participants as it becomes available to them up to the total daily volume for all the transportation service proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18693 Filed 6-29-77;8:45 am]

[1] Eastern Shore Natural Gas Company participates in the Enterprise Resources program through its producer affiliate, Dover Exploration Company; the affiliate would sell its working interest gas to the parent company at the wellhead.

[2] Philadelphia Electric Company participates in the Transmac and Mosbacher programs through its small producer affiliate, Eastern Pennsylvania Exploration Company, Inc.; the affiliate will sell its working interest gas to the parent company at the wellhead.

[3] South Jersey Gas Company participates in the Enterprise Resources program through its small producer affiliate, South Jersey Exploration Company; the affiliate would sell its working interest gas to the parent company at the wellhead.

[4] United Cities Gas Company, North and South Carolina Division, participates in the Transmac and Enterprise Resources programs through its small producer affiliate, U.C.G. Energy Corporation; the affiliate would sell its working interest gas to the parent company at the wellhead.

[5] Owens-Corning Fiberglas Corporation participated in the Transmac program through its affiliate Karlcorp; Karlcorp would sell its working interest in production to Owens-Corning at the point of production and Transco's transportaton service would be for the account of Owens-Corning.

[6] Burlington Industries owns plant facilities which are served by the following Transco distributors: Carolina Pipeline Company, North Carolina Natural Gas Corporation, Piedmont Natural Gas Company, Inc., Public Service Company of North Carolina, Inc., Public Service Electric & Gas Company, and Virginia Pipeline Company.

Cherokee Brick Company is served by Public Service Company of North Carolina, Inc.

Deliveries to Burlington and Cherokee would be made to the Transco distributors serving their plants.

FEDERAL RESERVE SYSTEM

Federal Open Market Committee

DOMESTIC POLICY DIRECTIVE OF MAY 17, 1977

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's

Domestic Policy Directive issued at its meeting held on May 17, 1977.[1]

The information reviewed at this meeting suggests that real output of goods and services is growing at a rapid rate in the current quarter. In April industrial output and employment continued to expand at a substantial pace, and the unemployment rate declined from 7.3 to 7.0 percent. Total retail sales remained at the advanced level reached in March. The wholesale price index for all commodities rose substantially in April for the third consecutive month; increases again were particularly sharp among farm products and foods, and they remained sizable for industrial commodities.

The average value of the dollar against leading foreign currencies has changed little on balance over the past month. The U.S. foreign trade deficit widened further in March; for the first quarter as a whole, the deficit was twice as large as for the preceding quarter.

The increase in M–1, which had been moderate in the first quarter, was exceptionally large in April. Inflows of the time and savings deposits included in the broader aggregates were slower than earlier in the year, but because of the rapid expansion in M–1, growth in M–2 and M–3 accelerated. Business short-term borrowing expanded sharply while corporate financing in the capital markets was reduced. Market interest rates have risen in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

At its meeting on April 19, 1977, the Committee agreed that growth of M–1, M–2, and M–3 within ranges of 4½ to 6½ per cent, 7 to 9½ per cent, and 8½ to 11 per cent, respectively, from the first quarter of 1977 to the first quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M–1 and M–2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the May–June period to be within the ranges of 0 to 4 per cent for M–1 and 3½ to 7½ per cent for M–2. In the judgment of the Committee such growth rates are likely to be associated with a weekly average Federal funds rate of about 5¾ per cent. If, giving approximately equal weight to M–1 and M–2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 5¼ to 5¾ per cent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

[1] The Record of Policy Actions of the Committee for the meeting of May 17, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee, June 24, 1977.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77–18670 Filed 6–29–77;8:45 am]

BANCO DE BOGOTA AND BANBOGOTA, INC.

Order Approving Formation of Bank Holding Companies

Banco de Bogota, Bogota, Colombia, and its proposed wholly owned subsidiary, Banbogota, Inc., New York, New York ("Banbogota"), have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of bank holding companies through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Banco de Bogota Trust Company, New York, New York ("Trust Company"). Banbogota was organized solely for the purpose of acquiring and holding shares of Trust Company and has engaged in no business activities and has no subsidiaries. Accordingly, the applications of Banco de Bogota and Banbogota have been considered together and this Order contains the Board's findings and conclusions with respect to both such applications.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Banco de Bogota (deposits of approximately $464 million), a Colombian commercial bank, is the largest of twenty-three private commercial banks in Colombia. Banco de Bogota operates 254 branches in Colombia and has subsidiary banks in Equador and Panama, in addition to being a major shareholder in several financial and nonfinancial institutions in South America. None of these institutions conducts any business in the United States. Banco de Bogota presently operates a branch in New York City with total deposits of approximately $22 million.[1]

A recently enacted Colombian law requires that all banks operating in Colombia be Colombian corporations and be at least 51 percent owned by Colombian nationals. As a result of that law, United States banks are precluded from establishing branches in Colombia. New York State banking law provides that a foreign banking corporation organized under the laws of a foreign country may be licensed to maintain a branch or branches in New York if, under the laws of the foreign country, a New York bank or trust company may be authorized either to maintain a branch or agency or to own all of the shares of a banking organization organized under the laws of the foreign country.[2] Banco de Bogota has been informed by the New York Banking Department that, as a result of the recently enacted Colombian law prohibiting branches of foreign banks and foreign control of local banks, Banco de Bogota will have to close its New York branch. It is, however, permissible under New York law for Banco de Bogota to maintain an agency in New York and to acquire a separately chartered subsidiary bank. Upon consummation of the proposed transaction, Banco de Bogota would operate both an agency and a subsidiary bank in the State.

Trust Company would acquire all of the demand deposits of Banco de Bogota's New York branch and would rank 108th out of 121 banking organizations in the relevant banking market.[3] As indicated above, the proposed transaction represents a reorganization of Banco de Bogota's New York banking operations from a branch to a subsidiary bank and an agency. Accordingly, it does not appear that consummation of the proposed transactions would result in the elimination of any existing or potential competition in the relevant market. Competitive considerations, therefore, are consistent with approval of the applications.

The financial and managerial resources of Banco de Bogota, Banbogota and Trust Company are considered satisfactory and the future prospects for each appear favorable. Banco de Bogota has committed that it will make available to Trust Company up to $15 million in additional equity capital during the first three years of Trust Company's operations. Thus, the banking factors are consistent with approval of the applications. Trust Company would conduct a wholesale commerical banking business that would promote trade between the United States and South America. The considerations relating to the convenience and needs of the community to be served are consistent with approval of the applications. It is the Board's judgment that the proposed transaction would be consistent with the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) Trust Company shall be opened for business not later than six months after the ef-

[1] All banking data are as of December 31, 1976.

[2] N.Y. Bank Law § 202-a (McKinney 1971).

[3] The relevant geographic market is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut.

fective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[4] effective June 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18669 Filed 6-29-77;8:45 am]

PREFERRED MANAGEMENT CO.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Preferred Management Company, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of an additional 30,000 shares or 60 percent of the voting shares of North Side Bank, Omaha, Nebraska ("Bank"). Applicant presently owns 10,000 shares or 20 percent of the outstanding voting shares of Bank.[1] The factors that are considered in acting on this application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to act as agent or broker with respect to the sale of decreasing term credit life insurance, credit accident and health disability insurance and property damage insurance directly related to extensions of credit by Bank. Such activities have been determined by the Board to be closely related to banking (12 CFR §§ 225.4(a)(9)(ii)).[2]

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (42 FR 20664). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Bank, with deposits of $40.2 million,[3] is the thirteenth largest of forty-one banks in the relevant banking market[4] and controls 2 percent of the total market deposits. Upon acquisition of control of Bank, Applicant would control the 29th largest banking organization in Nebraska, holding 0.6 percent of the total commercial bank deposits in the State.[5] The proposed transaction is merely a restructuring of the ownership interest of Applicant's principal in Bank, and the Board finds that consummation of the proposal would not eliminate existing or potential competition or increase the concentration of banking resources in the relevant market. Accordingly, competitive considerations are consistent with approval of the application.

The financial resources of Applicant, which are dependent upon those of Bank, are considered to be satisfactory, and future prospects appear favorable. While Applicant would incur a sizable acquisition debt as a result of this proposal, it appears that Applicant will be able to meet its debt service requirements without adversely affecting the financial position of Bank. Furthermore, the managerial resources of Applicant and Bank are regarded as satisfactory. Thus, considerations relating to banking factors are consistent with approval.

While no major changes are contemplated in Bank's services and it appears that the needs of Bank's customers are being adequately met, considerations relating to convenience and needs of the community to be served are consistent with approval. Accordingly, it is the Board's judgment that Applicant's proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

In connection with its application to become a bank holding company, Applicant has also applied to continue to act as an agent or broker with respect to the sale of decreasing term life insurance, credit accident and disability insurance, and property damage insurance directly related to extensions of credit by Bank. Since Applicant presently engages in such activity, it does not appear that approval of Applicant's proposal would have any significant effect on existing or potential competition. On the other hand, approval of the application would assure customers of Bank of the continuation of a conventional source of such insurance services. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and that the application to engage in credit-related insurance activities should be approved.

Accordingly, the appplications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The approval of Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective June 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18668 Filed 6-29-77;8:45 am]

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns.

[1] Applicant registered as a bank holding company in 1972, apparently on the premise that Applicant controlled Bank by virtue of the fact that it owned 20 percent of Bank's outstanding voting shares, and had the right to purchase an additional 27 percent of Bank's shares. Although a rebuttable presumption that Applicant controls Bank exists under § 225.2(b) of the Board's Regulation Y (12 CFR § 225.2(b)) the Board has made no formal determination that Applicant controls Bank.

[2] Applicant also provides management consulting and investment advice to Bank and leases real and personal property to Bank. Upon consummation of the acquisition of additional shares of Bank by Applicant, these activities will be exempt from the prohibitions of § 4 under § 4(c)(1)(A) and § 4(c)(1)(C) of the Act (12 U.S.C. § 1843(c)(1)(A) and (C)).

[3] All banking data are as of December 31, 1976.

[4] The relevant banking market is approximated by Douglas and Sarpy Counties in Nebraska and Pottawattamie County in Iowa.

[5] One of Applicant's principals and largest shareholder is also a director and member of the Executive Committee of First National of Nebraska, Inc., Omaha, Nebraska, as well as its subsidiary bank, The First National Bank of Omaha, Omaha, Nebraska. The Board has received a commitment that Applicant's principal will resign his positions as director, officer and employee of Applicant prior to consummation of Applicant's acquisition of Bank so that a violation of the provisions of the Board's Regulation L (12 CFR 212) will not occur.

[6] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns.

FOREIGN-TRADE ZONES BOARD

[Docket No. 6-77]

COUNTY OF NIAGARA, NEW YORK

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Niagara, State of New York, requesting a grant of authority

for the establishment of a foreign-trade zone in the Township of Porter, Niagara County, adjacent to the Buffalo/Niagara Falls consolidated Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 23, 1977. The applicant is authorized to make this proposal under Chapter 190, of the 1977 Session Laws of New York (approved June 1, 1977).

The proposal calls for the creation of a 50 acre general-purpose foreign-trade zone within the 130 acre Lew-Port Industrial Park located in the Townships of Porter and Lewiston, approximately eight miles north of the City of Niagara Falls, New York. The proposed foreign-trade zone site is zone for industrial purposes and is the subject of a contract between the County of Niagara and the Somerset Group, Inc., which owns the land and will be the zone operator. The site is served by rail and interstate highway connections, including bridges to Canada. Both the Niagara Falls and Greater Buffalo International Airports serve the area.

The application contains economic data and information concerning the need for zone services to serve various firms in the Niagara County area. Several firms have indicated their intention to use the zone for assembly, packaging, warehousing and distribution activities. Among the products initially involved are cosmetics, industrial vacuum cleaners, plastic moldings, tires, electronic components, scientific instruments and power tools.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Donald F. Kelly, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Daniel D. Ludwig, District Engineer, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

In connection with its investigation of the proposal, the Examiners Committee will hold a public hearing on July 21, 1977, beginning at 9:00 a.m., in Meeting Rooms 3 and 4, Niagara Falls International Convention Center, 300 Fourth Street, Niagara Falls, New York. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by July 15, notify the Board's Executive Secretary in writing at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through August 22, 1977. Any material submitted during the post-hearing period cannot be made part of the record unless it is new evidence. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Niagara County Economic Development and Planning Department, Room 250, Niagara County Office Building, 59 Park Avenue, Lockport, New York 14094.

Office of the Director, U.S. Department of Commerce District Office, Room 1312 Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886–B 14th and E Streets NW., Washington, D.C. 20230.

Dated: June 27, 1977.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.77-18729 Filed 6-29-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 33]

BALTIMORE GAS & ELECTRIC CO.

Proposed Participation in Electric and Gas Rate Increase Proceeding

The General Services Administration seeks to participate in a proceeding before the Maryland Public Service Commission concerning the application of the Baltimore Gas & Electric Company for an increase in electric and gas utility rates. The GSA represents the interests of the executive agencies of the United States Government.

The Baltimore Gas & Electric Company filed an application with the Maryland Public Service Commission for authority to increase electric revenues by $102 million, with a proopsed 18 percent return on equity, and gas revenues by $18 million with a proposed 8 percent return on equity. The impact of this proposed increase on the Federal Government would be approximately $1.5 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, 18th & F Streets NW., Washington, D.C. 20405, telephone (202) 566–0750, on or before August 1, 1977 and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: June 21, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-18738 Filed 6-29-77;8:45 am]

[Intervention Notice No. 32]

PACIFIC GAS AND ELECTRIC COMPANY

Proposed Participation in Electric and Gas Rate Increase Proceeding

The General Services Administration seeks to participate in a proceeding before the California Public Utilities Commission concerning the application of the Pacific Gas & Electric Company for an increase in electric and gas utility rates. The GSA represents the interests of the executive agencies of the United States Government.

The Pacific Gas & Electric Company filed an application with the California Public Utilities Commission for authority to increase annual revenues by $292 million, with a proposed 15 percent return on equity. The impact of this proposed increase on the Federal Government would be approximately $3.5 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets NW., Washington, D.C. 20405, telephone (202) 566–0750, on or before August 1, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: June 21, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-18737 Filed 6-29-77;8:45 am]

[Temporary Reg. F-429]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission involving an application by the El Paso Electric Company for increases in their electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOEL W. SOLOMON,
Administrator of General Services.

JUNE 21, 1977.

[FR Doc.77-18739 Filed 6-29-77;8:45 am]

[Temporary Reg. F-430]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Utilities Commission of Texas involving an application by the El Paso Electric Company for increases in their electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOEL W. SOLOMON,
Administrator of General Services.

JUNE 21, 1977.

[FR Doc.77-18740 Filed 6-29-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

PENNSYLVANIA

Redesignation of Health Service Areas 5 and 8

In accordance with section 1511(b)(4) of the Public Health Service Act as amended by Pub. L. 93-641, the Secretary of Health, Education, and Welfare has determined that Pennsylvania Health Service Areas 5 and 8 should be revised to include Tioga County in Health Service Area 5, and delete Tioga County from Health Service Area 8. This revision constitutes approval of a redesignation request initiated by the Governor of Pennsylvania on April 5, 1976. The request complied with all of the requirements of the Health Service Area Redesignation Guidelines published in the FEDERAL REGISTER, Vol. 41, No. 180, September 15, 1976.

Accordingly, Health Service Areas 5 and 8, approved by the Secretary on August 21, 1975, are revised as follows:

PENNSYLVANIA

Health Service Area 5 is the geographic area comprised of the following counties:

Centre	Mifflin
Clearfield	Montour
Clinton	Northumberland
Columbia	Union
Jefferson	Snyder
Juniata	Tioga
Lycoming	

Health Service Area 8 in Pennsylvania and Health Service Area 4 in New York constitute a single interstate health service area comprised of the following counties:

In Pennsylvania:	
Bradford	Susquehanna
Sullivan	
In New York:	
Broome	Tioga
Chenango	

Dated: June 24, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-18726 Filed 6-29-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Meeting

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda on the forthcoming meeting of the National Advisory Council on Ethnic Heritage Studies. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1.10 (a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Meetings July 21, 22, 1977, 9:00 a.m. to 4:30 p.m.

ADDRESS: Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Dr. William H. Martin, Chief, Ethnic Heritage Studies Branch, Office of Education, 7th and D Streets, SW., ROB No. 3, Room 3919, Washington, D.C. 20202. Telephone (202) 245-9506.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies was established under section 906(a) of the Elementary and Secondary Education Act of 1965 as added by section 504(a) of the Education Amendments of 1972, Pub. L. 92-318 (20 U.S.C. 900a-4).

The Council is directed to: (1) Advise the Secretary, the Assistant Secretary for Education, and the Commissioner of Education on the implementation of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

(2) Perform specific functions as follows:

a. Make recommendations to the Commissioner, the Assistant Secretary, and the Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development.

b. Suggest innovations or program changes as the program evolves and develops toward improving ethnic heritage studies.

c. Suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required for substantial intercultural curriculum materials development.

d. Provide such administrative and legislative proposals as may be appropriate.

e. Not later than March 31 of each year, submit to the Congress a report of its activities, findings, and recommendations.

The meeting will open to the public beginning at 9:00 a.m. and ending at 4:30 p.m. each day. The meeting will be held at Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202, Room 4173.

The proposed agenda includes:

(1) Action on minutes of previous meeting.

(2) Committee reports.

(3) Discussion: Developing Methods of Evaluating Advisory Councils.

(4) Discussion: Inter-Council Cooperation.

(5) Discussion: Developing Recommendations for New Legislation.

(6) Public testimony.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Ethnic Heritage Studies Branch, Office of Education, Room 3919, Regional Office Building No. 3, 7th and D Streets,

SW., Washington, D.C. 20202, on June 27, 1977.

Signed at Washington, D.C.

WILLIAM H. MARTIN,
Chief,
Ethnic Heritage Studies Branch.

[FR Doc.77-18733 Filed 6-29-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-77-635]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Closing Date for Submission of Applications for Areawide Programs

AGENCY: Office of Community Planning and Development, Department of Housing and Urban Development.

ACTION: Notice extending closing date for submission of applications for Areawide Programs.

SUMMARY: The purpose of this Notice is to extend the submission deadline for CDBG applications in support of the Areawide Housing Opportunities Plans from April 13, 1977 to July 29, 1977; and to clarify ambiguities in the previous Notice, including ranking procedures.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Bernard Manheimer, telephone (202) 755-6234, Room 7149, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: On April 18, 1977, HUD published final regulations in the FEDERAL REGISTER with respect to Community Development Block Grant (CDBG) discretionary funding in support of selected Areawide Housing Opportunity Plans (42 FR 20254). A notice also appeared in the FEDERAL REGISTER on December 17, 1976, pertaining to the closing date for submission of applications for areawide programs (41 FR 55243). The December 17 Notice stated that in order to receive consideration for funding pursuant to 24 CFR Part 570.404(b), applications for CDBG from Participating Jurisdictions located in the geographical area covered by an Areawide Housing Opportunity Plan selected for supplemental Section 8 housing assistance pursuant to 24 CFR Part 891 must be received from the Areawide Planning Organizations (APOs) with rankings and comments to the HUD Assistant Secretary for Community Planning and Development by 5:00 p.m. (Washington, D.C. time) on April 13, 1977.

The purpose of this Notice is to extend the submission deadline and to clarify ambiguities in the previous Notice including ranking procedures.

Clarification of previous notice and extension of closing date. The deadline for receipt of complete CDBG application packages, including APO rankings and comments, and evidence of A-95 review, is hereby changed from April 13, 1977 to July 29, 1977. All material must be postmarked on or before July 29, 1977 or received in the Office of the Assistant Secretary for Community Planning and Development on or before that date.

In order to receive consideration for funding under the program, activities proposed must be eligible for funding in accordance with CDBG regulations 24 CFR Part 570, subpart C. Technical advice and assistance as to eligible CDBG activities and application requirements is available from HUD Field Offices.

As indicated in CPD Notice 76-28, eligible applications will be reviewed by HUD with respect to (1) the degree to which they meet the objective of the HOP program to provide a broader geographical choice of housing opportunities for lower income households outside of areas and jurisdictions containing undue concentrations of low income or minority households; and (2) the numerical ranking assigned by the APO. In connection with factor (1), consideration will be given to the degree to which the proposed activities increase geographic choice of housing opportunities for lower income households outside areas and jurisdictions of low income or minority concentration; the degree to which lower income persons will benefit; and the extent to which the activities are related to an increase in the supply of housing available to lower income persons.

All materials shall be addressed to:

Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7149, Washington, D.C. 20410.

In addition, two copies of new or amended applications, rankings or comments shall be addressed to the HUD Area Office serving the APO and applicant's jurisdictions, and one copy to the HUD Regional Office.

APOs shall assign funding priorities to each application by a rank order which reflects the degree to which the proposed application aids and furthers the objectives of their Areawide Housing Opportunity Plan.

All applications, rankings and comments received by the Assistant Secretary prior to the publication of this Notice will be judged as received unless amended prior to the extended deadline.

Issued at Washington, D.C., June 24, 1977.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.77-18696 Filed 6-29-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 250]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 22, 1977.

The Bureau of Sports Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, filed application Serial No. CA 250 on March 12, 1973, for a withdrawal in relation to the following described lands:

All of the unreserved islands, rocks, and reefs in Federal ownership offshore from the coast of California, lying above the mean high tide from Oregon to the Mexican border, for establishment of the California island National Wildlife Refuge.

To facilitate a more precise identification of the areas affected by the proposed withdrawal, detailed USGS quadrangle maps are on file and available for public inspection at the California State Office, Bureau of Land Management, at Sacramento, California. The majority of the islands, rocks, and reefs are unsurveyed, therefore, the maps are a reference in lieu of a legal description and a total acreage is also unavailable.

The applicant desires that the land be reserved for protection of specialized island ecosystems capable of supporting animal life, thereby assuring the continued availability of an undisturbed environment necessary to maintain wildlife populations. The islands are used by a variety of waterfowl during migration. Shorebirds and waterbirds nest, feed, and rest, and use the islands for shelter. Some of the islands with connecting reefs provide resting habitats for sea lions and seals. Other islands are used by endangered species such as the California brown pelican.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on January 4, 1974, page 1080, FR Doc. 74-125.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 1, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the

Bureau of Land Management on or before August 1, 1977.

The above described area is temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-18663 Filed 6-29-77;8:45 am]

[CA 881]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 22, 1977.

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, filed application Serial No. CA 881 on December 26, 1973, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIF.

T. 47 N., R. 3 E.,
Sec. 19, Lots 1, 2, 3, 4, and 5, and SE¼SE¼;
Sec. 20, Lots 1 and 2, fractional SW¼NE¼, E½NE¼, and NW¼SW¼;
Sec. 30, Lot 1 and NE¼NW¼.

The area aggregates 428.18 acres in Siskiyou County, California.

The applicant desires that the land be reserved for the management of migratory birds and other wildlife as part of the existing Lower Klamath National Wildlife Refuge.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on February 13, 1974, pages 5521 and 5522, FR Doc. 74-3542.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 State. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 1, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 1, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 77-18664 Filed 6-29-77; 8:45 am]

[Colorado 093629-A]

WESTERN SLOPE GAS CO., INC.

Notice of Pipeline Application

JUNE 24, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, Inc., Box 840, Denver, Colorado 80201 has applied for a right of way for a 45 inch o.d. gasoline products pipeline, access road and loading dock. The proposed pipeline is 950 feet long and the access road approximately 840 feet long. All of the proposed facilities, if authorized, will be located on the following National Resource Lands: Sixth Principal Meridian, Rio Blanco County, Colorado, T. 3 S., R. 101 W., Sec. 5: SW¼.

The proposed pipeline will parallel on existing natural gas pipeline. The proposed facilities will enable the applicant to eliminate a hazardous condition existing at its west Douglas Compressor Station by permitting the loading of tank trucks with gasoline products to occur at a safe distance from the compressor station.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right of way to file their objections in this office.

Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

THOMAS HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-18741 Filed 6-29-77;8:45 am]

[NM 30951, 30962, 30963, and 30969]

NEW MEXICO

Notice of Applications

JUNE 24, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 25 S., R. 26 E.,
Sec. 1, lots 3, 4, SW¼NW¼ and NW¼SW¼;
Sec. 11, E½NE¼ and SW¼NE¼.

T. 18 S., R. 28 E.,
Sec. 13, S½NE¼ and NE¼SE¼.

T. 18 S., R. 29 E.,
Sec. 18, lot 3 and NE¼SW¼.

T. 26 S., R. 30 E.,
Sec. 27, N½SW¼.

T. 18 S., R. 31 E.,
Sec. 20, SE¼NW¼, NE¼SW¼ and NW¼SE¼.

These pipelines will convey natural gas across 2.849 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

ager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18742 Filed 6-29-77;8:45 am]

[NM 30939, 30940, 30954, 30956, 30957, 30961, 30966, and 30968]

NEW MEXICO

Notice of Applications

JUNE 24, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eight 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 29 N., R. 7 W.,
Sec. 29, W½SW¼.

T. 29 N., R. 8 W.,
Sec. 11, SW¼NE¼ and S½NW¼.

T. 30 N., R. 8 W.,
Sec. 22, SW¼SW¼;
Sec. 27, N½NW¼ and SE¼NW¼;
Sec. 28, NW¼SE¼.

T. 30 N., R. 10 W.,
Sec. 13, lots 6 and 7;
Sec. 15, lots 9 and 16;
Sec. 22, lot 1.

T. 31 N., R. 11 W.,
Sec. 11, NW¼SE¼.

T. 25 N., R. 12 W.,
Sec. 11, SE¼SE¼;
Sec. 14, NE¼NE¼.

These pipelines will convey natural gas across 2.316 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18743 Filed 6-29-77;8:45 am]

[NM 30950]

NEW MEXICO

Notice of Application

JUNE 23, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 12, S½NW¼.

This pipeline will convey natural gas across 0.205 miles of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with considerations of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Branch of Lands and Minerals Operations.

[FR Doc.77-18744 Filed 6-29-77;8:45 am]

[NM 30935, 30936, 30943 and 30947]

NEW MEXICO

Notice of Applications

JUNE 23, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 4-inch and two 6-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 25 E.,
Sec. 7, lot 3.
T. 18 S., R. 27 E.,
Sec. 20, SE¼SE¼;
Sec. 21, SW¼NW¼.
T. 20 S., R. 28 E.,
Sec. 9, E½SE¼;
Sec. 15, W½W½ and SE¼SW¼;
Sec. 22, E½W½ and SW¼SE¼.
T. 24 S., R. 26 E.,
Sec. 19, NE¼SE¼, NW¼SE¼ and SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, N½NE¼.

These pipelines will convey natural gas across 3.90 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18745 Filed 6-29-77;8:45 am]

[NM 30934]

NEW MEXICO

Notice of Application

JUNE 22, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 25 E.,
Sec. 34, N½SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 35, S½NW¼ and NW¼SW¼.
T. 22 S., R. 25 E.,
Sec. 3, lots 5, 6, 7, 10, and 11;
Sec. 4, S½SE¼;
Sec. 9, E½NE¼ and SW¼SE¼.

This pipeline will convey natural gas across 3.58 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18746 Filed 6-29-77;8:45 am]

[NM 30944]

NEW MEXICO

Notice of Application

JUNE 22, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDAN, NEW MEXICO

T. 24 S., R. 3 W.,
Sec. 34, SE¼NW¼ and NE¼SW¼.

The cathodic protection station will be used in connection with natural gas pipeline operations across 0.212 of a mile of public land in Dona Ana County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

ager, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88001.

FRED E. PADILLA,
Chief Branch of Lands and Minerals Operations.

[FR Doc.77-18747 Filed 6-29-77;8:45 am]

[Wyoming 59516]

WYOMING

Notice of Application

JUNE 24, 1977.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 10¾ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W.
Secs. 9, 16, 17, 20, 29, 31, and 32.
T. 24 N., R. 112 W.
Secs. 29, 30, 33, 34 35, and 36.
T. 24 N., R. 113 W.
Secs. 22, 25, 26, and 27.

These pipelines are proposed additions to an existing gathering system in Sweetwater and Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18748 Filed 6-29-77;8:45]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 28, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 11, 1977.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ARIZONA

Pinal County

Oracle vicinity, *American Flag Post Office/Ranch*, 5 mi. SE of Oracle.

ILLINOIS

Cook County

Chicago, *Gold Coast Historic District*, roughly bounded by North Ave., Lake Shore Dr., Clark, and Oak Sts.

INDIANA

DeKalb County

Auburn, *Auburn Automobile Company Administration Building*, 1600 S. Wayne St.

MASSACHUSETTS

Hampshire County

Amherst, *Dickinson Historic District*, Kellogg Ave., Main, Gray, and Lessey Sts.

Middlesex County

Lexington, *Sherburne, Warren E., House*, 11 Percy Rd.

Plymouth County

Brockton, *Central Fire Station*, 40 Pleasant St.

MICHIGAN

Alger County

Grand Marais vicinity, *Au Sable Light Station*, W of Grand Marais.
Munising vicinity, *Schoolcraft Furnace Site*, NE of Munising off MI 94.

Leelanau County

Leland vicinity, *Hutzler's Barn*, W of Leland on S. Manitou Island.

NEW MEXICO

Bernalillo County

Albuquerque, *Superintendent's House, Atlantic and Pacific Railroad*, 1023 S. 2nd St.

NEW JERSEY

Essex County

Newark, *Clark, William, House*, 346 Mt. Prospect Ave.
Newark, *Essex County Park Commission Administration Building*, 115 Clifton Ave.

Warren County

Columbia vicinity, *Warrington Stone Bridge*, NE of Columbia off NJ 94.

NEW YORK

Kings County

Brooklyn, *Rankin, John, House*, 440 Clinton St.

New York County

New York, *Hotel Chelsea*, 222 W. 23rd St.

TEXAS

Erath County

Bluff Dale, *Bluff Dale Suspension Bridge*, Berry's Creek Rd.

Harris County

Houston, *Union Station*, 501 Crawford St.

WASHINGTON

Clallam County

Pysht, *Hoko River Archeological Site*, W of Pysht.

Lewis County

Centralia, *Borst, Joseph, House*, 302 Bryden Ave.

Pacific County

Ilwaco, *Colbert House*, Quaker and Lake Sts.
South Bend, *Pacific County Courthouse*, Cowlitz and Vine Sts.
South Bend, *Russell House*, 902 E. Water St.

Pierce County

Tacoma, *Old City Hall Historic District*, roughly bounded by St. Helens Ave., Court C, the freeway spur, and 7th and 9th Sts.

Wahkiakum County

Altoona, *Columbia River Gillnet Boat*, Altoona Cannery.

[FR Doc.77-18799 Filed 6-29-77;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION TENTH CIRCUIT PANEL

Meeting

Chairman: Alfred Pence.

The revised schedule of meetings for the nominating panel of the Tenth Circuit of the United States Circuit Judge Nominating Commission, for the second, third, and fourth meetings, is as follows:

(1) The second meeting will be held on Friday, July 15, 1977, at 1:00 p.m. in the Federal Court Building, Circuit Court Rooms, Denver, Colorado. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6))

(2) The third meeting will be held on Friday, July 22, 1977, at 10:00 a.m. in the Circuit Court Rooms, Wichita, Kansas. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6))

(3) The fourth meeting will be held on Monday, July 25, 1977, at 10:00 a.m. in the Circuit Court Rooms, Salt Lake City, Utah. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6))

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

JUNE 8, 1977.

[FR Doc.77-18749 Filed 6-29-77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

SHAW SCHOOL URBAN RENEWAL AREA

Tentative Agenda Item

The District of Columbia Department of Housing and Community Development has submitted to the National Capital Planning Commission and requested its addition to the list of agenda items tentatively scheduled for consideration by the Commission at its meeting on July 7 and 14, 1977, the following:

File No.:	*Item*
UR07--	Shaw School urban renewal area: Disposition lot 21, site development plan for easement area (Commission action requested: approval pursuant to par. 637.66 of the urban renewal plan).

The Commission will afford interested and affected organizations and individuals an opportunity to present their views on this item in writing prior to and/or in person at the meeting at which the item is considered, with such limitations on the number and length of oral presentations as the item and the length of the agenda appear to warrant.

Organizations and individuals desiring to make a statement or otherwise communicate their views on this item should advise Samuel K. Frazier, Jr., Chief, Office of Public Affairs, National Capital Planning Commission, Washington, D.C. 20576, telephone 382-1161. Copies of the Executive Director's Recommendation on the item may be obtained from Mr. Frazier on or after July 5. If no organization or individual has advised Mr. Frazier by Thursday, June 30, 12:00 Noon, of a desire to present views *in person* to the Commission and the Executive Director recommends approval or a favorable report, this item may be placed on the "consent calendar" and acted upon by the Commission, without presentation or discussion, at the beginning of the Commission meeting on July 7. To insure that written comments on the item are placed before the Commission prior to Commission action thereon, written statements must be received by Mr. Frazier by Wednesday, July 6, 12:00 Noon.

DANIEL H. SHEAR,
Secretary.

JUNE 21, 1977.

[FR Doc.77-18751 Filed 6-29-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-488, 50-449]

POTOMAC ELECTRIC POWER COMPANY (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Cancelling the Evidentiary Hearing Scheduled for July 5, 1977

On June 9, 1977 the Applicant announced that Douglas Point Unit 1 and Unit 2 were both indefinitely deferred. The Applicant requested the Board to proceed with the hearing on site suitability issues scheduled for July 5, 1977. The view was expressed that the conclusion of this phase of the proceeding is sanctioned expressly by the NRC's regulations on early site reviews.

On June 21, 1977, the Board received a letter from counsel for Intervenors Wojciechowiez and D.C. P.I.R.G. Counsel stated that the Board had no jurisdiction to proceed, the matter is now an academic, hypothetical question, proposed legislation for early site review by Congress has not been enacted, to proceed now would deny any future intervenors due process of law, and the Board should direct Applicant to withdraw its application.

Also on June 21, 1977, the Board received a letter from the NRC Staff which requested the Board to:

1. Postpone the site suitability hearings;

2. Solicit the views of all the parties on:

a. whether the early site review regulations are applicable; and

b. whether there are other factors to be taken into account in determining whether hearings should be held.

The Board has determined that the requests of the Staff are reasonable and therefore cancels the July 5, 1977 hearing date and solicits the views of the parties in accordance with the Staff's second request. The Board will expect responses from the parties by July 25, 1977.

It is so ordered.

Dated in Bethesda, Maryland, this 22nd day of June, 1977.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-18474 Filed 6-29-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by Member Countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-D6, "Ultimate Heat Sink and Directly Associated Heat Transport System(s)," has been developed. An IAEA Working Group, consisting of Mr. R. D. Harden, United Kingdom of Great Britain and Northern Ireland and Mr. E. P. O'Donnell (Ebasco Services, Incorporated), United States of America developed this draft from an IAEA collation during a meeting on January 21, 1977, and we are soliciting public comment on it. Comments on this draft received by August 30, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-18476 Filed 6-29-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member State. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-D4, "Protection Against Internally

Generated Missiles and Their Secondary Effect in Nuclear Power Plants," has been developed. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Design which met in March 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by August 31, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-18478 Filed 6-29-77;8:45 am]

REGULATORY GUIDE 1.119 SURVEILLANCE PROGRAM FOR NEW FUEL ASSEMBLY DESIGNS

Withdrawal

The Nuclear Regulatory Commission staff has withdrawn Regulatory Guide 1.119, "Surveillance Program for New Fuel Assembly Designs," which was issued for comment in June 1976. In order to broaden the scope and data base to include existing fuel assembly designs, the staff now believes that fuel surveillance programs for nuclear power plants should be plant specific and handled on a case-by-case basis rather than in a detailed generic manner. Therefore, the staff's need for data from fuel surveillance programs for both existing and new fuel designs will be included in the planned update of Regulatory Guide 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," and reflected in the planned revision to NUREG-75/087, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants."

Regulatory guides are developed to describe and make available to the public methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems. Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable and approved codes and standards, or when changing methods and techniques have made them obsolete.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 20th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-18477 Filed 6-29-77;8:45 am]

[Dockets Nos. 50-29, 50-271 and 50-309]

YANKEE ATOMIC ELECTRIC CO. ET AL.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 40, 36, and 30 to Facility Operating Licenses Nos. DPR-3, DPR-28 and DPR-36, issued to Yankee Atomic Electric Company, Vermont Yankee Nuclear Power Corporation and Maine Yankee Atomic Power Company, respectively, which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) located in Rowe, Franklin County, Massachusetts; Vermont Yankee Nuclear Power Station located near Vernon, Vermont; and Maine Yankee Atomic Power Station located in Lincoln County, Maine. These amendments are effective as of their date of issuance.

These amendments revise the provisions in the Technical Specifications relating to controlled entry into high radiation areas.

The applications for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For futher details with respect to these actions, see (1) the applications for amendments dated March 9, 1977 (filed by Yankee Atomic Electric Company), March 30, 1977 (filed by Vermont Yankee Nuclear Power Corporation), and March 3, 1977 (filed by Marine Yankee Atomic Power Company), (2) Amendment No. 40 to License No. DPR-3 (3) Amendment No. 36 to License No. DPR-28, and (4) Amendment No. 30 to License No. DPR-36, and (5) 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. The above items related to Yankee-Rowe are available at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts; those items related to Vermont Yankee are available at the Brooks Memorial Library, 244 Main Street, Brattleboro, Vermont; and those items related to Maine Yankee are available at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) through (5) 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 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-18475 Filed 6-29-77;8:45 am]

[Docket No. 50-320]

METROPOLITAN EDISON CO., ET AL.

Hearing

In the Matter of Metropolitan Edison Co., Jersey Central Power & Light Co. and Pennsylvania Electric Co. (Three Mile Island Nuclear Station, Unit No. 2).

The evidentiary hearing in this matter (originally announced at 42 FR 2139, Jan. 10, 1977) will resume on Tuesday, July 5, 1977 at 9:00 a.m. in the Nuclear Regulatory Commission Hearing Room, Fifth Floor, 4350 East-West Highway, Bethesda, Maryland.

So Ordered.

Dated at Bethesda, Maryland this 23rd day of June 1977.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.77-18802 Filed 6-29-77;8:45 am]

ADVISORY COMMITTTE ON REACTOR SAFEGUARDS

Notice of Meetings

EDITORIAL NOTE.—The following meetings were originally announced in the FEDERAL REGISTER of Tuesday, June 28, 1977 (42 FR 32856, 32858):

Name of committee unit	Meeting dates	Announced in FR Document No.
Advisory Committee on Reactor Safeguards.	July 14 to 16, 1977...	77-18470
ACRS Subcommittee on Regulatory Activities.	July 13, 1977.....	77-18467
ACRS Reactor Safety Research Subcommittee, Working Group No. 1, and Emergency Core Cooling Systems Subcommittee.	.....do.....	77-18472

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WASTE MANAGEMENT SUBCOMMITTEE

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 Waste Management Subcommittee will hold an open meeting on July 19, 1977, at Hanford House Thunderbird, 802 George Washington Way, Richland, WA 99352. The purpose of this meeting is to review current Energy Research and Development Administration Waste Management Plans and to be briefed on the American Physical Society Report on Radioactive Waste Management.

The agenda for subject meeting shall be as follows:

TUESDAY, JULY 19, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Subcommittee may meet in 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 to hear presentations by and hold discussions with representatives of the Energy Research and Development Administration, the American Physical Society, and their contractors.

At the conclusion of this session, the Subcommittee may caucus to determine whether the matters identified in the initial session have been adequately covred and whether the project is ready for review by the full Committee.

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 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 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 July 12, 1977 to Mr. Ragnwald Muller, ACRS, NRC, Washington, DC 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 written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics revelant 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 July 18, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attn: Mr. Ragnwald Muller) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being made.

(f) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 26, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 19, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 24, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18803 Filed 6-29-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 2 OF THE REACTOR SAFETY RESEARCH SUBCOMMITTEE

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. 2 of the Reactor Safety Research Subcommittee will hold a meeting on July 18, 1977 in Room 1046, 1717 H St NW., Washington, D.C. 20555. The purpose of this meeting is to review safety research pertaining to metallurgy and materials used in light water reactors.

The agenda for subject meeting shall be as follows:

MONDAY, JULY 18, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group may meet in 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 Working Group will hear presentations by and hold discussions with representatives of the NRC Staff, and its consultants, and with representatives of other organizations participating in safety research pertaining to metallurgy and materials used in light water reactors.

At the conclusion of these sessions, the Working Group may caucus 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.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matterms involving proprietary inforamtion.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed 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 operatiing 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 and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normaly 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 a readily reproducible copy 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 July 11, 1977 to Mr. Thomas G. McCreless, 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 written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to 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 July 15, 1977 to the Office of the Executive Director of the Committee (telephone 202–634–1374, attention: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., E.D.T.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recording will be permitted only during those open sessions of the meeting when a transaction 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. Thomas G. McCreless, 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 will be available for inspection on or after July 25, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 18, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 28, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18877 Filed 6-29-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON HYPOTHETICAL CORE DISRUPTIVE ACCIDENT FOR FAST REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Hypothetical Core Disruptive Accident for Fast Reactors will hold a meeting on July 21–22, 1977, in the Red Room, located at the Science Museum of the Los Alamos Scientific Laboratory, Los Alamos, NM. The purpose of this meeting is to review the development of the SIMMER Code (Sn Implicit Multified Multi-component Eulerian Recriticality Code) and its ability to model hypothetical core disruptive accidents for advanced reactor designs.

The agenda for subject meeting shall be as follows:

THURSDAY, JULY 21: 9 A.M. UNTIL CONCLUSION OF BUSINESS

FRIDAY, JULY 22: 8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group may meet in 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 Working Group will hear presentations by and hold discussions with representatives of the NRC Staff, the Energy Research and Development Administration, the Los Alamos Scientific Laboratory, and their consultants.

At the conclusion of these sessions, the Working Group may caucus to determine whether the matters identified in the Executive Sessions have been adequately covered.

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 Public Law 92–463, that it is necessary to conduct the above closed 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 July 14, 1977 to Mr. Thomas G. McCreless, 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 written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be

made. The Working Group will receive oral statements on topics relevant to 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 July 20, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1374, attention: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recording will be permitted only during those open 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. Thomas G. McCreless, 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 will be available for inspection on or after July 28, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 24, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 28, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18878 Filed 6-29-77;8:45 am]

AUTHORITY DELEGATION TO EXECUTIVE DIRECTOR FOR OPERATIONS

STATEMENT OF CONSIDERATIONS

Section 201 of the Energy Reorganization Act, 42 U.S.C. 5841, provides that a quorum for transactions of business by the United States Nuclear Regulatory Commission shall be three members present. Upon expiration of Chairman Rowden's term of office June 30, 1977, the Commission will lack a quorum of qualified members. This will continue until the Commission regains a quorum. Unless accommodated by an expansion of existing delegations of authority to staff officers, a partial lapse in the Commissions' ability to transact its business would result and could lead to uncertainty in the conduct of the Commission's responsibilities.

Accordingly, the Commission has determined that it is necessary to make an expanded delegation of authority to the Executive Director for Operations ("EDO") to take effect upon July 1, 1977, and to continue until a Commission quorum is constituted. The Commission's intent, and the Executive Director for Operations' understanding, is that this authority has been delegated and will be exercised with restraint essentially for the purposes of stewardship pending reconstitution of a Commission quorum. This delegation, with the exceptions noted below, is to be supplemental to all previously made delegations of authority which have been published in 10 CFR Part 1, in the NRC Manual and elsewhere. Copies of all such documents are available in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Commission's regional offices. Those prior delegations are hereby reaffirmed and ratified.

The delegations made herein embrace all of the previously undelegated authority of the Commission, subject to specified exceptions and limitations. The delegated authority shall be exercised by the EDO where, in his discretion, the public interest makes it inappropriate for action to be delayed pending qualification of a quorum. The EDO shall exercise the authority delegated herein only after consulting with the remaining members of the Commission. With respect to the heads of major administrative units, the EDO would, after consultation with the Commissioners, have authority to make an appointment on an acting basis should a vacancy occur, and to remove incumbent officials. The officials designated in section 209(b) of the Energy Reorganization Act would, as provided therein, have authority to communicate directly with the Commission.

Currently, the EDO is the Commission's senior staff officer. He has delegated authority to discharge the operational and administrative functions of the Commission on a day-to-day basis, including authority to supervise and coordinate the policies and activities of all NRC offices except those that report directly to the Commission and those with quasi-judicial responsibilities. He recommends or approves recommendations for significant proposed rules to the Commission and can issue on his own authority corrective or minor rules or rules of a non-policy nature. It has been the EDO's practice, which we expect him to continue, to inform the Commission in advance of issuance of such rules. Under his present delegation, he can also issue final rules where there have been no significant adverse comments on the notice of proposed rulemaking. This rule would require him to consult with the Commissioners before issuing such final rules. The EDO has also been delegated authority to carry out a variety of other administrative, managerial and supervisory functions.

As stated above, this Rule delegates to the EDO most of the previously undelegated authority of the Commission, subject to the constraints and limitations discussed above. The EDO and the Director of the Office of International Programs would retain their present authority to act upon applications for import and export licenses, except that they would be required to consult with the Commissioner before taking action with respect to export license applications that have been subject to prior Commission approval under the criteria set forth in "In the Matter of Edlow International Co.", 3 NRC 563, 593 (1976). Routine applications not falling within these criteria would continue to be acted upon by the EDO or the Director without prior consultation with the Commissioners. In addition, other functions performed by the Commission with respect to import and export license applications would be delegated to the EDO, including the authority to rule on a petition for intervention. However, action on such matters could only be taken following consultation with the Commissioners. None of the other quasi-judicial functions of the Commission is being delegated to the EDO. Except for the functions described in section 2 of the rule, those functions, which have previously been delegated to the Administrative Law Judge, the Atomic Safety and Licensing Boards and the Atomic Safety and Licensing Appeal Boards shall continue to be exercised by those bodies as before. The only change made to the Commission's quasi-judicial organization is that all petitions for review of decisions or actions of the Atomic Safety and Licensing Appeal Board that are now pending or that are properly filed hereafter pursuant to 10 CFR 2.786 shall not be deemed to be denied until 20 days after a quorum of the Commission is reconstituted and the time for the Commission to review such decision or actions on its own motion is extended until 30 days after a quorum is reconstituted. Neither change is intended, however, to have any effect on the finality of those decisions or actions for purposes of judicial review. Requests for stays of decisions of Atomic Safety and Licensing Appeal Boards may still be made to those Boards. 10 CFR 2.788.

Because this notice relates to matters of agency organizations and practice,

general notice of proposed rulemaking and public procedure thereon are unnecessary.

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 Rule is hereby adopted.

RULE

1. Beginning July 1, 1977, and continuing for so long as the number of members of the Commission remains insufficient to constitute a quorum for the transaction of business, all functions of the Commission (including functions pertaining to applications for import and export licenses) except its quasi-judicial functions which have been previously delegated to the Atomic Safety and Licensing Board Panel, the Atomic Safety and Licensing Appeal Panel and the Chairmen thereof, and except the functions described in section 2 hereof, which are not excepted from delegation pursuant to section 161(n) of the Atomic Energy Act, 42 U.S.C. 2201(n), or other provision of law, are delegated to the Executive Director for Operations ("EDO"), subject to the following provisions:

(a) Prior delegations of functions by the Commission or the Chairman to other officers of the Commission which are in effect, are ratified and shall remain in effect, except as provided in subsections (d) and (e) of this section.

(b) The delegation of authority herein shall be exercised by the EDO where in his discretion the public interest makes it inappropriate for the contemplated action to be delayed until a quorum of Commissioners is again constituted. No action shall be taken solely pursuant to the authority delegated herein until after the EDO has consulted with the Commissioners concerning the proposed action. The new authority delegated to the EDO herein cannot be redelegated by him, except that following consultation with the Commissioners, the EDO may designate in writing an official of the Commission to serve as Acting EDO for any period of time that the EDO will be absent or unable to carry out the duties of that office.

(c) Appointments made by the EDO, pursuant to new authority herein, of heads of major administrative units under the Commission shall be on an acting basis only, following consultation with the Commissioners. The EDO may remove the incumbent heads of major administrative units under the Commission, but only following consultation with the Commissioners.

(d) Nothing herein shall enlarge the authority of the EDO to adopt effective rules. The EDO may exercise his present authority to adopt an effective rule only if (1) he first consults with the Commissioners, or (2) he finds that it is a corrective amendment or of a minor or nonpolicy nature.

(e) The EDO and the Director of the Office of International Programs shall consult with the Commissioners with respect to export license applications that have been subject to prior Commission consultation, before exercising their present authority to act upon such an application. The EDO shall consult wih the Commissioners before acting upon a petition to intervene with respect to an application for an import or export license.

2. Pursuant to 10 CFR 2.786(b)(5), the Commission extends the time for consideration of all pending or hereafter filed petitions for review of decisions or actions by an Atomic Safety and Licensing Appeal Board. Any such petition properly filed in accordance with 10 CFR 2.786 shall not be deemed denied until 20 days after the Commission again has three members. The time in which the Commission may on its own motion review pursuant to 10 CFR 2.786(a) any decision or action of an Atomic Safety and Licensing Appeal Board presently subject to such review or hereafter issued is hereby extended until thirty days after the Commission again has three members. However, neither this extension of time for review on the Commission's own motion nor the extension of time for Commission consideration of a petition for review shall affect the finality of the decision or action in question for purposes of judicial review nor, pursuant to 10 CFR 2.786(b)(8), shall they act to stay the effectiveness of the decision or action.

Dated at Washington, D.C., this 29th day of June 1977.

For the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-18988 Filed 6-29-77;10:30 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-26]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Pipeline Accident Report.—The National Transportation Safety Board has released its report following investigation of the pipeline accident which occurred last August 9 near Cartwright, Louisiana.

The report, No. NTSB-PAR-77-1, reveals that a road grader ruptured a 20-inch United Gas Pipe Line Company transmission line; natural gas at 770 psig escaped and ignited within seconds. The resulting flames engulfed the area and killed six persons, injured one person, and caused extensive property damage.

Probable cause of the accident, according to the Safety Board, was the ignition of natural gas that was escaping from a pipeline which has been ruptured by a road grader whose operator was unaware of the pipeline's existence. Contributing to the accident was the previous construction of a road over the pipeline right-of-way which reduced the pipeline's cover, and the failure of the Jackson Parish Policy Jury to notify the pipeline's operator of the road maintenance work.

Last October 27, the Safety Board issued nine safety recommendations to United, to the pipeline industry, and to Louisiana and Jackson Parish officials seeking action to prevent recurrence of the Cartwright accident. (See 41 FR 48616, November 4, 1976.)

Aviation Safety Recommendations A-77-43 and 44.—Investigation of the August 3, 1976, crash of a Beechcraft Baron 58 at Chillicothe (Missouri) Municipal Airport has revealed that the left engine, a Teledyne Continental IO-520, failed after takeoff when the aircraft was between 50 and 100 feet above the runway. The engine failed when the crankshaft broke at the No. 7 short crankcheek after a fatigue crack, originating below the surface had propagated almost through the section. The six persons aboard the aircraft died in the crash.

Postaccident metallurgical examinations failed to disclose any preexisting defects in the cranksheek which could account for the fatigue. The Board noted that as of last August over 15,000 crankshafts, part No. 633453, were installed in IO-520 engines since engine certification in 1963; 12 other of these crankshafts have fractured at the No. 7 crankcheek because of a subsurface fatigue crack. The failures were randomly distributed with regard to engine operating time. The cause of fatigue was not determined in any of these occurrences.

Although none of the other failures resulted in a fatal accident, the Safety Board is concerned that the repetition of this type of failure is indicative of a continuing problem. Accordingly, the Board on June 20 recommended that the Federal Aviation Administration—

Issue a maintenance alert bulletin to advise engine overhaul and repair facilities to inspect the IO-520 series crankshafts for incipient or developed cracks, preferably using an inspection means capable of detecting subsurface cracks, in the vicinity of the short crankcheeks any time that the crankshafts are available for inspection. (A-77-43)

Conduct a directed safety investigation consisting of a review of overhaul and repair facility inspection results to determine if the frequency and distribution of detected fatigue cracks indicates a deficiency in the IO-520 engine. (A-77-44)

Both recommendations are designated Class II—Priority Followup.

Aviation Safety Recommendations A-77-45 through 47.—The failure to locate a Piper PA-28 until six days after it crashed last November 26 some 33 miles northeast of Farmington, New Mexico, has prompted the Safety Board to ask the Federal Aviation Administration to provide air traffic controllers with more definitive instructions in finding lost aircraft.

Before the crash, the pilot had contacted the Farmington Flight Service Station and stated that he was lost. Shortly thereafter, radio contact was lost, and search and rescue personnel

were unable to find the aircraft until the afternoon of December 3. Both occupants had died on impact; the aircraft's emergency locator transmitter also was destroyed on impact.

According to rescue personnel, if the efforts expended during the first two days of search had been expended near the area of the updated coordinates furnished by the Denver Air Route Traffic Control Center, the aircraft would have been located sooner. To insure the best possible search and rescue efforts, the Board stated, the most accurate information on an aircraft's last known location should be transmitted to search and rescue personnel as soon as it is available.

Accordingly, the Safety Board on June 24 forwarded to FAA the following Class II recommendations:

Alert all ATC personnel of the circumstances of this accident and emphasize to them the importance of transmitting to search and rescue personnel all available information on the last known location of a missing aircraft. (A-77-45)

Revise the Air Traffic Controller's Handbook, Chapter 8, to include specific instructions to relay to the National Rescue Coordination Center at Scott Air Force Base, Illinois, information on the last known location of a missing aircraft obtained from the computer-stored radar information. (A-77-46)

Inform the National Rescue Coordination Center of the NAS radar system computer capabilities and advise them to include in their procedures provisions for updating more rapidly information on last known positions of missing aircraft. (A-77-47)

Aviation Safety Recommendation A-77-48.—Last February 10 a twin engine airplane, operating on an instrument flight rules flight plan at 10,000 feet m.s.l. along Victor Airway 456 near Mt. Iliamna, Alaska, presumably crashed. No wreckage has been found.

Investigation revealed that a current Notice to Airman (NOTAM) read "AKN BAK-12 CNTR 11/29 OTS," indicating that an arresting system at King Salmon Airport, Alaska, the destination airport, was out of service. The remarks section of the pilot's IFR flight plan read "AKN BC 12 OTS," indicating that he believed a localizer (back course) for runway 12 at King Salmon Airport was out of service. Based on the disparity between the NOTAM and the pilot's remarks, the Board believes that the pilot's misunderstood the NOTAM. The Board further believes that some aviation contractions are ambiguous because various segments of the aviation community use contractions which are not standardized.

Although the pilot's apparent misinterpretation of the NOTAM was not a causal factor in this accident, the Board believes that commonly used contractions should be standardized and should have precise meanings. Accordingly, the Safety Board on June 24 recommended that the Federal Aviation Administration—

Standardize word and phrase contractions contained in Federal Aviation Administration publications, or in interagency publications approved by the Federal Aviation Administration, to assure that there are no authorized abbreviations with dual meanings, or different abbreviations with the same meanings, used for air traffic control, communications, or associated services. (A-77-48)

The recommendation is designated Class III Longer-term Followup.

Pipeline Safety Recommendations P-77-9 through 14.—Six recommendations were issued by the Safety Board on June 24 following investigation into the March 26, 1977, death of two gas company servicemen in Buffalo, New York. The men were asphyxiated from carbon monoxide inhalation after they entered a manhole to check out a gas leak. The repairmen had not used the respiratory devices which were on the gas company truck. The gas company's maintenance and operations manual specified that:

(a) No one shall be permitted to enter a vault or manhole unless a test has been made for the presence of gas and for oxygen deficiency.

(b) Workmen entering a vault containing gas concentrations or oxygen deficiencies shall use an approved respiratory device and have a lifeline attached to their body.

The day after the accident, a 12-inch-diameter, bare steel gas main, which transported manufactured (coke-oven) gas under the street, was excavated. A leak was found in the pipe 200 feet away from the manhole. The coupling components, including many of the bolts used to join the pipe lengths had rusted; this gas main was not protected cathodically in accord with 49 CFR 192.457. Gas, escaping a 10 psig pressure, had entered the telephone conduit through a joint in the clay telephone duct located six inches from the gas main. Gas had traveled through this conduit and into the manhole and vault.

Corrective recommendations were forwarded by the Safety Board on June 24 to:

National Fuel Gas Company of Buffalo, New York—

Reemphasize to all supervisory and operating personnel the importance of carefully following established procedures for working in vaults and manholes. (P-77-9) (Class I, Urgent Followup)

Excavate, on a random sample basis acceptable to the New York Public Service Commission, to determine if other bolted couplings have deteriorated on this 12-inch gas main and make the necessary repairs or replacements. (P-77-10) (Class I)

Coordinate with local electric companies, telephone companies, water and sewer departments, and other street facility owners to install signs at manholes alerting persons to the hazards of entering before checking for gas content and oxygen deficiency along the route of this manufactured gas pipeline. (P-77-11) (Class II, Priority Followup)

Protect cathodically this 12-inch bare steel gas main so that continuing corrosion will not result in a condition that is detrimental to public safety. (P-77-12) (Class I)

Occupational Safety and Health Administration, U.S. Department of Labor—

Amend regulations for testing of atmospheres to include all underground vaults and manholes and to include safety standards for workers from other industries who may have occasion to enter these potentially dangerous areas. (P-77-13) (Class III, Longer Term Followup)

Amend regulations to include all possible toxic substances or hazardous materials that might reasonably be found in vaults and manholes and to require that persons entering these areas be provided with appropriate devices to test the atmosphere before entering to insure their safety. (P-77-14) (Class III)

In its letter to OSHA, the Safety Board notes that OSHA has standards for testing for combustible gases and for oxygen deficiency in vaults and manholes operated by the telecommunication and power industries but not for vaults and manholes operated by the gas industry. Carbon monoxide and methane, two of the main constituents of coke-oven gas, are not listed under the hazardous materials section of the OSHA standards.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A-72-1.—Federal Aviation Administration's letter of June 20 provides an update on information contained in FAA letter of February 24, 1972, wherein FAA indicated that it had initiated a study to reevaluate the NOTAM System. Comments from FAA regions and other outside sources have been evaluated by a Headquarters team. As a result, FAA issued Handbook 7930.2, National Notice to Airmen (NOTAM) System, effective May 1, 1977, prescribing NOTAM System procedures and providing guidance for all personnel who originate, issue, and disseminate Notice to Airmen data. In addition, FAA issued Advisory Circular No. 210-4, effective concurrent with Order 7930.2 on May 1, 1977, and reflecting the contents of the Order. FAA states, "The term AIRAD was replaced by NOTAM (L) which is included in the Order and Advisory Circular."

FAA believes it has satisfactorily fulfilled the intent of recommendation A-72-1 and plans no further action.

Aviation: A-74-13 and 14.—The Federal Aviation Administration provides by letter of June 10 information on the current status of these recommendations, as requested by the Safety Board's letter of May 19, 1977.

FAA states re A-74-13 that as a result of the Board's recommendation to develop and install terminal air traffic (ATC) radar capable of locating severe weather and displaying convective turbulence, the Systems Research and Development Service has designed a modification to be installed and tested on the New Orleans terminal radar system this July-August. The test will detect and record weather returns, using the standby ATC radar channel and simultaneously recording the weather returns using a nearby National Weather Service radar. The recorded data from the two radars will be reduced for computer analysis to determine the effectiveness and improvement derived from the modification, according to FAA.

Re A-77-14, FAA states that the Board's recommendation to implement, in cooperation with the National

Weather Service, a system to relay severe thunderstorm and tornado warning was explored during June-October, 1976. Test procedures required the National Weather Service weather radar observers, upon detecting a strong weather return, to notify the FAA Central Flow Control Facility (CFCF) advising of the location, intensity, and movement of the storm; CFCF would then alert the appropriate air traffic control facility. FAA states that the results of this test were inconclusive; a similar test is to be conducted during July and August 1977.

On completion, test results will be forwarded to the Board, FAA said.

Highway: H–76–22.—Federal Highway Administration's letter of June 14 follows up FHWA's April 13 letter (42 FR 21677, April 28, 1977) regarding this recommendation, which asked FHWA to provide assistance to the States in their review of safety at railroad grade crossings.

FHWA reports that it has issued interim instructions pending revision of the Federal-Aid Highway Program Manual directive. These instructions (a copy is attached to FHWA's June 14 letter to the Board) were issued June 7 to all FHWA Regional Administrators. The instructions cover the development of priority schedules for grade crossing improvements.

Intermodal: I–76–6.—Letter of June 13 from the Materials Transportation Bureau, U.S. Department of Transportation, addresses the issues raised by the Safety Board in its letter of April 28 (42 FR 21678, April 28, 1977) requesting that the Department reconsider its decision not to act upon recommendation I–76–6.

MTB, in reply, provides the following information:

(1) The statement quoted by the Safety Board from the Federal Highway Administration Operations Manual, HMC–12.1, is taken from Volume II, Chapter 3, paragraph 2(b) of the Bureau of Motor Carrier Safety Operations Manual. This statement addresses the general difficulty field staff personnel have in identifying all motor carriers and/or shippers; it does not specifically address itself to, nor does it override the reporting requirements in, § 177.824(f) (DOT's Hazardous Materials Regulations).

(2) MTB disagrees that the reporting required under § 177.824f only provides for the "registration of vehicle cargo tanks and not of carriers." The reports required to be filed identify the carrier who owns and/or operates the MC 330 and 331 cargo tanks listed in the body of the report. Since the reports are indexed by carrier, they do in fact identify those motor carriers that transport pressurized liquefied petroleum gases in bulk. Information reported under § 177.824(f) is sufficient, even though the locations of each activity handling pressurized liquefied gases are not shown on the reports. That information is available from carrier's ICC certificate.

(3) The difficulty the Board sees in enforcing the reporting provisions of § 177.824(f), under section 106(c) of the Act, is a moot point. Failure to file reports under § 177.824 (f) is enforceable in the same manner as any other violation of the Hazardous Materials Regulations.

(4) Concerning the Safety Board's comments as to revocation of safety registrations under section 106(b) of the Act, the Safety Board appears to agree with MTB that such action cannot be taken.

MTB states, "In summary, we feel that present reporting provisions of Section 177.824(f) makes available sufficient information as to which carriers transport pressurized liquefied petroleum gases, and that imposing an additional registration requirement under Section 106(b) of the Act would not in this case contribute an additional safety benefit commensurate with the efforts required."

Marine: M–74–9: U.S. Coast Guard letter of June 14 concerns a recommendation which issued as a result of the investigation into the foundering of the M/V MARYLAND in Albermarle Sound, North Carolina, December 18, 1971. The recommendation asked Coast Guard to structure the results of its towing vessel stability study into operating information which could be used as a guide by the operators of towing vessels.

Coast Guard states that it has included comments on operational safety regarding proper stability in a draft publication, "A Guide to Safety in Towing." Publication is expected by December 1, next, at which time Coast Guard promises further response to this recommendation.

Marine: M–75–25 and 26.—Coast Guard responded initially to these recommendations on January 29 last year (41 FR 6336, February 12, 1976). On June 6, 1977, Coast Guard provided a further response. The recommendations were issued following investigation into the explosion in the pumproom abroad the tankship TEXACO NORTH DAKOTA while the ship was en route from Tampa, Florida, to Port Arthur, Texas, October 3, 1973.

Re M–75–25, which asked Coast Guard to use formal hazard analysis during the next annual tankship inspection to identify pumproom explosion risks, Coast Guard reports in its June 6 letter that the following programs have been initiated in response:

(1) The Tentative Operating Requirement, requesting funding for the Office of Research and Development to conduct a hazard analysis study of pumproom explosion risks on existing tank vessels, has been approved. The study will be included in a combined Office of Merchant Marine Safety/Office of Marine Environment and Systems system analysis contract to evaluate total marne safety systems, the study to be completed by mid 1979.

(2) An inspection program for U.S. flag tankships and tank barges during transfer operation was initiated by Commandant Notice 16711, dated October 29, 1976 (copy attached to Coast Guard's letter).

(3) Examination of cargo venting and handling systems and transfer procedures aboard both U.S. and foreign flag tankships in U.S. ports was initiated by Commandant Notice 16711, January 21, 1977, ALDIST 016/77 (copy attached).

Re M–75–25, recommending use of formal hazard analysis to evaluate the possibility of an explosion before approval is given for the design or modification of tank vessels, Coast Guard states that the Tentative Operating Requirement, approved to conduct a hazard analysis study of pumproom explosion risks on existing tank vessels, is responsive to this recommendation.

Coast Guard does not consider further response to either recommendation to be necessary.

Marine: M–76–2.—Another Coast Guard letter dated June 6 provides a second response to this recommendation, issued following investigation of the collision and fire involving the SS C. V. SEA WITCH–SS ESSO BRUSSELS (Belgium) on June 2, 1973, in New York Harbor. Coast Guard's initial response of June 2, 1976, was reported at 41 FR 24639, June 17, 1976.

M–76–2 recommended that Coast Guard estabilsh a requirement for oceangoing vessels in designated restricted waters such as New York Harbor to have the emergency steering station manned; this should also apply to foreign vessels.

Coast Guard notes that a requirement for the manning of steering engine rooms in certain waters of the United States was published as a proposed regulation in the FEDERAL REGISTER of May 6, 1976. As a result of comments received, this particular requirement was withdrawn for further study and was not included in the final rules published on January 31, 1977. However, Coast Guard states, the proposed rules for oil tankers, which were published at 42 FR 24869 on May 16, do include requirements for rapid recovery of rudder control. "A vessel may meet these requirements by means of control systems and/or procedures and associated equipment for manning steering gear spaces and emergency steering stations as necessary," Coast Guard stated.

Also, Coast Guard recognizes that problems of steering failure are not limited to oil tankers, and in the future will consider application of these rules to other types of vessels.

Marine: 69–M–53, 70–M–2, 71–M–4, and 76–M–10.—Coast Guard's letter of June 14 is in further response to recommendations issued following investigations, respectively, into these marine casualties: SS PANOCEANIC FAITH, foundering in North Pacific Ocean, October 9, 1967 F/V FENWICK ISLAND, capsizing in Atlantic Ocean, December 7, 1968; MV THERESA F., capsizing in Gulf of Mexico, January 9, 1969; and SS CV SEA WITCH—SS ESSO BRUSSELS (Belgium), collision and fire in New York harbor, June 2, 1973. Each recommendation called for equipping life preservers with a waterproof, battery-powered light.

Coast Guard provides a copy of the notice of proposed rulemaking, concerning the requirement for lights and retro-reflective material on life preservers and other lifesaving equipment, which was published at 42 FR 26229 on May 23. The Safety Board on June 24 formally commented on the proposed rulemaking, noting that the proposal appears to meet the intent of these recommendations.

Railroad: R–77–6 through 8.—Federal Railroad Administration's letter of June

9 is in response to recommendations issued following investigation of the derailment of an Amtrak train on the Illinois Central Gulf Railroad near Goodman, Mississippi, June 30, 1976 (42 FR 21677, April 28, 1977).

Recommendations R–77–6 and 7 sought amendment of track geometry standards, 49 CFR 213.55 (Alignment) and 49 CFR 213.63 (Track Surface), to include definitions of "uniformity" and "uniform profile," respectively. FRA reports that it is reviewing the Federal Track Safety Standards to determine the need to make justified modifications; these recommendations will be considered during that review.

Re R–77–8, which asked FRA to include, in reviewing its track safety regulations, investigation and testing to determine whether minimum track conditions required for FRA classes of track by 49 CFR 213.9 are adequate for all types of trains and for the maximum allowable speed for each class, FRA reports that is involved in a research project that directly addresses 49 CFR 213.9, Classes of Track: Operating Speed Limits. FRA states:

The near-term activity is an industry/government pilot study that will look at limiting, interrelated values of track geometry, car response and speed for typical vehicles. The results of this pilot study will be used as the basis for the long-term activity. This will involve the safety categorization of major elements of the national car fleet in terms of allowable train speed and/or track displacement.

From this, according to FRA, the Rail Systems Dynamic parametric study, being conducted by FRA's Office of Research and Development, will produce recommended modifications to the form and content of the standards.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and safety recommendation responses received, during the week preceding publication of this notice in the FEDERAL REGISTER. The accident report and the safety recommendation letters in entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and any Board correspondence concerning recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 27, 1977.

[FR Doc.77–18781 Filed 6–29–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18660; File No. SR–Amex–77–3]

AMERICAN STOCK EXCHANGE, INC.

Order Extending the Period for Presentation of Data, Views and Arguments In Conjunction With the Maintenance of Disapproval Proceedings

JUNE 22, 1977.

On March 14, 1977 the American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006 ("Amex") filed, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, 17 CFR 240.19b–4, a proposed rule change which would add Section 117 to Part 1 and Section 1003A to Part 10 of the Amex *Company Guide*. Section 117 sets forth alternate criteria for the original listing of common stock, and Section 1003A provides for the prospective application of certain delisting criteria with respect to issues which may be listed pursuant to the alternate criteria. Notice of the proposed changes together with the Amex's statement of the basis and purpose thereof was published in the FEDERAL REGISTER on March 24, 1977 (42 FR 15994).

Proceedings to Determine Whether to Disapprove Proposed Amendments to Part 1 and Part 10 of the Amex Company Guide (SR–Amex–77–3)

On May 13, 1977 the Commission issued on order (Release No. 13542) instituting proceedings under Section 19(b)(2) of the Act to determine whether proposed additions to Parts 1 and 10 of the Exchange's *Company Guide* should be disapproved. The Commission deemed institution of such proceedings appropriate in view of the substantial legal and policy issues raised as a result of the above-mentioned rule change. Specifically, the Commission referred to Sections 6(b)(5) and 6(b)(8) of the Act as providing the grounds under consideration for disapproval.

Procedure. In the release which announced the institution of disapproval proceedings with regard to SR–Amex–77–3, the Commission provided an opportunity for the presentation of data, views and arguments in conjunction with these proceedings. Interested persons were invited to submit written data, views and arguments within 30 days from the date of the release, and parties wishing to respond to any other person's submission were requested to file a written response within 45 days thereof.

At the request of the Amex, the Commission has determined to provide an additional 30 days, from the issuance of the instant release, for interested persons to submit written data, views and arguments on this matter; parties who wish to respond to any other person's submission should file a written response within 45 days hereof. Copies of SR–Amex–77–3 and of all submissions will be available for inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the Amex's submissions are also available at the principal office of the Amex. Persons desiring to make written statements should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–18685 Filed 6–29–77;8:45 am]

[Rel. No. 34–13664]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Clearing Agencies; Institution of Proceedings

JUNE 23, 1977.

Notice of institution of proceedings by the Securities and Exchange Commission, pursuant to Sections 17A and 19 of the Securities Exchange Act of 1934 and Section 240.17Ab2–1 thereunder, to determine whether to grant or deny the registration of New England Securities Depository Trust Company ("NESDTC").

The Securities and Exchange Commission hereby announces the institution of proceedings to determine whether to grant or deny the registration of NESDTC at the expiration of the registration previously granted to NESDTC pursuant to subsection (c) of 17 CFR Section 240.17Ab2–1 under the Securities Exchange Act of 1934 (the "Act"). In the proceedings, which are being instituted pursuant to subsections 17A (a) and (b) and subparagraph 19(a)(1)(B) of the Act and Section 240.17Ab2–1 thereunder, the Commission will consider the issues and grounds described herein. At the conclusion of the proceedings, the Commission, by order, will grant or deny registration as a clearing agency to NESDTC at the expiration of the registration previously granted to NEDSTC pursuant to subsection (c) of Section 240.17Ab2–1 under the Act.

DESCRIPTION OF NESDTC

NESDTC, a wholly owned subsidiary of the Boston Stock Exchange, Inc., was incorporated under Massachusetts law as a limited purpose trust company to engage in the business of holding, receiving, and delivering securities and making book entries with respect to the transfer and pledge thereof as a clearing corporation and as a custodian bank for other clearing corporations.

BACKGROUND

On May 11, 1976, the Commission noticed the filing of NESDTC's application for registration as a clearing agency.[1] On September 23, 1976, the Commission granted NESDTC registra-

[1] Securities Exchange Act Release No. 34–12428 (May 11, 1976), 42 FR 20627 (May 19, 1976).

tion[2] which, pursuant to subsection (c) of Section 240.17Ab2–1, was effective for not more than eighteen months. The approach to registration incorporated in subsection (c) of Section 240.17Ab2–1 was intended to permit clearing agencies to be registered in compliance with the Act, upon a finding that their operations were safe, while affording the Commission sufficient time to make the other determinations required by subparagraphs (A)—(I) of paragraph 17A(b)(3) of the Act ("Subparagraphs (A)—(I)"), including determinations pertinent to the establishment of a national clearing and settlement system, following full consideration of the issues involved.

The Commission has instituted these proceedings in order to obtain the views of interested persons concerning NESDTC's compliance with the standards which the Commission is required to apply under the Act in making determinations in connection with the registration of clearing agencies.

STANDARDS TO BE APPLIED IN DETERMINING WHETHER TO GRANT OR DENY REGISTRATION

Paragraph 17A(a)(1) of the Act sets forth the Congressional finding that:

(A) The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

(B) Inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors.

(C) New data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.

(D) The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

Paragraph 17A(a)(2) of the Act directs the Commission to " * * * use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities * * *." Paragraph 17A(a)(2) of the Act directs the Commission, in carrying out its responsibilities under Section 17A, to have:

"Due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents * * *."

Subsection 17A(b) of the Act makes it unlawful for a clearing agency to perform the functions of a clearing agency with respect to any security (other than an exempted security) unless the clearing agency has been registered with the Commission.

In the exercise of its authority under Section 17A of the Act, on November 3, 1975, the Commission adopted Section 240.17Ab2–1 and related Form CA–1 for the registration of clearing agencies. Although paragraph 17A(b)(3) of the Act requires the Commission to make a number of determinations with respect to the applicant's operations, capabilities and rules[3] before granting registration, paragraph (c)(1) of Section 240.17Ab2–1 provides that, if requested by an applicant for registration as a clearing agency, the Commission may register the applicant for eighteen months without making all the determinations called for by Subparagraphs (A)–(I).

In the case of a clearing agency registered in accordance with paragraph (c)(1) of Section 240.17Ab2–1, the Commission is required, not later than nine months from the date such registration is made effective, either to grant registration in accordance with subsection 17A(b) and paragraph 19(a)(1) of the Act, without exempting the registrant from the requirements of one or more of the Subparagraphs (A)–(I) determinations, or to institute proceedings in accordance with subparagraph 19(a)(1)(B) of the Act to determine whether to grant or deny registration.

NESDTC applied for registration under paragraph (c)(1) of Section 240.17Ab2–1, thereby requesting that registration be granted while it was exempted, temporarily, from having to satisfy one or more of the requirements as to which the Commission is directed to make a determination pursuant to Subparagraphs (A)–(I). The Commission registered NESDTC in accordance with paragraph (c)(1) of Section 240.17Ab2–1, upon the Commission's finding: that NESDTC was so organized and had the capacity to safeguard securities and funds in its custody or control or for which it was responsible; that NESDTC's rules did not impose any schedule of prices; or fix rates or other fees, for services rendered by participants; and that NESDTC's rules assured the safeguarding of securities or funds which were in NESDTC's custody or control or for which it was responsible.

At the conclusion of these proceedings, the Commission, by order, will grant or deny registration as a clearing agency to NESDTC at the expiration of the

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[2] Securities Exchange Act Release No. 34–12829 (September 24, 1976), 42 FR 43785 (October 4, 1976).

[3] The determinations are set forth in subparagraphs (A) through (I) of paragraph 17A(b)(3) of the Act. Paragraph 17A(b)(3) provides:

A clearing agency shall not be registered unless the Commission determines that—

(A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

(B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

(C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.

(E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

(F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.

(G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

(H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.

(I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

registration previously granted to NESDTC pursuant to subsection (c) of Section 240.17Ab2–1 under the Act unless the Commission, for good cause, extends the time for conclusion of these proceedings and publishes its reasons for so doing or NESDTC agrees to an extension of the time for the conclusion of these proceedings.

ISSUES AND GROUNDS FOR DENIAL UNDER CONSIDERATION

In deciding whether to grant or deny registration, the Commission must consider whether NESDTC satisfies the requirements of Section 17A of the Act, including the determinations required by Subparagraphs (A)–(I). Of particular concern to the Commission in making its decision are whether NESDTC's organization and rules (i) are consistent with the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities; (ii) continue to provide for the protection of investors and the safeguarding of securities and funds in NESDTC's custody or control; and (iii) will enable it to reduce unnecessary costs and establish efficient, effective and safe procedures for clearance and settlement by taking advantage of new communications and data processing techniques.

The Commission would like to receive written data, views and arguments from interested persons on the appropriateness of registering NESDTC with particular reference to the compliance of its organization and rules with the objectives of the Act described above, including the determinations called for by Subparagraphs (A)–(I).[4]

All interested persons are invited to submit written data, views and arguments concerning the foregoing application on or before September 28, 1977. Such written data, views and arguments will be considered by the Commission in determining whether registration should be granted or denied in accordance with Sections 17A(b) and 19(a)(1)(B) of the Act and paragraph (c)(2) of Section 240.17Ab2–1 thereunder. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 600–16.

Copies of the applications and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington D.C. 20006.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–18682 Filed 6–29–77;8:45 am]

[4] In formulating their comments, interested persons may wish to read Securities Exchange Act Release No. 34–13584 (June 1, 1977), 42 FR 30066 (June 10, 1977), in which the Commission published proposed standards to be applied by the Commission in making the Subparagraphs (A)–(I) determinations in connection with the registration of clearing agencies.

[Rel. No. 13646; SR–NASD–77–7]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Filing of Proposed Rule Change and Order Approving Proposed Rule Change

JUNE 17, 1977.

The National Association of Securities Dealers, Inc. ("NASD") submitted, on June 7, 1977, a proposed rule change pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 (the "Act") to amend the NASD's qualification requirements applicable to members and their associated persons. The proposed amendment provides that in order to qualify to become registered as a principal of an NASD member, an individual not already qualified to become registered as a representative must take and pass the NASD's Qualification Examination for Registered Representatives (Series 7) as well as the NASD's Qualification Examination for Principals (Series 40), with certain exceptions.[1]

Publication of notice of the proposed rule change is expected to be made in the FEDERAL REGISTER during the week of June 20, 1977. Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NASD–77–7.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered securities associations, and in particular, the requirements of Section 15A of the Act and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The NASD's qualification requirements for registered personnel contemplate that member firm principals are qualified as representatives as well as principals. The proposed rule change will prevent possible evasion of this purpose by ensuring that principals will be subject to examination requirements at least comparable to those imposed on representatives. Moreover, the proposed rule change will eliminate an apparent disparity between the examination requirements for principals and representatives.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on June 7, 1977, and subsequently amended on June 17, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–18686 Filed 6–29–77;8:45 am]

[1] The subject proposal provides that the proposed requirements would not apply "to persons required to register and qualify as 'Financial Principals' or whoe functions will relate solely and exclusively to: (1) mutual funds and variable annuities or (2) direct participation programs."

[Rel. No. 34–13666; File No. SR–NYSE–77–18]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 8, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance:

The proposed rule changes discussed herein will rescind (1) certain filing and reporting requirements of members who propose to operate in international arbitrage, and (2) a specific prohibition against members' association with any bucket-shop, with any person dealing on differences in market quotations, and with any person making a profit of taking the side of the market opposite to that of customers for whom transactions are effected.

The rule concerning international arbitrage is being rescinded by the Exchange as obsolete in view of recent developments in the securities industry. The filing and reporting requirements were originally designed to protect the Exchange's fixed commission structure which has since been abolished. Furthermore, recently adopted amendments to Exchange rules, removing barriers to foreign access and ownership in addition to eliminating certain restrictions on off-board trading, further accentuate the rule's obsolescence.

The rule which prohibits members' association with bucket shops, written near the turn of the century, is, in the Exchange's view, unnecessary given the current scope of securities regulation which provides the Exchange with sufficient basis for prohibiting bucket shop and related activities.

Other sections of the rule, also written well before the passage of the Securities Exchange Act of 1934, prohibit variations of practices by which firms failed to establish positions which they confirmed to customers, sold speculations on arbitrage type transactions without establishing the arbitrage positions, or "bet against their customers" by offsetting customer transactions with opposite firm trades.

The continued protection of customers and members of the Exchange community is, the Exchange believes, assured by the other Exchange rules which prohibit illegal acts and provide the Exchange with the authority to discipline for such activities.

Basis Under the Act for Proposed Rule Change: The proposed rescissions of Rules 403 and 437 are deemed by the Exchange to be consistent with Sections 6(b)(1), 6(b)(2), 6(b)(5), 6(b)(8), and 11A(a)(1)(C) of the Act as follows:

(i) The proposed rescissions do not infringe upon tht Exchange's ability to enforce compliance with the Act by members and persons associated with members.

(ii) The proposed rescissions carry out the purpose of the Act by removing restrictions on business associations which may be a burden on competition among brokers and dealers or between securities markets.

(iii) The proposed rescissions would in no way affect the protection of investors or others as continued protection is assured by an adequate system of surveillance and other rules which both prohibit illegal acts and provide the Exchange with the authority to prosecute offenders. The proposed rescissions will also facilitate transactions in international arbitrage by eliminating unnecessary application and reporting requirements.

Text of Proposed Rescissions:

PROPOSED RESCISSION OF RULE 403

Deleted language [bracketed].

[Bucket Shops, etc.

Rule 403. No member, allied member, or member organization or employee therein shall be directly or indirectly interested in or associated in business with, or have his or its office directly or indirectly connected by public or private wire or other method or contrivance with, or transact any business directly or indirectly with or for:

(1) Any bucket-shop; or

(2) Any organization, firm or individual making a practice of dealing on differences in market quotations; or

(3) any organization, firm or individual engaged in purchasing or selling securities for customers and making a practice of taking the side of the market opposite to the side taken by customers.]

PROPOSED RESCISSION OF RULE 437

Deleted language [bracketed].

Rule 437. Members and member organizations which proposed to operate in international arbitrage shall first obtain the permission of the Exchange.

. . . Supplementary Material:

INFORMATION REGARDING THE CONDUCT OF INTERNATIONAL ARBITRAGE

.10 Definition.—The term "International Arbitrage in Securities" means the business of buying or selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets, and which business is not casual but contains the element of continuity.

.11 Permission.—Members and member organizations which propose to engage either in international joint account arbitrage or in international arbitrage for their own account shall, before initiating any transaction in connection therewith, secure the permission of the Exchange. Application for permission shall be made to Regulation & Surveillance for own account.

.12 Notice of Discontinuance.—Members and member organizations discontinuing dealings in international arbitrage shall give prompt notice of such discontinuance to the Department.

.13 Accounting.—Separate accounts shall be kept by the member or member organization for each arbitrage authority granted by the Exchange and he or it shall require from his or its correspondents copies of similar special, separate accounts, at least monthly, and daily transaction slips describing purchases, sales and collateral entries thereto. Said accounts shall show all debits and credits relating to said business and no others.

The member or member organization shall retain in his or its American office these accounts, together with copies of all communications relating to the account, for a period of at least three years, which shall be available at all times for inspection by the Exchange.

14. Agreements.—Copies of all agreements, and subsequent changes therein, between the member or member organization and his or its correspondents relating to the arbitrage for which authority is requested, or has been granted, shall be filed with Regulation & Surveillance.

15. Arbitrage accounts carried in dollar currency.—Foreign arbitrage accounts carried in dollar currency on the correspondent's books or carried in foreign currencies on the books of the member or member organization (other than control accounts) shall be closed out by reasonably prompt payment of debit balances.

16. Participations in international arbitrage joint accounts.—Only the registered parties to an international arbitrage joint account shall in any way participate therein; except that a participation in the net profit resulting from a particular transaction may be permitted to an outside party to such transaction, provided prompt report thereof is made to Regulation & Surveillance.

.17 Reporting transactions.—Members and member organizations shall require their correspondents to report to them, as promptly as reasonably possible, all transactions made for their account.

All securities purchased or sold by a party to the account shall be reported at the actual price at which the transaction occurred.

.18 Written agreement from non-members.—Members and member organizations operating in joint account with allied members or non-members shall file with Regulation & Surveillance a letter from each correspondent reading:

"I/We have read 'Information Regarding the Conduct of International Arbitrage' as contained in ¶2437.10–2437.19 of the New York Stock Exchange Guide, and understand that all arbitrage business to which you are a party must be conducted in accordance therewith."

.19 Registration of international arbitrage non-member correspondents.—A foreign non-member correspondent of a member organization may be registered as an International Arbitrage Correspondent upon compliance with the following requirements:

(1) The member organization shall file with Regulation & Surveillance a letter to the effect

(A) That it requests registration of the correspondent, whose name, business address, and the name of the stock exchange of which said correspondent is a member, shall be stated;

(B) That the correspondent conducts an international arbitrage business, in which the member organization has no interest as a principal, but for which said organization executes orders and carries positions in securities;

(C) That the account is such as may be properly described as international arbitrage because the correspondent is engaged in the business of buying or selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets, and which business is not casual but contains the element of continuity;

(D) That all transactions pertaining to said described business, and no others, will be entered in a special account which shall be designated as Special International Arbitrage Account of the correspondent and on which account reference shall be made to the date on which the registration of such correspondent was approved by the Exchange;

(E) That the member organization has secured the assurance of the correspondent and believes that the account is not to be used for the purpose of evading or circumventing the provisions of Regulation T of the Board of Directors of the Federal Reserve System, but only for bona fide international arbitrage transactions in securities;

(F) That the member organization will report to Regulation & Surveillance quarterly, whether or not it has received monthly statements, as described in paragraph (2)(C) of the agreement of the non-member, from each non-member vostro arbitrage correspondent and whether or not it has found that all transactions effected through it in such account have been countered or offset within five full business days, as specified in paragraph (2)(B) of the agreement of the nonmember;

(G) That the applicant member organization agrees that, should the nature of the Special International Arbitrage Account alter at any time, prompt notice will be given to Regulation & Surveillance.

(2) With its appliaction the member organization shall file a letter from the correspondent to the applicant, stating in effect

(A) That the account shall be used only for bona fide international arbitrage transactions, and that for this purpose international arbitrage shall be deemed to be the business of buying or selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets, and which business is not casual but contains the element of continuity;

(B) That he also agrees that if, at any time, securities bought or sold for the Special International Arbitrage Account have not, within the period of five full business days thereafter, been sold or bought (in order that each transaction shall be offset by a counter transaction and the position thereby balanced or made even) such transaction shall not be deemed to be of the nature of bona fide arbitrage transactions, and he

will give instructions to the member organization to remove such transaction from the Special International Arbitrage Account;

(C) That he also agrees to furnish to the member organization monthly statements showing in each instance the date on which each transaction effected through the international arbitrage vostro account with the member organization has been countered or offset, the name of the security, the number of shares or bonds involved and the name of the counter party; except that if the counter party to such a transaction is a member of an established stock exchange, in lieu of reporting the name of such counter party on said monthly statement, it may be reported that such counter party is a member of ---------- stock exchange.

(D) That he agrees to supply at least the minimum margin which members and member organizations of the Exchange are required to demand on such accounts.]

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule rescissions.

BURDEN ON COMPETITION

There will be no burden on competition.

On or before August 4, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 21, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77-18691 Filed 6-29-77;8:45 am]

[File No. 500-1]

PACIFIC AIR TRANSPORT INTERNATIONAL, INC.

Suspension of Trading

JUNE 23, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Pacific Air Transport International, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:45 p.m. (EDT) on June 23, 1977 through July 2, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18687 Filed 6-29-77;8:45 am]

[Rel. No. 13657; File No. 1-6884]

PACIFIC RESOURCES, INC.

Order Granting Application

JUNE 22, 1977.

Order granting application to withdraw from listing and registration subject to certain terms and exempting certain persons and securities from the provisions of Rule 17a-15.

On April 1, 1977, the Securities and Exchange Commission published notice that Pacific Resources, Inc. ("PRI") had filed an application with the Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) thereunder to withdraw PRI's common stock from listing and registration on the Pacific Stock Exchange ("PSE").[1] PRI's stated reason for the application is that it believes the interests of its shareholders will be better served if the common stock were traded in the over-the-counter ("OTC") market and quoted through the NASDAQ system. PRI also stated that its board has concluded that OTC trading will provide greater market depth and liquidity, greater exposure of the common stock to generally available quotations and facilitate the trading participation of market-makers in national brokerage firms.

By letter dated April 13, 1977, the PSE filed a written submission requesting that a hearing be held if we were disposed to permit the delisting to become effective prior to our resolution of a pending application of that exchange for a grant of unlisted trading privileges in PRI common stock under Section 12(f)(1)(C) of the Act.[2] PSE argues that investors would be disadvantaged if PRI were to be delisted at that earlier time and urges us not to grant the delisting prior to the PSE's obtaining unlisted trading privileges in PRI stock. Since the issuer's application for delisting appears to be in compliance with the rules of the exchange—a conclusion not disputed by the exchange—we are prepared to grant it.[3] Section 12(d) of the Act, however, provides that we may, in granting a delisting application, prescribe such "terms" as we find are necessary for the protection of investors.[4]

In this regard, PSE points to the possibility that a temporary disruption in trading of PRI stock on the PSE might result if we grant the delisting application now, before acting on its unlisted trading application. The PSE believes that there would be significant disadvantages to investors, which would not

[1] Securities Exchange Act of 1934 Release No. 13422 (April 1, 1977); 42 FR 18470 (April 7, 1977). The PRI application was received by the Commission on March 24, 1977.

[2] The PSE filed its application for unlisted trading privileges on March 25, 1977. The impetus for PSE's application for unlisted trading was PRI's request to delist its securities from the PSE. Absent a grant of unlisted trading privileges, PSE members would be unable to continue trading in PRI on the PSE after its delisting. The PSE application for unlisted trading privileges is currently the subject of a hearing ordered by the Commission. (Securities Exchange Act of 1934 Release No. 13658, (June 22, 1977).)

[3] Rule 12d2-2(d) (17 CFR § 240.12d2-2(d)) provides that: The issuer of a security listed and registered on a national securities exchange may file an application to withdraw such security from listing and registration on such exchange in accordance with the rules of such exchange. Notice of the filing of such an application shall be published by the Commission in the FEDERAL REGISTER, and such notice shall provide that any interested person may, on or before a date specified, submit to the Commission in writing, all facts bearing upon whether the application to withdraw the security from listing and registration has been made in accordance with the rules of the exchange and what terms should be imposed by the Commission for the protection of investors. An order disposing of the matter will be issued by the Commission on the basis of the application and any other information furnished to the Commission unless prior thereto the Commission orders a hearing on the matter."

[4] This provision has been viewed as a grant of broad discretion to the Commission to determine which terms are appropriate on a case-by-case basis. Under that authority the Commission has, in the past, delayed the effectiveness of delisting (where found appropriate). See, for example, *Texas Hydro-Electric Corporation*, 26 SEC 27, 28 (1947); and *Shawmut Association*, 15 SEC 1028, 1035-36 (1944) aff'd sub nom., *Shawmut Association* v. *SEC*, 146 F. 2d 791 (1st Cir. 1945). In affirming the Commission's action in the latter case, Judge Wyzanski, speaking for the Court, noted that: "the Commission has wide discretion in the choice of what 'terms' it shall impose for the protection of investors and ordinarily a court should not undertake to substitute its judgment of what would be appropriate terms for the administrative judgment."

be present if there were no likelihood that PRI stock might continue trading on PSE after delisting or if the securities were registered on another national securities exchange. We have concluded that several of PSE's objections present an appropriate case for an exercise of our authority to impose terms upon the proposed delisting:

1. As a "registered" security, PRI common stock has been a marginable security pursuant to Federal Reserve Board Regulations.[5] Although there are indications that PRI common stock will qualify for inclusion on the Board's list of marginable OTC securities,[6] under current Board procedures a time lag of approximately six months after delisting would probably occur before the Board's list of marginable OTC securities would be revised to include PRI common stock. In the meantime, PRI common stock would not be marginable, and this temporary lack of marginability could result in adjustments and readjustments in customer accounts of broker-dealers, banks and other persons. Also, if PRI is thereafter admitted to unlisted trading on any national securities exchange, marginability would automatically reattach.[7] This "on and off" status of margin requirements could be confusing to brokers, dealers and investors.

2. A temporary disruption in trading in PRI stock on the PSE would also result in a lessening of potential competition among dealers and between exchange markets during any interim period after delisting but before unlisted trading privileges are (if at all) granted.[8]

In considering whether it is necessary to impose terms upon the delisting of PRI stock, we note that PSE has taken steps to lessen the burdens on competition among dealers and between markets. In particular, the PSE has amended its rules to permit its members to engage freely in trading PRI stock in the OTC market, thus fostering a competitive environment. PSE members will be permitted to trade off-board as principal in 1) OTC securities admitted to unlisted trading [9] and 2) securities solely-listed on the PSE whenever such securities become the subject of a delisting application by the issuer and the exchange has applied for unlisted trading privileges with respect to such securities pursuant to Section 12(f)(1)(C) of the Act.[10] If the PRI delisting application were made effective at this time, continued trading in PRI stock on the PSE would be interrupted and competition by market makers on the PSE floor would be restricted, although a possibility exists that such interruption would only be temporary. Further, we note that, as described above, a temporary disruption in the PSE market in PRI stock poses other disadvantages to current and potential investors in the security. We therefore find that it is necessary for the protection of investors to permit continued trading in PRI common stock on the PSE until such time as we have had a reasonable opportunity to act on the unlisted trading privileges application.[11]

PRI is currently an "eligible security" within the meaning of the joint industry plan governing the consolidated transaction reporting system (the "consolidated system").[12] As a result, so long as PRI is traded on the PSE, all transactions in that stock must, absent an exemption from Rule 17a–15, be reported on a current basis in the consolidated system, whether they take place on the PSE or over the counter.[13]

Rule 17a–15 provides that

> [t]he Commission may exempt from the provisions of [Rule 17a–15], either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer * * * or specified type of security if the Commission determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer * * * or type of security be subject to the provisions of the [Rule].[14]

We have not yet determined whether or not to grant the application of the PSE for unlisted trading privileges in PRI common stock once the delisting application is effective. Therefore, there will be uncertainty for the time being as to whether real-time reporting in PRI stock will be required as a general matter (since if the unlisted trading privileges aplication of the PSE is denied, PRI will be traded solely over-the-counter and, therefore, will not be subject to current reporting under Rule 17a–15).[15] In light of these considerations, we do not believe it is necessary in the public interest or for the protection of investors to require members of the PSE (who will be permitted to enter into transactions in the over-the-counter market in PRI common stock as a result of the action taken today) and other brokers and dealers to develop and implement reporting procedures for this single security for the short time frame between our action today and the time we make a determination as to the PSE's application for unlisted trading privileges. Accordingly, we have determined to, and hereby, exempt, until such time as the Commission makes a determination with respect to the PSE's application for unlisted trading privileges in PRI common or until the expiration of the 120 day period referred to below, whichever is earlier, the NASD, and all brokers and dealers from the requirements of Rule 17a–15 relating to last sale reports of over-the-counter transactions in the common stock of PRI.[16]

We wish to emphasize that the granting of an exemption from the reporting requirements of Rule 17a–15 in this situation does not represent any change in the Commission's view (reflected in that Rule) that real-time reporting of eligible exchange-traded securities is important to the protection of investors and is an integral element of a national market system. Our action with respect to PRI common stock represents a response to a temporary and highly unusual situation and should not be considered as an indication of possible Commission actions with respect to reporting of transactions under other circumstances.

Further, we hereby prescribe, as a term of removal from listing and registration, that such delisting will become effective at the time of our determination with

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[5] Section 220.2(f) of Federal Reserve Board Regulation T (12 CFR 220.2(f)), which governs the extension of credit by brokers and dealers, defines "margin security" as "any registered security or OTC margin stock" and paragraph (d) of that Section states that "registered security" means, among other things, "any security which (1) is registered on a national securities exchange; or (2) in consequence of its having unlisted trading privileges on a national securities exchange is deemed, under the provisions of section 12(f) of the Act (15 U.S.C. 781), to be registered on a national security exchange; * * *" Similar definitions are used in Regulation U (12 CFR 221.3(v)), governing the extension of credit by banks for the purpose of purchasing or carrying margin stocks, and Regulation G (12 CFR 207.2(d)), governing securities credit by persons other than banks, brokers or dealers.

[6] As noted above, the Board's definitions of "margin security" include "OTC margin stock." The Board periodically revises its "List of OTC Margin Stocks" pursuant to Section 207.2(f) of Regulation G (12 CFR 207.2(f)) and Section 221.3(d) of Regulation U (12 CFR 221.3(d)).

[7] A security which is admitted to unlisted trading privileges is deemed to be registered by Section 12(f)(6) of the Act.

[8] Section 11A(a)(1)(C) of the Act states that: "It is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure—

* * * * *

(ii) Fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets; * * *"

[9] SR–PSE–76–17 and 77–14. We approved SR–PSE–77–14 by Securities Exchange Act Release No. 13656, June 22, 1977.

[10] SR–PSE–77–14.

[11] In view of the foregoing and our disposition of the PSE request resepecting the timing of the delisting, we have concluded that further hearings in this matter would serve no useful purpose.

[12] *See* "Plan submitted pursuant to Rule 17a–15 of the Securities and Exchange Commission under Securities Exchange Act of 1934" (the "CTA Plan"), Section VI.

[13] Rule 17a–15(a) (17 CFR 240.17a–15(a)); CTA Plan, Section VII. Section VI(c) of the CTA Plan provides, however, that if during a twelve month period less than 25 percent of the transactions in a security effected in the United States through brokers and dealers have been executed on a national securities exchange, such security shall cease to be an "eligible security."

[14] Rule 17a–15(h) (17 CFR 240.17a–15(h)).

[15] See Rule 17a–15(a); CTA Plan Section VI and VII; although real-time reporting for over-the-counter stocks is not currently required, the Commission is continuing to study whether, under some circumstances (e.g., where the over-the-counter stock underlies standardized put and call options issued by the Options Clearing Corporation), such reporting may be necessary in the public interest or for the protection of investors.

[16] This exemption does not prohibit those persons individually from voluntarily complying with Rule 17a–15 so long as such broker or dealer complies with the Rule in a uniform manner.

respect to the PSE's application for unlisted trading privileges in PRI common stock, but in no event later than 120 days from the date of this order.

Having considered the facts stated in the application, and having due regard for the public interest and protection of investors;

It is ordered, That said application be, and it hereby is, granted, subject to the aforementioned terms.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18676 Filed 6-29-77;8:45 am]

[Rel. No. 13656; SR-PSE-77-14]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 22, 1977.

On June 6, 1977, the Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, California 90014 ("PSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend Rule XIII, its rule imposing restrictions on off-board trading. The proposed amendments would add exemptions for transactions in securities not listed and registered on any national securities exchange but which are traded on PSE pursuant to unlisted trading privileges;[1] and for securities listed solely on PSE if the issuer of such securities applies for delisting and PSE applies for unlisted trading privileges with respect to such securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13618 (June 10, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. These rule changes will promote competition by allowing PSE members to trade in the OTC market (1) those securities which are admitted to unlisted trading on the PSE pursuant to Section 12(f)(1)(C) of the Act and, (2) in certain instances, those securities which are solely listed on PSE and in which the issuer has applied to withdraw from listing. This latter provision will currently apply to the common stock of Pacific Resources, Inc. ("PRI"), which has applied for delisting from the PSE and for which PSE has applied for unlisted trading privileges.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18675 Filed 6-29-77;8:45 am]

[1] This portion of the proposal was previously filed as part of SR-PSE-76-17, which is pending before the Commission, and was published for comment in Securities Exchange Act Release No. 12539 (June 11, 1976), 41 FR 24787 (June 18, 1976).

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 24, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Sola Basic Industries, Inc., Common Stock—$1.00 par value; file No. 7-4953.

Webb, (Del. E) Corporation, Common Stock—no par value; file No. 7-4954.

Upon receipt of a request, on or before July 9, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18688 Filed 6-29-77;8:45 am]

[File No. 500-1]

UNITED AMERICAN LIFE INSURANCE CO.

Suspension of Trading

JUNE 23, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of United American Life Insurance Company being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 2:55 p.m. (EDT) on June 23, 1977 through July 2, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18689 Filed 6-29-77;8:45 am]

[Release No. 34-13663; File No. SR-CBOE-1977-11]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

CBOE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Brackets indicate deletions; italics, new material.

FLOOR PROCEDURE COMMITTEE

Rule 2.6 [(a)] The Floor Procedure Committee shall consist of at least five members of the Exchange, a majority of whom shall be regularly engaged in business on the Exchange Floor. [Members of the Floor Procedure Committee shall be known as Floor Officials.] The presence of a majority of the members of the Committee shall constitute a quorum for the transaction of business.

[(b) The Floor Procedure Committee may appoint other members who are regularly engaged in business on the Exchange Floor to act as Floor Officials for the purpose of maintaining a fair and orderly market. Floor Officials so appointed shall not be members of the Floor Procedure Committee and shall not have authority to restrict trading under Rule 6.3 and 6.6 or to impose fines under Rule 6.20 without the consent of a member of the Floor Procedure Committee, and

shall be subject to such other restrictions as may be imposed by the Floor Procedure Committee.]

Floor Officials Committee

Rule 2.10[1] *The Floor Officials Committee shall consist of at least nine members of the Exchange, all of whom shall be regularly engaged in business on the trading floor. Members of the Committee shall be designated Floor Officials. Any application or interpretation of Rules relating to trading on the Exchange Floor shall be agreed upon by at least two Floor Officials.*

Trading Rotations

Rule 6.2 No Change

* * * Interpreations and Policies

.01 No Change

(a) Opening Rotations. The opening rotation in each class of options shall be held promptly following the opening *transaction in* [of] the underlying security on the principal exchange where it is traded. As a rule, a Board Broker acting in more than one class of options should open them in the same order in which opening transactions are reported in the underlying securities. In conducting each such opening rotation, the Board Broker should first open the one or more series of options of a given class having the nearest expiration, then proceed to the series of options having the next most distant expiration, and so forth, until all series have been opened. Except as otherwise provided by the Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Board Broker shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.

In the event [an underlying security has not opened] *an opening transaction in the underlying security has not been reported* within a reasonable time after 9:00 a.m. (Chicago time), the Board Broker acting in option contracts on such security sall report the delay to a Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for option contracts in such security shall be delayed until [the underlying security has opened] *an opening transaction is reported in the underlying security* unless two Floor Officials determine that the interests of a fair and orderly market are best served by opening trading in the option contracts.

(b) No Change.

Bids and Offers in Relation to Units of Trading

Rule 6.44 [All bids] *Bids* or offers made on the floor shall be deemed to be for one option contract unless a specific number is expressed in the bid or offer. A bid or offer for more than one option contract *which is not made all-or-none* shall be deemed to be for that amount or any lesser number of option contracts. *An all-or-none bid or offer shall be deemed to be made only for the amount stated.*

** * * Interpretation and Policies:*

.01 A bid or offer may be made and a transaction executed on an all-or-none basis if the all-or-none bid or offer represents the only bid or offer available at the best price in the market at the time the all-or-none bid or offer is executed. An all-or-none order may not be crossed with another all-or-none order unless all bids or offers at the same price at which the cross is to be effected have been filed. If two or more all-or-none bids or offers represent *the only bids or offers at the best price in the market, priority shall be afforded to such all-or-none bids or offers in the sequence in which they are made.*

.02 The Floor Procedure Committee has determined that all-or-none bids or offers will not be disseminated by the Exchange as market quotes for any option series. Furthermore, any number of transactions of any size may appear on the tape at the same price as specified on an all-or-none order without the all-or-none order participating, and any number of transactions of a size less than the size of an all-or-none order, may appear on the tape at a price better than the bid or offer of the all-or-none order.

.03 The Floor Procedure Committee may restrict the entry of all-or-none orders in one or more classes or series of options whenever, in its judgment, the interests of maintaining a fair and orderly market are best served.

Priority of Bids and Offers

Rule 6.45

(a) No Change

(b) No Change

(c) No Change

(d) *Not withstanding anything in paragraphs (a) and (b) to the contrary, when a member holding a spread order or a straddle order and bidding or offering on the basis of a total credit or debit for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Board Broker, then the order may be executed as a spread or straddle at the total credit or debit with one other member without giving priority to bids or offers of the Board Broker that are no better than the bids or offers comprising such total credit or debit.*

* * * Interpretations and Policies:

[.01 In order to clarify the status of spread orders under the priority rules, the Floor Procedure Committee has established the following guidelines regarding execution of spread orders:

[If a member holds a spread order and bids or offers on the basis of a price difference, or if a member holds a straddle order and bids or offer on the basis of a total bid or offer, the order may be executed on the basis of the most favorable price difference or total bid or offer, as applicable, notwithstanding that the Board Broker may be displaying a bid or offer equal to the bid or offer on one side of such spread or straddle, without giving priority to the equal bid or offer of the Board Broker: *Provided*, That the member executing the order on this basis has first determined that the order cannot be executed by accepting such bids or offers displayed by the Board Broker.]

[Example: With the Board Broker bidding 5¼ for XYZ July/50 and offering 6¾ for XYZ October/50, a spread order enters the market to buy XYZ October/50 and XYZ July/50 at a price difference of 1⅜. If no other broker or Market-Maker is bidding higher for July/50 or offering lower for October/50, and the spread order therefore cannot be executed by accepting either the Board Broker's bid or his offer, the order may be executed as a spread at a purchase price of 6¾ for October/50 (sale price of 5⅜ for July/50) or at a sale price of 5¼ for July/50 (purchase price of 6⅝ for October/50).]

.01 [.02] No Change

Certain Types of Orders Defined

Rule 6.53

(a) No Change

(b) No Change

(c) No Change

(d) Spread Order. A spread order is an order to buy a stated number of option contracts and to sell the same number of option contracts, *or contracts representing the same number of shares at option*, of the same class of options.

(e) No Change

(f) No Change

(g) No Change

(h) All-or-None Order. An all-or-none order is a market or limit order which is to be executed in its entirety or not at all.

(i) Immediate-or-Cancel Order. An immediate-or-cancel order is a market or limit order which is to be executed in whole or in part as soon as such order is represented in the trading crowd. Any portion not so executed is to be treated as cancelled.

(j) Opening Rotation Order. An opening rotation order is a market order which is to be executed in whole or in part during the opening rotation of an option series or not at all. Any portion not so executed is to be treated as cancelled.

Obligations for Orders

Rule 7.4 (a) Acceptance. A Board Broker shall ordinarily be expected, for all option contracts of the class or classes to which his appointment extends, to accept and maintain a written record of orders that are placed in his custody. Such orders shall include market orders (as defined in Rule 6.53(a)), limit orders (as defined in Rule 6.53(b) and such orders as may be designated by the Floor Procedure Committee. A Board Broker shall not accept orders of any

[1] In the Form 19b-4A (SR-CBOE-1977-6) filed with the Commission on March 28, 1977, a new Rule 2.9 was set forth which outlined the composition of the Appointments Committee.

other type or from any source other than a member. *For the purposes of this rule, an order shall be deemed to be from a member if the order is placed with a Board Broker by a person associated with a member, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Board Broker's book or (ii) an order to sell at a price equal to or above the lowest offer in the Board Broker's book.*[2] *The Floor Procedure Committee may modify or suspend such associated persons' ability to place any or all orders on the Board Broker's book whenever, in its judgment, the interest of maintaining a fair, orderly and efficient market are best served.* No member shall place, or permit to be placed, an order with a Board Broker for an account in which such member, any other member or any non-member broker/dealer has an interest.[3]

(b) No Change

(c) No Change

* * * Interpretations and Policies:

.01–.04 (No Change)

[.05 For purposes of this Rule, an order shall be deemed to be from a member if the order is placed with a Board Broker by a person associated with a member, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Board Broker's book or (ii) an order to sell at a price equal to or above the lowest offer in the Board Broker's book.]

CBOE's STATEMENT OF BASIS AND PURPOSE

Rule 2.6. The purpose of the proposed change is to reflect that the members of the Floor Procedure Committee no longer function in the capacity of Floor Officials.

Rule 2.10. New Rule 2.10 reflects the composition and minimum number of the Floor Officials Committee.

Rule 6.2. The purpose of the proposed change is to clarify that opening rotation in Exchange traded options classes is to commence only after the first transaction in the security underlying the option class has been reported as having occurred in the primary market for such security. Such an amendment will preserve, however, the ability of two Floor Officials to determine that the interests of a fair and orderly market will best be served by commencing opening rotation on the Exchange in an options class when only a quote is disseminated from the primary market for such underlying security and a transaction in such security has not occurred thereon.

Rule 6.44. The purpose of the proposed amendment is to allow for all-or-none orders to be recognized as orders which may be executed on the Exchange.

Rule 6.45. The purpose of the proposed change to this Rule is to add a further exception to the priority rules specified therein for spread and straddle orders. Such an exception will be applicable only in those circumstances when a spread or straddle order could not be executed by accepting the bid and offer or either of them exhibited by the Board Broker.

Rule 6.53. The purpose of the proposed amendment to this Rule is to provide a more specific definition of a spread order as well as to define all-or-none, immediate-or-cancel and opening rotation orders. The latter three types of orders reflect, in the case of all-or-none and immediate-or-cancel orders, standard industry definitions, and in the case of opening rotation orders, a definition of a type of order unique to the Exchange.

Rule 7.4. The purpose of the proposed revision of Rule 7.4(a) is to extend to the Floor Procedure Committee the same type of control, as extended in various other Exchange rules, to initiate or suspend various activities when, in its judgment, the interests of a fair and orderly market would best be served.

The statutory basis for the above proposed rules changes is derived from Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, which provides, among other things, that the Exchange prevent fraudulent and manipulative practices and protect investors and the public interest.

No comments have been solicited, nor have any comments been received from members on the proposed rules changes.

The proposed rule changes will not impose any burden upon competition.

On or before August 4, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 21, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77-18690 Filed 6-29-77;8:45 am]

[Release No. 13658; File No. 7-4933]

PACIFIC STOCK EXCHANGE, INC.

Order Directing a Hearing Regarding Application for Unlisted Trading Privileges in Common Stock of Pacific Resources, Inc.

JUNE 22, 1977.

I. *Application for unlisted trading privileges.* On March 23, 1977, Pacific Resources, Inc.("PRI") filed an application to withdraw its common stock from listing and registration on the Pacific Stock Exchange, Incorporated ("PSE"). If the Commission determined, as it has,[1] to grant that application, PSE members would be unable to continue trading in the stock on the PSE, absent a grant, under section 12(f)(1)(C) of the Securities Exchange Act of 1934 (the "Act"), of unlisted trading privileges upon the effectiveness of the delisting. For that reason, on March 25, 1977, the PSE filed an application for unlisted trading privileges in the common stock of PRI. The National Association of Securities Dealers ("NASD") filed a written submission dated April 22, 1977, in which it requested a hearing on the PSE application. In addition, submissions were received from PRI and potential over-the-counter ("OTC") market-makers in the stock in opposition to the application.

II. *Statutory provisions.* The 1975 Amendments added new Section 12(f)(1)(C) to the Act, permitting exchanges to obtain, upon standards also newly set forth in Section 12(f)(2) of the Act, unlisted trading privileges in securities traded solely over the counter. Section 12(f)(2) provides that no application for unlisted trading privileges "shall be approved unless the Commission finds, after notice and opportunity for hearing, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors." As noted above, the NASD requested a hearing pursuant to section 12(f)(2).

In considering an application for the extension of unlisted trading privileges to a security not listed and registered on a national securities exchange, section 12(f)(2) requires that:

* * * the Commission shall, among other matters, take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impedi-

[2] This sentence is the subject of a Rule 19b-4 filing pursuant to Section 19(b)(3)(A) (SR-CBOE-1977-3) which was filed with the Securities and Exchange Commission on February 24, 1977, as Interpretation .05 to Rule 7.4.

[3] This sentence contains word changes that are reflected in a Rule 19b-4 filing (SR-CBOE-1976-26) filed with the Securities and Exchange Commission on December 20, 1976.

[1] See, Securities Exchange Act of 1934 Release No. 13657, June 22, 1977 ("Order Granting [PRI] Application to Strike From Listing and Registration [on PSE] Subject to Certain Terms and Exempting Certain Persons and Securities from the Provisions of Rule 17a-15").

ments to and the progress that has been made toward the development of a national market system and shall not grant any such application if any rule of the national securities exchange making application under this subsection would unreasonably impair the ability of any dealer to solicit or effect transactions in such security for his own account, or would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of marketmakers who are specialists and such dealers who are not specialists.

III. *Issues to be addressed in a hearing.* Submissions with respect to the PSE application question whether sufficient progress has been made toward the development of a national market system to support the granting of unlisted trading privileges in PRI stock.[2] While the statute requires the Commission to take account of that progress, it does not spell out what developments would be sufficient to support a grant of unlisted trading privileges in any particular instance. It appears from section 12(f)(2) and its legislative history that the Congressional intent was for the Commission to assure itself that such progress had been made so that the grant of an unlisted trading application in an OTC security would not decrease competition in the markets for the security.[3]

The PSE has amended its rule[4] which imposes restrictions on members' off-board trading to exempt OTC securities admitted to unlisted trading from the applicability of that rule. Interested persons should thus address whether such exemption by the applicant exchange constitutes sufficient progress within the context of current developments toward a national market system for the Commission to grant the PSE application. This issue has several related subissues:

(1) If the Commission approves unlisted exchange trading under circumtances currently in effect on PSE, exchange specialists would be permitted to compete in a wide range of OTC securities, while member OTC dealers would be unable to compete (in principal trading) in exchange-traded securities to which the off-board restrictions continued to apply. To what extent, if any, does this reflect insufficient progress toward a national market system under section 12(f)(2)? A further question in this regard is whether Commission approval of the unlisted trading application would foster unfair discrimination among dealers in contravention of section 6(b)(5) of the Act.

(2) The NASD also questions whether a sufficient unity of the so-called auction and dealer markets has occurred to enable broker-dealers, if the PSE application is granted, to seek best execution in a manner consistent with their agency duties and NASD rules which require members to use "reasonable diligence to ascertain the best inter-dealer market for the subject security and buy or sell in such market so that the resultant price to the customer is as favorable as possible under existing market conditions."[5] The NASD indicates that although exchange members would be able to respond directly, as brokers or dealers, to quotes in NASDAQ, integrated OTC marketmakers and other brokers who are exchange members would not be able to respond to quotas from the PSE floor without going through a member firm. Thus, another aspect of this initial issue is whether there is a lack of adequate direct communications capability and, if so, whether it constitutes a barrier of such magnitude that Commission approval of this application would inhibit, rather than promote, competition contrary to the objectives of the development of a national market system.

A second overall issue is the role of last sale transaction reporting with respect to the subject securities. The characteristics of this security are such that transactions in PRI common stock would continue to qualify for reporting on Network B of the consolidated tape if exchange trading were permitted.[6] (Transactions in PRI are currently required to be reported on Network B, but, in fact, virtually no OTC trading in PRI occurs.) Last sale reporting also raises several subissues.

(1) The submission by the NASD questions whether the requirement of such real-time reporting of transactions will impose an unfair burden on OTC market-makers. The NASD submission asserts that that obligation imposed upon OTC market-makers will discourage market making interest and, as a consequence, reduce market liquidity in the subject securities.

(2) The NASD questions whether reporting on Network B will be meaningful in light of the differing broker-dealer pricing policies (mark-up vs. commission)[7] prevalent in the exchange and OTC markets.

(3) Finally, it is possible that PRI securities may not continue to be eligible for listing on the consolidated tape after the first year if less than 25 percent of the transactions in such securities during that year take place on a national securities exchange.[8] In that event the only last sale information that would be available would be that which would appear on the exchange ticker.[9]

In light of these questions concerning the appropriateness of last sale reporting on Network B in the subject securities, interested parties should address whether such reporting in these securities is consistent with continued progress toward a national market system.

Accordingly, *it is hereby ordered*, Pursuant to the provisions of section 12(f)(2) of the Act, that a hearing shall be held according to the following procedure. Interested persons are invited to submit written data, views and arguments concerning the foregoing issues and any other relevant matters. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. All submissions should refer to the file number referenced in the caption above and

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[2] With respect to the amendment of Section 12(f)(2), the Senate Report (Senate Committee on Banking, Housing and Urban Development, S. Rep. No. 94-75, 94th Cong., 1st Sess. 20 (1975)) stated that: "the approach to unlisted trading in S. 249 would be an important step toward a national market system in which investors obtain the benefits and protections of both the 'auction' and 'dealer' systems to the extent each is appropriate under the circumstances to any particular security."

[3] Conference Report to Accompany S. 249, H.R. Report No. 94-229, 94th Cong., 1st Sess. 95 (1975). The House accepted the Senate version of Section 12(f) with an amendment to make clear that unlisted trading privileges may not be granted if the effect would be to restrict rather than increase competition. In that regard the Senate Report stated at 20 that: "[u]ntil substantial progress has been made toward the development of such a national market system, the ability of an exchange to commence unlisted trading in an OTC security might well decrease rather than increase competition. This result would be directly contrary to the Committee's intention, and therefore Section 12(f)(2) directs the SEC to consider carefully the progress that has been made toward the development of a national market system."

[4] PSE Rule XIII, Section 4; see Securities Exchange Act Release No. 13656, June 22, 1977.

[5] NASD Rules of Fair Practice, Art. III, Sec. 1, Interpretation .03; "Execution of Retail Transactions in the Over-the-Counter Market," Para. 2151.

[6] See, "Plan submitted pursuant to Rule 17a-15 of the Securities and Exchange Commission under Securities Exchange Act of 1934" (the "CTA Plan"). The Commission declared the plan effective by Securities Exchange Act Release No. 10787 (May 10, 1974).

[7] In the OTC market, if a broker-dealer buys or sells for his own account in a transaction with its retail customer (a principal transaction), it may adjust the price to the customer to include remuneration to the broker-dealer (a mark-up). The consolidated tape would reflect this marked-up price. Orders of this kind executed on an exchange and agency orders executed in the OTC market generally would reflect the current market price for the security, and the broker's remuneration would be the commission charged for handling and executing that order. Such commission would not be reflected in the price reported on the transaction tape.

[8] Section VI(c)(C) of the CTA Plan provides that a security ceases to be an Eligible Security whenever: "during the immediately preceding twelve-month period less than 25% of the transactions in that security effected in the United States through brokers or dealers have been executed on national securities exchanges (in the aggregate), provided however that this standard shall not apply to Eligible Securities which have been listed for less than twelve months • • •"

[9] In respect of its application for unlisted trading privileges in PRI stock, however, PSE asserts that, in general, it is in the interests of investors (who are accustomed to last sale reporting in PRI stock) to make last sale transaction prices available in securities admitted to trading under section 12(f)(1)(C) and that consolidated last sale reporting constitutes a significant element of progress toward development of a national market system.

should be submitted on or before July 29, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18677 Filed 6-29-77;8:45 am]

DEPARTMENT OF STATE

[CM-7/83]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 21, 1977, in Conference Room B-841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be to review the status of work under way in U.S. Study Group 1 in preparation for the international meeting in January 1978.

Members of the general public may attend the meeting and join in the discussions subject to instruction of the Chairman. Admittance of public members will be limited to the seating available.

Dated: June 21, 1977.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.77-18752 Filed 6-29-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

CHANGING EXISTING MERCURY LIGHTING TO HIGH PRESSURE SODIUM LIGHTING

Notice of Program

Notice is hereby given of the Federal Highway Administration's voluntary program for changing existing mercury lighting to high pressure sodium lighting on the Federal-aid system.

1. *Purpose.* To establish a policy permitting conversion of existing mercury luminaires in up to 50-foot conventional lighting installations located on the Federal-aid systems, to high pressure sodium luminaires as an energy conservation and maintenance economy measure.

2. *Definition.* "Luminaire"—a complete lighting unit consisting of a lamp and ballast together with the parts designed to distribute the light, to position the lamp, and to connect the lamp to the power supply.

3. *Background.* The severe and continuing escalation of electrical energy costs in recent years has made it difficult for some States, cities, and counties to provide the necessary funds for the operation and maintenance of highway lighting. Replacing the approximately 282,000 mercury luminaires on a one-for-one basis, on the Interstate System alone with high pressure sodium luminaires (except those used for sign lighting and, in some cases, rest area lighting) would result in a reduction in energy consumption of about 50 percent, an approximate savings of 300 to 350 million kilowatt hours (kwh) of electrical energy per year.

4. *Policy.* (a) The cost of replacement of existing mercury luminaires with high pressure sodium luminaires located on the Federal-aid systems is eligible for Federal-aid participation with the appropriate class of funds apportioned under 23 U.S.C. 104(b) (1), (2), (5), and (6). The Federal Highway Administrator finds it to be in the public interest for a State highway agency or local government to use its own forces to do lighting installation conversions, if the State so requests.

(b) Where replacement of mercury luminaires has been authorized, further Federal-aid projects in that urban area will not provide for use of mercury luminaires.

(c) Lighting levels on freeways should be uniform and constant through the hours of darkness.

5. *Replacement.* (a) Lighting systems illumination levels should be maintained not lower than minimum AASHTO [1] recommendations. However, where the alternative of turning off lights is being seriously considered, existing mercury lighting installations should be reviewed for possible replacement. While the replacement program is voluntary at this time, State participation is encouraged to maintain an effective level of safety while achieving maximum economics in electrical energy costs.

(b) The AASHTO publication "An Informational Guide for Roadway Lighting" [2] provides the necessary level and uniformity requirements of illumination to follow in assuring the final lighting design developed through a replacement program is effective.

Issued on June 21, 1977.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc.77-18665 Filed 6-29-77;8:45 am]

[1] American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

[2] This booklet was published March 1976 by the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Washington, D.C. 20001, Order No. GL-4 at a price of $1.25.

Federal Railroad Administration

RAILROAD OPERATING RULES

Waiver Petitions

Pursuant to 45 U.S.C. 431(c), notice is hereby given that six railroads have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the railroad be granted a permanent waiver of compliance with certain safety standards contained in the Railroad Operating Rules (49 CFR Part 218).

FRA issued new provisions to the safety regulations concerning Railroad Operating Rules on January 27, 1977. These additional regulations require railroads to have certain carrier operating rules in effect to protect railroad empolyees engaged in the operation of trains, locomotives and other rolling equipment. These provisions will become effective on August 1, 1977.

One of the carrier operating rules, that FRA has required, prescribes the actions that a train crew must take to alert the crew of a following train that the track ahead of that following train is currently occupied. This provision of the FRA regulation is similar in some respects to Rule 99 of the Standard Code of Operating Rules of the Association of American Railroads. These protective measures also are commonly referred to in the railroad industry as "flagging" or providing "flag protection."

Each of the railroads which are identified below are seeking a waiver of compliance with specific provisions of these standards. A brief description of the particular facts involved in each request as well as the particular regulatory provision has been provided.

Interested persons are invited to participate in these proceedings. All communications concerning these petitions must identify the appropriate docket number (e.g., FRA Waiver Petition Docket Number RSOR-77-6) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before July 30, 1977, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered as far as practicable. Detailed information concerning each petition is on file with the Federal Railroad Administration and is available for examination by interested persons. Any comments received will also be on file. This material is available for examination during regular business hours in Room 5101, Nassif Building, 400 Seventh SW., Washington, D.C.

The Railroad Safety Board (Board) of FRA, which has been delegated authority to determine whether to grant these waiver requests, has decided to hold a public hearing before entering a decision in these proceedings. Accordingly, a public hearing is hereby set for 10 a.m. on July 28, 1977, in Room 3619,

of the John C. Kluczynski Building located at 230 South Dearborn Street in Chicago, Illinois.

The hearing will be an informal one and will be conducted in accordance with the provisions of Section 211.25 of the FRA Rules of Practices (49 CFR Part 211). A representative designated by the Board will conduct this hearing.

The hearing will not be an adversary proceeding and, consequently, there will be no cross-examination of persons making statements. The Board's representative will make an opening statement outlining the scope of the hearing and will provide interested parties with an opportunity to make statements or rebuttal statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD

[Waiver Petition Docket RSOR-77-4]

The Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The Milwaukee proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage. The timetables are furnished to the affected train crews and therefore would provide written notification for those crew members.

The waiver sought by the Milwaukee would be applicable to the eighty-five subdivisions on that railroad where only one train per day is operated. The Milwaukee indicates that compliance with the regulation would require some six dispatchers on the Minensota and Dakota Divisions of the railroad to issue roughly thirty-five additional train orders each day. This additional work would place a heavy burden on these people without providing any additional benefit for the crew members in the view of the Milwaukee. The Milwaukee urges that ten years of safe operations have been experienced by conducting operations in accordance with the method proposed in this waiver request.

The Milwaukee indicates that, if this waiver is granted and for some reason it becomes necessary to operate a second train on that subdivision, the Milwaukee will issue a train order to both trains. In those instances the Milwaukee would require both trains to provide flag protection by an explicit provision in the train orders.

MISSOURI PACIFIC RAILROAD

[Waiver Petition Docket RSOR-77-5]

The Missouri Pacific Railroad (MOPAC) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The MOPAC proposes to relieve the train crew of this flagging responsibility by either general orders or special instructions in the railroad's timetables. The general orders and special instructions will advice all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the MOPAC would be applicable to approximately thirty branchlines where only one train per day is normally operated. The MOPAC indicates that compliance with the regulation will increase the cost of operation primarily to restate in a train order information that is provided in the general order or the special instructions.

The MOPAC indicates that, if the waiver is granted and for some reason MOPAC decides to operate a second train on one of these branchlines, a train order will be issued. That train order will require the trains to provide flag protection.

BURLINGTON NORTHERN RAILROAD

[Waiver Petition Docket RSOR-77-6]

The Burlington Northern (BN) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The BN proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage. These special instructions would be applicable only to those lines where a single train is operated at any given time.

The BN does not indicate how many subdivisions or branchlines would be affected by this proposal. However, the BN states that review of the operations on its Dakota Division indicates that compliance with the regulation would require the issuance of at least sixteen train orders each day which would consume four hours of a dispatcher's time.

The BN urges that its component lines have operated safely for periods of 10 to 15 years by the use of special instructions as proposed in this waiver request. The BN indicates that it does not operate a second train on these lines unless a derailment has occurred in which instance train orders would be issued to cover this emergency situation.

SOO LINE RAILROAD

[Waiver Petition Docket RSOR-77-12]

The Soo Line Railroad (Soo Line) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The Soo Line proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage. These special instructions would be applicable only to those lines where a single train is operated at any given time.

The Soo Line does not indicate how many subdivisions or branchlines would be affected by this proposed. Furthermore, the Soo Line does not indicate that it has conducted any review to determine the impact of compliance with the regulation.

The Soo Line indicates that it has operated safely for many years, by the use of special insstructions, as proposed in this waiver request. The submission of the Soo Line also indicates that if it is necessary to operate a second train on these lines train orders will be issued which will require that each train provide the proper rear end protection.

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD

[Waiver Petition Docket RSOR-77-13]

The Chicago, Rock Island and Pacific Railroad (Rock Island) seeks a permanent waiver of compliance with the provisions of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The Rock Island proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special insructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the Rock Island would be applicable to seven subdivisions on that railroad where only one train per day is normally operated. The Rock Isand states that operations of these lines has been conducted safely since 1950 using the operational approach proposed in this waiver request.

The Rock Island also indicates that, if this waiver is granted and for some reason it becomes necessary to operate a second train on that subdivision, the Rock Island will issue a train order or a work order. That train order or work order will be furnished to all train crews on that line and will specify how flag protection is to be provided.

LOUISVILLE AND NASHVILLE RAILROAD

[Waiver Petition Docket RSOR-77-14]

The Louisville and Nashville Railroad (L&N) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The L&N proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The L&N does not indicate how many subdivisions or branchlines would be affected by this proposal. However the L&N does indicate that this proposal would be limited to lines where a single train is normally operated at any given time.

The L&N indicates that any second train operated on that line would require the issuance of a train order. The train order issued to that second train would contain some provision concerning flag protection which would conform to the L&N's present practices.

SEABOARD COAST LINE RAILROAD

[Waiver Petition Docket RSOR-77-17]

The Seaboard Coast Line Railroad (SCL) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation.

That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the insurance of a train order.

The SCL proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the SCL would be applicable to approximately thirty lines where only one train per day is normally operated. The SCL states that operations on such lines has been conducted safely for almost ten years using the operational approach suggested in this waiver request.

The SCL also indicates that, if this waiver is granted and for some reason it becomes necessary to operate a second train on that line, the SCL will issue a train order. That train order will be furnished to all train crews on that line, prior to the movement of the second train, and will specify how flag protection is to be provided.

(Authority: Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by Sec. 5(b) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49 (n)).

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

DONALD W. BENNETT,
Chairman,
Railroad Safety Board.

[FR Doc.77-18667 Filed 6-29-77;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP77-5; Notice 2]

GENERAL MOTORS CORP.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants the petition by General Motors Corporation of Warren, Michigan ("GM" herein) to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on March 7, 1977 (42 FR 12941), and an opportunity afforded for comment.

Paragraph S4.1.2.3.1(c) of Standard No. 208 requires that each rear designated seating position in a passenger car shall have a Type 1 (lap belt) seat belt assembly that conforms to 49 CFR 571.209, Motor Vehicle Safety Standard No. 209, *Seat Belt Assemblies*. Paragraph S4.1(k) of Standard No. 209 requires each seat belt assembly to "be permanently and legibly marked or labeled with year of manufacture, model and name or trademark of manufacturer or distributor * * *." GM has discovered that the right rear seat belt assemblies in approximately 34,000 1977-model Pontiac, Oldsmobiles, Buick, and Cadillac passenger cars lack the required label, while the center rear seat belt assemblies have two labels. The company argues that the noncompliance is inconsequential as the seat belt assemblies comply in all other respects.

One comment was received on the petition, from American Motors Corporation, which supported it, pointing out in effect, that the missing information could be significant were the belts sold on the aftermarket, but date of manufacture and name of manufacturer is of virtually no significance when used in vehicles of a specified model year produced by a specific vehicle manufacturer. Of primary importance, of course, is the fact that the belts appear to meet all the performance requirements of the standard.

Accordingly petitioner has met its burden of convincing the agency that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

(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 June 22, 1977.

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

[FR Doc.77-14340 Filed 6-29-77;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 76-4W]

MICHIGAN WISCONSIN PIPELINE CO.

Grant of Waiver

By a petition dated March 28, 1977, Michigan Wisconsin Pipeline Company (MWPLC) requested reconsideration of a Denial of Waiver. The original petition, dated April 9, 1976, requested a waiver from compliance with the welding requirements of § 192.245 of the Federal gas pipeline safety standards (49 CFR Part 192) regarding repair of 56 defective girth welds. The request was denied by the Office of Pipeline Safety Operations (OPSO). The Denial of Waiver was published in the FEDERAL REGISTER (42 FR 2149) on January 10, 1977. The history and analysis of the request and OPSO's reasons for denying the request are set forth therein.

The denial was without prejudice to the petitioner's right to petition for rulemaking based on sound technical information. In its Petition for Reconsideration, MWPLC reports its evaluation of the viability of instituting a petition for rulemaking. It is MWPLC's contention that a rulemaking proceeding could not be completed within the limited time available, since the welds in question are in loops to be used to inject gas into, and withdraw gas from, storage fields in central Michigan. Gas is injected into these fields during summer months, and withdrawn in the winter months to meet market requirements. When the loops are placed in service, MWPLC's ability to transfer gas into storage will be increased by approximately 100 MMcf/d which, over a 200-day injection cycle, will result in increased storage of 20 Bcf. MWPLC states that to avoid winter curtailment of service they must have a storage balance of 153.6 Bcf above and beyond the volume injected during the summer of 1976, which can only be accomplished by placing the Michigan delivery loop in service by June 1, 1977, and therefore, has requested reconsideration of its waiver petition.

MWPLC further argues that several points raised in the Denial of Waiver seemed to indicate an apparent failure to communicate to OPSO all of the considerations underlying its determination to repair the welds; that OPSO concluded that ambiguities existed in MWPLC's position regarding compliance with Part 192; and that MWPLC's sole reason for not replacing the welds, once exposed, was based on relative cost.

To support its petition, MWPLC presented several arguments that had not been communicated to OPSO with the original petition. Primary among these were: First, that to cut out and replace the defective welds which had been backfilled could result in welds possessing something less than desired qualities. While 6 feet of exposed pipe is sufficient to facilitate a weld repair, substantially greater lengths of exposed pipe are required to provide the "breakover" or elastic deflections necessary to cut out a weld. Although the terrain has a pronounced influence on that length, in the case of 42" x 0.458 wall pipe, the length of exposed pipe required for a tie-in would be of the order of magnitude of 120 to 200 feet. Secondly, the process of raising the pipe and cutting out a defective weld frequently results in distortion of the cylindrical cross section of the pipe, resulting in extreme difficulties in rewelding the joint. Finally, it is obviously necessary to place substantial stress on

the buried line in order to bring together the two ends of the joint such that the longitudinal alignment of the two ends is on the same axis and that the spacing between the two levels is precisely correct and is uniform for the entire circumference. This requires the ability to move one or both of the ends axially and to adjust the root space by simultaneously regulating the amount of "slack" generated in the "break-over." MWPLC asserts that given the high risk and doubtful results involved in the replacement of the buried welds as required by Section 195.245, its decision to develop and implement a procedure to repair the welds in accordance with API 1104 was appropriate at the time.

In further support of its request for reconsideration, MWPLC submitted the following documentation to support the validity of the repair procedures and the safety integrity of the repaired pipeline.

1. "Consideration Underlying Development of Crack Repair Procedures Used on Michigan Wisconsin Pipeline Company's 1975 Bridgman and Hamilton Loop Line Project," Jack Baker, Welding Consultant, Omaha, Nebraska.

2. Research report, "Evaluation of Repair Welding of Girth Welds in API–5LS–X–65 Pipe," D. G. Houden, Battelle Columbus Laboratories, Columbus, Ohio.

3. "Technical Report, Repair of Cracks in Weldments," Teledyne Engineering Services, Waltham, Massachusetts.

4. "Assessment of the Effect on Serviceability of 42-inch Hamilton Loop Line of Girth Weld Repair Using a Specific Procedure," Southwest Research Institute, San Antonio, Texas.

5. "Cyclic Life Investigation of Bridgeman and Hamilton Loops," Austin W. Stangel, P.E., Detroit, Michigan.

It is the policy of OPSO not to grant waivers from safety standards of general applicability unless cogent reasons are presented why a standard is inappropriate for a particular situation or why some alternative safety standard would be more appropriate in that situation. Therefore, it is incumbent upon the petitioner to show that the use of alternate methods, procedures, or application of other techniques are more appropriate than following a prescribed safety standard and will not reduce the level of safety. When a petitioner does so, it is not inconsistent with OPSO's policy to grant a waiver. These waivers are granted on a case by case basis and do not have general applicability to industry. If the alternate methods, procedures, or techniques are proven to have general applicability to industry, OPSO will consider them for future rulemaking.

After considering the arguments presented in MWPLC's Petition for Reconsideration, technical analysis of the documentation submitted in support of those arguments, review of other available relevant information and data, and consultation with the National Bureau of Standards, OPSO has determined that:

1. MWPLC has demonstrated through duration response testing that the pipeline strength and reliability would not be impaired by the repaired welds.

2. The 56 repaired girth welds do not contain any unacceptable defects.

3. The 56 repaired girth welds are acceptable according to Section 6 of API Standard 1104 (13th edition).

4. The relevant mechanical and metallurgical properties of the 56 repaired welds are equivalent to those of the original welds.

5. The hydrostatic testing of the pipeline further attested to the functional safety of the welds.

6. The repaired girth welds provide a level of safety equivalent to that required by Part 192.

7. Requiring the replacement of the welds could reasonably result in other unavoidable and possibly undetectable damage to the pipeline that could reduce the safety and integrity of the pipeline.

In consideration of the foregoing, OPSO finds that the procedures for repairing the 56 welds in question, developed by MWPLC, will maintain the integrity and reliability of the pipeline and will not lessen public safety. Further, OPSO is of the opinion that MWPLC has presented sufficient reasons why the requirement of § 192.245 for removal of cracked welds should be waived. Considering MWPLC's need to increase its amount of gas in storage and the limited time in which to do it, in order to avoid curtailment of winter service, and the time involved in promulgating a new rule, OPSO is of the opinion that the granting of a waiver, instead of rulemaking, is appropriate.

Therefore, effective June 1, 1976, MWPLC's petition for Reconsideration of the Denial of Waiver is granted, and MWPLC may operate the pipelines containing the 56 welds for which a waiver was sought without removal of the welds as required by § 192.245.

(Sec. 3, Pub. L. 90–481, 82 Stat. 721, 49 U.S.C. 1672, 40 FR 43901, 49 CFR 1.53.)

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

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc. 77–18671 Filed 6–29–77:8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT PERIOD NINE

Final Date of Allocations and Data Definitions

Correction

In FR Doc. 77–16649 appearing at page 30261 the issue for Monday, June 13, 1977, on page 30262, the signature should be corrected to read as follows:

"Bernadine Denning,
Director, Office of Revenue Sharing."

INTERSTATE COMMERCE COMMISSION

[Notice No. 425]

ASSIGNMENT OF HEARINGS

JUNE 27, 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 concellation or postponements of hearings in which they are interested.

MC 139495 Sub No. 187 National Carriers, Inc., now assigned July 26, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E., Atlanta, GA.

MC 106674 Sub No. 220 Schilli Motor Lines, Inc. now assigned July 27, 1977, in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 109397 Sub No. 347 Tri-State Motor Transit Co., now assigned July 26, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 138157 Sub No. 33 Southwest Equipment Rental, Inc., DBA Southwest Motor Freight, now assigned July 29, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 140010 Sub No. 7 Joseph Moving & Storage Co., Inc., DBA St. Joseph Motor Lines, now assigned August 1, 1977 in Atlanta, GA, it will be held in Room 556, Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 128273 Sub No. 243 Midwestern Distribution, Inc., now assigned August 2, 1977 in Atlanta, GA, it will be held in Room 556, Federal Building, 275 Peachtree Street, N.E., Atlanta, GA.

MC 139468 Sub No. International Contract Carrier, Inc., now assigned August 4, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building, 275 Peachtree Street, N.C., Atlanta, GA.

MC 9644 Sub 5, B.T.L., Inc. now assigned July 11, 1977 at Lincoln, Nebraska is cancelled and transfered to Modified Procedure.

MC 113678 (Sub-630), Curtis, Inc., now assigned September 12, 1977 at Omaha, Nebraska is postponed to October 17, 1977 (1 week) at Omaha, Nebraska, in a hearing room to be later designated. AB-19 (Sub-27), Baltimore and Ohio Railroad Company Abandonment Between Flora and Sangamon Junction, in Clay, Effingham, Fayett, Shelby, Christian and Sangamon Counties, Illinois, continued to August 16, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142999, Transport Management Service Corporation, now assigned July 18, 1977 at New York, New York, hearing canceled and transferred to Modified Procedure.

MC 138762 (Sub No. 1) Municipal Tank Lines Limited, now being assigned October 25, 1977 for continued hearing at Interstate Commerce Commission in Washington, D.C.

MC-C 9361 Central Motor Express, Inc., ET AL V. Smith's Transfer Corporation, and MC 110683 (Sub No. 112) Smith's Transfer Corporation, now being assigned October 31, 1977 (3 weeks) for hearing in Frankfort, Kentucky, in a hearing room to be later designated.

MC 114211 SubNo. 291 Warren Transport, Inc., now being assigned September 20, 1977 (1 day) for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 128030 Sub No. 109 The Stout Trucking Co., Inc., now being assigned September 21, 1977 (3 days) for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 117815 Sub No. 260 Pulley Freight Lines, Inc., now being assigned September 26, 1977 (2 days) for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 141084 Sub No. 5 National Freight Lines, Inc., now being assigned September 28, 1977 (3 days) for hearing in Chicago, Illinois, in a hearing room to be later designated.

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

[FR Doc. 77-18761 Filed 6-29-77; 8:45 am]

[Notice No. 426]

ASSIGNMENT OF HEARINGS

JUNE 27, 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.

CORRECTION

MC 2860 (Sub-No. 152), National Freight, Inc., now assigned for Pre-Hearing Conference on July 13, 1977, at Washington, D.C. has been advanced to July 8, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

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

[FR Doc.77-18764 Filed 6-29-77;8:45 am]

[Notice No. 185]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77185. By application filed June 21, 1977, WALTERS ENTERPRISES, INC., 16935 Hummel Road, Brookpark, OH 44142, seeks temporary authority to transfer the operating rights of Custom Motor Freight Co., 150 East Broad Street, Columbus, OH 43215, under section 210a(b). The transfer to Walters Enterprises, Inc., of the operating rights of Custom Motor Freight Co., is presently pending.

By the Commission.

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

[FR Doc.77-18758 Filed 6-29-77;8:45 am]

[Notice No. 186]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77187. By application filed June 21, 1977, MCE TRANSPORTATION CO., INC., 1640 Penfield Road, Rochester, NY 14625, seeks temporary authority to transfer the operating rights of Sterritt Trucking, Inc., P.O. Box 367, West Coxsackie, NY 12192, under section 210a(b). The transfer to MCE Transportation Co., Inc., of the operating rights of Sterritt Trucking, Inc., is presently pending.

By the Commission.

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

[FR Doc.77-18759 Filed 6-29-77;8:45 am]

[Notice No. 187]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before August 1, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to

why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77109, filed June 8, 1977. Transferee: THOMAS B. BILLING, doing business as Jordan Freight, Box 130, Jordan, Montana 59337. Transferor: Lloyd A. Cox, doing business as Cox Freight Line, Box 92, Jordan, Montana 59337. Transferee's representative: Thomas B. Billing, Box 130, Jordan, Montana 59337. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-135491, issued September 22, 1972, as follows: *General commodities*, with normal exceptions, over specified regular routes, from Billings, Mont., to Jordan, Mont., serving the intermediate and offroute points of Winnett, Cat Creek, and Mosby, Mont. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77116, filed May 10, 1977. Transferee: ALICE DUNCAN, doing business as Duncan Moving and Storage, 603 South Bishop, Rolla, Missouri 65401. Transferor: Oscar Duncan (Alice Duncan, Administrix), 603 S. Bishop, Rolla, Missouri 65401. Applicants' representative: Thomas F. Kilroy, P.O. Box 2069, Springfield, Va. 222150. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-22285, issued October 23, 1973, as follows: *Household goods*, over irregular routes, between Rolla, Mo., and points within 15 miles of Rolla on the one hand, and on the other, points in Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77145, filed May 22, 1977. Transferee: BUESING BROS. TRUCKING, INC., North 520 Tamarac Ave., Long Lake, Minn. 55356. Transferor: Ueland Trucking, Inc., Route 2, Box 1130, Shakopee, Minn. 55379. Applicants' representative: Val M. Higgins, 100 1st National Bank Bldg., Minneapolis, Minn. 55402. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC-133713 (Sub-No. 1), MC-133713 (Sub-No. 4), and MC-133713 (Sub-No. 6), issued November 20, 1970, August 9, 1971, and August 9, 1974, respectively, as follows: Dry bulk fertilizer, from the plant sites of and storage facilities utilized by St. Paul Ammonia Products, Inc., and Occidental Chemical Company, at Savage, Roseport, and Pine Bend, Minn., to points in Minnesota, Iowa, North Dakota, South Dakota, and Wisconsin; Salt from Pine Bend, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin; and ammonium nitrate, from Pine Bend, Minn., to points in the Upper Peninsula of Michigan. Transferee is presently authorized to operate as a common carrier under Certificate No. MC-140273. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77165 filed May 23, 1977. Transferee: THEATRICAL FILM SERVICE, INC., 105 Chapman Road, Stoughton, Mass. 02072. Transferor: Harry F. Richards, doing business as Theatrical Film Service, 61 Greenfield Street, Lawrence, Mass. 01843. Transferee's representative: Henry J. Lane, 174 Church Street, Whitinsville, Mass. 01588. Transferor's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-92168, issued November 28, 1973, as follows: Motion picture films and apparatus, during the season extending from the 15th day of June to the 15th day of September, inclusive, over specified regular routes, from Boston, Mass., to Rye Beach, N.H., serving no intermediate points, but serving the off-route point of Hampton Beach, N.H.; return from Rye Beach over unnumbered highway to junction U.S. Highway 1 and thence over Highway 1 to Boston; and Motion picture films and theater supplies, over specified regular routes, between Boston, Mass., and Rochester, N.H., serving all intermediate points in New Hampshire and the off-route points of Somerville and Cambridge, Mass., and Newmarket, Durham, and Somersworth, N.H. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77180, filed June 20, 1977. Transferee: GILBERT E. KAER, JR., doing business as Northwest Truck Corp., 8910 N. Syracuse, Portland, Oreg. 97203. Transferor: Northwest Truck Corp., 8910 N. Syracuse, Portland, Oreg. 97203. Applicants' representative: Seymour L. Coblen, Attorney-at-Law, 510 Corbett Bldg., Portland, Oreg. 97204. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permit No. MC-136298 (Sub-No. 1), issued April 3, 1973, as follows: Shakes and shingles, from Forks and Amanda Park, Wash., to points in California, limited to a transportation service to be performed under a continuing contract, or contracts, with Justus Shake Mill, and North Shore Shake Mill. 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.77-18760 Filed 6-29-77;8:45 am]

[Volume No. 23]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

JUNE 24, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 107882 (Sub Nos. 1 and 2), M1 (Notice of filing of petition to modify permits), filed May 25, 1977. Petitioner: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Petitioner's representative: HERBERT ALAN DUBIN, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Petitioner holds motor *contract carrier* permits in MC 107882 Subs 1 and 2 dated July 15, 1947 and January 9, 1953, respectively, authorizing the transportation, over irregular routes, of: Currency, securities, gold, silver bullion, negotiable and non-negotiable instruments, valuable documents, jewelry, and precious stones; between points and places in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points and places in Pennsylvania within 10 miles of Trenton, N.J.; currency, securities, gold, and silver coin, negotiable and non-negotiable instruments, and valuable documents; between Carteret, N.J., and points within three miles thereof, on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa.; between Irvington, N.J., and points within four miles thereof, on the one hand, and, on the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

other, New York, N.Y.; currency, securities, gold, silver, bullion, negotiable and non-negotiable instruments, and valuable documents; between points in New Jersey (except Carteret and points within three miles thereof and Irvington and points within four miles thereof and those in Mercer, Hudson, Passaic, Bergen, Morris, Union and Somerset Counties), on the one hand, and, on the other, New York, N.Y.; between points in New Jersey (except Carteret and points within three miles thereof and those in Mercer County), on the one hand, and, on the other, Philadelphia, Pa.

By the instant petition, petitioner seeks to modify the commodity descriptions of these permits to read as follows: currency, securities, gold, silver, bullion, negotiable and non-negotiable instruments, valuable documents, data processing documents, jewelry, and precious stones; between points and places in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points and places in Pennsylvania within 10 miles of Trenton, N.J.; currency, securities, gold and silver coin, negotiable and non-negotiable instruments, valuable documents, and data processing documents; between Carteret, N.J., and points within three miles thereof, on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa.; between Irvington, N.J., and points within four miles thereof, on the one hand, and, on the other, New York, N.Y.; currency, securities, gold, silver, bullion, negotiable and non-negotiable instruments, valuable documents, and data processing documents; between points in New Jersey (except Carteret and points within three miles thereof and Irvington and points within four miles thereof and those in Mercer, Hudson, Passaic, Bergen, Morris, Union and Somerset Counties), on the one hand, and, on the other, New York, N.Y.; between points in New Jersey (except Carteret and points within three miles thereof and those in Mercer County), on the one hand, and, on the other, Philadelphia, Pa.

No. MC 140262 M1, petition to modify existing operating authority in docket No. MC 140262, filed: May 15, 1977. Petitioner: VIKING TRANSPORT, INC., 1384 East F Street, Oakdale, Calif. 95361. Petitioner's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to add "sulfur" as a listed commodity to be transported under the petitioner's existing Certificate of Public Convenience and Necessity in docket No. MC 140262, issued July 28, 1976, authorizing the following operations as a *common carrier*, by motor vehicle, over irregular routes: Crude and concentrated mine ores and minerals (except coal or salt), volcanic cinders, volcanic rock and volcanic ash, lime, soda ash, and potash, in bulk, in dump vehicles; between points in California, on the one hand, and, on the other, points in Nevada, restricted against the transportation of shipments having an immediately prior or subsequent movement by rail.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 1515 (Sub-No. 221) (Republication), filed December 13, 1976, published in the FEDERAL REGISTER issue of January 21, 1977, and republished this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). An Order of the Commission, Review Board Number 1, dated May 24, 1977, and served June 6, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage, express, and newspapers* in the same vehicle with passengers as follows: (1) between Cleveland, Ohio, and the junction of New Ohio Highway 2 and old Ohio Highway 2 west of Port Clinton, Ohio, over New Ohio Highway 2 (portions of which are also designated Interstate Highway 90), serving all intermediate points; (2) between the junction of Interstate Highway 90 and New Ohio Highway 2 and the junction of Interstate Highway 90 and Interstate Highway 80 over Interstate Highway 90, serving no intermediate points; (3) between Lorain, Ohio, and the junction of Ohio Highway 58 and New Ohio Highway 2 over Ohio Highway 58, serving all intermediate points; (4) between Sandusky, Ohio, and the junction of Ohio Highway 4 and New Ohio Highway 2 over Ohio Highway 4, serving all intermediate points; and (5) between the junction of U.S. Highway 6 and old Ohio Highway 2 west of Sandusky, Ohio, and the junction of U.S. Highway 6 and New Ohio Highway 2 over U.S. Highway 6 serving no intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the additional service named in parts (4) and (5) above.

No. MC 106398 (Sub-No. 756) (Republication), filed October 18, 1976, published in the FEDERAL REGISTER issue of November 18, 1976, and republished this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). An Order of the Commission, Review Board Number 3, dated May 20, 1977, and served June 8, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Giles and Maury Counties, Tenn., to points in the United States (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution of Giles County as an origin point in lieu of Lincoln County.

No. MC 113908 (Sub-No. 388) (Republication), filed November 15, 1976, published in the FEDERAL REGISTER issue of December 23, 1976, and republished this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). An Order of the Commission, Review Board Number 2, dated April 19, 1977, and served May 6, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *pasteurized grape juice*, in bulk, in tank vehicles, from Madera, Calif., to the ports of entry on the international boundary line between the United States and Canada located at Detroit, Mich., and Champlain, Niagara Falls, and Buffalo, N.Y., restricted to the transportation of traffic destined to Windsor and Toronto, Ontario, and Montreal, Quebec, Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Internstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the modification of commodity description and to indicate the addition of service into Canada.

No. MC 127784 and No. MC 127784 (Sub-No. 3) (Republication), filed September 30, 1976, published in the FEDERAL REGISTER issue of December 23, 1976, and republished this issue. Petitioner: R & G AIRFREIGHT, INC., R.D. No. 4, Allentown, Pa. 18102. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Review Board Number

2, dated May 26, 1977, and served June 8, 1977, finds that the present and future public convenience and necessity require the modifications of petitioner's Certificate Nos. MC–127784 and MC–127784 (Sub-No. 3), issued June 25, 1969, and June 6, 1975, respectively; Certificate No. 127784 should be modified so as to authorize service over irregular routes, in the transportation of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between the Philadelphia International Airport, Philadelphia, Pa., and the Allentown-Bethlehem-Easton Airport in Hanover Township, Lehigh County, Pa., on the one hand, and, on the other, points in Lehigh, Northampton, Monroe Schuylkill and Carbon Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement by air, and

(2) between the Newark Airport, Newark, N.J., the John F. Kennedy International Airport, New York, N.Y., and the LaGuardia Airport, New York, N.Y., on the one hand, and, on the other, points in Monroe, Schuylkill, and Carbon Counties, Pa., restricted to the transportation of traffic received from or delivered to connecting air, motor, or water carriers; and Certificate No. MC 127784 (Sub-No. 3) should be modified so as to authorize service over irregular routes, in the transportation of (1) *general commodities* (except classes A and B explosives, households goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (a) between La Guardia Airport, N.Y., Kennedy International Airport, N.Y., Newark Airport, N.J., and Teterboro Airport, N.J., on the one hand, and, on the other, points in Northampton and Lehigh Counties, Pa., and Warren and Hunterdon Counties, N.J. (except Flemington, Frenchtown, Lambertville, and Neshanic, N.J.) and (b) between Teterboro Airport, N.J., on the one hand, and, on the other, points in Somerset County, N.J. (except Rocky Hill, N.J.) and (2) *general commodities* (except articles of unusual value, classes A and B explosives, households goods as defined by the Commission, commodities in bulk, and commodities which require special equipment), between Allentown-Bethlehem-Easton Airport (Northampton and Lehigh Counties, Pa.), on the one hand, and, on the other, points in Warren and Hunterdon Counties, N.J., restricted in (1) (a) and (b) above to the transportation of traffic received from or delivered to connecting air, motor, or water carriers, and further restricted in (2) above to the transportation of traffic having an immediately prior or subsequent movement by air; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the deletions of the restriction "to the transportation of traffic having a prior or subsequent movement by air" in part (2) in No. MC 127784 and in parts (1) (a) and (b) in No. MC 127784 (Sub-No. 3).

No. MC 135185 (Sub-No. 22) (Republication), filed March 10, 1975, published in the FEDERAL REGISTER issue of April 3, 1975, and republished this issue. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Ave., P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 646 Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. An Order of the Commission, Review Board Number 3, dated November 21, 1975, and served March 18, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *cleaning scouring and washing compounds, polishing and buffing compounds, disinfectants, deodorants, drugs and toilet preparations, insecticides, other houshold cleaning supplies, chemicals, hydraulic cement, sand, coal tar, adhesive tape, plastic synthetics, paint solvents, rubber cement, caulking and brazing compounds, varnish, paints, phosphoric acid, and titanium dioxide*, and *materials, equipment and supplies* used in the manufacture and distribution of the above described commodities from the facilities of Lehn and Fink Products Co., at or near Lincoln and Decatur, Ill., to points in Wyoming, Montana, Arizona, Utah, Nevada, Idaho, Washington, Oregon, California, Colorado, and New Mexico, restricted against the transportation of commodities in bulk, under a continuing contract, or contracts, with Lehn & Fink Products Co., a Division of Sterling Drugs, Inc., of Montvale, N.J., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the additional origin point of Decatur, Ill.

No. MC 136086 (Sub-No. 5 (Republication) filed November 8, 1976, published in the FEDERAL REGISTER issue of December 9, 1976, and republished this issue. Applicant: BACIL GUILEY, doing business as, GUILEY TRUCKING, 8615 Pecan Avenue, Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. An Order of the Commission, Review Board Number 2, dated May 20, 1977, and served June 7, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of: *Uncrated mobile home and travel trailer chassis components*, from Los Angeles, Calif., to Phoenix and Casa Grande, Ariz., under a continuing contract, or contracts, with Zieman Manufacturing Co., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution of Los Angeles, Calif., as an origin point, in lieu of the Los Angeles Harbor Commercial Zone.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247 (f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 200 (Sub-No. 289), filed May 17, 1977.

Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Missouri 64142. Applicant's representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, Missouri 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk) from the plant sites and/or warehouse facilities of Kraft, Inc. at Champaign, Illinois to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri or Chicago, Illinois.

No. MC 1824 (Sub-No. 75), filed May 19, 1977. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Maryland 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodity in bulk) in vehicles equipped with mechanical refrigeration from the plant site and storage facilities owned and/or utilized by J. H. Filbert, Inc., in Baltimore City, Anne Arundel, Baltimore, Howard, and Prince Georges Counties, Maryland, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 2052 (Sub-No. 11), filed May 17, 1977. BLAIR TRANSFER, INC., 203 South 9th Street, Blair, Nebr. 68808. Applicant's Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln. Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *materials, equipment, and supplies* utilized in crafts, art, and hobbies (except commodities in bulk), between the facilities of Artex Hobby Products, Inc. located at or near Lima, Ohio, on the one hand, and, on the other, the facilities of Artex Hobby Products, Inc. located at or near Blair, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 2428 (Sub.-No. 29), filed May 23, 1977. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Phillipsdale, R.I., to points in New Jersey and Delaware, and to points in Pennsylvania on and east of U.S. Highway 15, under contract with Bird & Son, Inc. located at E. Walpole, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 2428 (Sub-No. 30), filed May 23, 1977. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* (except in bulk) used in the manufacturing, sale, and distribution of roofing, roofing materials and supplies, paint, shingles, asbestos products, felt, cement, asphalt, and insulation from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia to the plant site of The Celotex Corporation in Perth Amboy, N.J., under a continuing contract or contracts with The Celotex Corporation located at Tampa, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 4405 (Sub-No. 556), filed May 16, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Oklahoma 74103. Applicant's Representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Fiberglass support structures* from the plant site of Antennas for Communications, Inc., located at or near Ocala, Florida, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Florida or Atlanta, Georgia.

No. MC 4405 (Sub-No. 558), filed April 28, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Oklahoma 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Trailers, semi-trailers* and *trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from Stoughton, Wisconsin to points in the United States (except Alaska and Hawaii); (2) *tractors*, in secondary movements, in driveaway service when drawing trailers, semi-trailers, and trailer chassis in initial movements from Stoughton, Wisconsin, to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wisconsin, or Chicago, Illinois.

No. MC 5227 (Sub-No. 26), filed May 20, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebraska 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain handling equipment and related parts and accessories*, and *equipment, materials and supplies* used in the manufacture and distribution thereof, between the plantsite and storage facilities of Sweet Manufacturing Company, located at or near West Point, Nebraska, on the one hand, and, on the other, points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, Illinois, Ohio, Michigan, and Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Lincoln, Nebraska, or Omaha, Nebraska.

No. MC 11620 (Sub-No. 30), filed May 16, 1977. Applicant: ARROW TRANSFER, INC., Rural Route 2, P.O. Box 327, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, and salad dressings in packages*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Miami Margarine Company located at St. Bernard, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and return of returned shipments to the above origin, under a continuing contract or contracts with Miami Margarine Company, located at St. Bernard, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 19157 (Sub-No. 40), filed May 23, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, New York 12306. Applicant's representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except foodstuffs, commodities in bulk, those which because of size or weight require the use of special equipment, household goods as defined by the Commission, articles of unusual value and Classes A and B explosives) Between the Yellow Creek Port

Terminal and Industrial Area located in Tishomingo County, Mississippi and Hamilton, Alabama.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at Albany, New York or Washington, D.C.

No. MC 28060 (Sub-No. 35), filed May 23, 1977. Applicant: WILLERS, INC., 1400 North Cliff Avenue, Post Office Box 944, Sioux Falls, South Dakota 57101. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen potatoes and potato products*, from the warehouse facilities of Midwest Foods at or near Sioux Falls, South Dakota to points in Iowa, Minnesota, Wisconsin, Illinois, Nebraska, Kansas, Missouri, North Dakota, Colorado, Oklahoma, Texas, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Sioux Falls, South Dakota.

No. MC 28088 (Sub-No. 28), filed May 25, 1977. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 S. Main Street, Harrisonburg, VA 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from New Kensington, Pa., Horseheads, N.Y., and Whiskey Island, OH to Harrisonburg, Va. Restricted to the transportation of shipments moving to Harrisonburg for in-transit storage.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Harrisonburg, Va.

No. MC 50069 (Sub-No. 523), filed May 23, 1977. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Cairo and Toledo, Ohio, to points in Kentucky, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 52704 (Sub-No. 145), filed May 23, 1977. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer H, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds and absorbents* (except in bulk), from Ripley, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Indiana, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 60014 (Sub-No. 49), filed May 23, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between the facilities of Nucor Steel Corp., at or near Darlington, S.C. on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 67450 (Sub-No. 60), filed May 26, 1977. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Mr. Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from plant site of Salerno McGowen Biscuit Co. in Niles, Ill. to plant site of Salerno McGowen Biscuit Co. in Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill. Common control may be involved.

No. MC 73165 (Sub-No. 406), filed May 23, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker, P.O. Box 11086, Birmingham, Ala. 35202. Authority sought to operate a a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Aluminum and aluminum articles;* and (2) *Materials, equipment, machinery and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), between points in Hancock and Webster Counties, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky., or Birmingham, Ala.

No. MC 80653 (Sub-No. 4), filed May 23, 1977. Applicant: DAVID GRAHAM CO., a corporation, P.O. Box 115, Croydon, Pa. 19020. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and articles* requiring special equipment by reason of size or weight between Philadelphia, Pa., and points in Pennsylvania within 170 miles thereof, on the one hand, and, on the other, points in Bedford, Breezewood, Carlisle, and Milesburg, Pa., restricted to the transportation of traffic interchanged at Bedford, Breezewood, Carlisle, and Milesburg.

NOTE.—Applicant presently holds authority to serve the above-described Pennsylvania area, on the one hand, and, on the other, points in West Virginia, among other States. The purpose of this application is to enable applicant to serve the named Pennsylvania points as alternative interchange points at times in lieu of points in West Virginia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 82492 (Sub-No. 156), filed May 18, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Bradford, Oil City, Petrolia, Reno, and Rouseville, Pa., to points in Michigan, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 392), filed May 17, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Singlewide mobile homes*, in initial movements, from points in Hillsborough, Marion, and Polk Counties, Fla., to points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., and thence along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 95084 (Sub-No. 117), filed May 16, 1977. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Sioux City Cold Storage located

at or near Sioux City, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 983), filed May 18, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's repersentative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Extracts, flavoring compounds, imitation flavors, bottlers flavoring compounds* (other than commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Hickory Specialities, Inc., located at or near Crossville, Tenn., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named origin point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Washington, D.C., or Tampa, Fla,

No. MC 98952 (Sub-No. 45) filed April 26, 1977. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, Illinois 62526. Applicant's representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, Illinois 62701. Authority sought to operate as a *common carrier*, by motor vehicle, overirregular routes, transporting: foodstuffs, candy and confectionery in vehicles equipped with mechanical refrigeration (except in bulk) from Bensenville and Carol Stream, Illinois, and points within the Chicago, Illinois Commercial Zone to points in Ohio and Kentucky, restricted to the transportation of traffic originating at the plantsite and storage facilities of E. J. Brach and Sons, M & M/Mars, Inc., and Standard Brands, Inc., located at the above named origin points and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield or Chicago, Ill., or St. Louis, Mo.

No. MC 99069 (Sub-No. 4), filed May 24, 1977. Applicant: SOUTHGATE CORPORATION, doing business as SOUTHGATE TRUCKING COMPANY, 315 Dunomre Street, Norfolk, Virginia 23510. Applicant's representative: Harry C. Ames, Jr., Suite 805 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint* from Alexandra and Richmond, Va., to Norfolk, Va., restricted against the movement of traffic from points in the Alexandria, Va. commercial zone located in Maryland and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Norfolk, Va., or Washington, D.C.

No. MC 99685 (Sub-No. 5), (Correction), filed March 14, 1977, published in the FEDERAL REGISTER issue of May 12, 1977, and republished as corrected in this issue: Applicant: G.I. TRUCKING COMPANY, a Corporation, 14727 Alondra Boulevard, La Mirada, Calif. 90638. Applicant's representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), between points in California, as follows: (1) Within an area bounded by and on a line beginning at Topanga Beach, thence north along California Highway 27 to the northernmost junction with the corporate limits of Los Angeles, thence along the northern corporate boundary of Los Angeles to junction with the sounthern boundary of the Angeles National Forest, thence along the southern boundary of the Angeles National Forest to junction with the San Bernardino National Forest, thence along the southern boundary of the San Bernardino National Forest to junction U.S. Highway 395, thence south along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to Redlands, thence along an imaginary line to junction U.S. Highway 395 and California Highway 60, thence along U.S. Highway 395 to junction Cajalco Drive, thence along Cajalco Drive to junction Mockingbird Canyon Road, thence along Monkingbird Canyon Road and Van Buren Blvd., to junction California Highway 91, thence along California Highway 91 to junction California Highway 55, thence along California Highway 55 to the Pacific coastline to Topanga Beach, Calif.; and

(2)(a) Chula Vista, Calif. and intermediate points on Interstate Highway 5, and San Diego and El Cajon and intermediate points on Interstate Highway 8 and points intermediate thereto or within 10 miles thereof, (b) Santa Maria and points on and within 10 miles of U.S. Highway 101 between Santa Maria and junction U.S. Highway 101 and California Highway 27 (except Saticoy), (c) Lompoc, points within 10 miles thereof, and points on and within 10 miles of California Highway 1 between Lompoc and Santa Maria, (d) San Fernando, points within 10 miles thereof, Ventura, and points between San Fernando and Ventura on and within 10 miles of California Highway 126 and Interstate Highway 5 (except Saticoy and Castaic), (e) Points between Ventura and San Fernando on and within 10 miles of California Highway 118 (except Saticoy), (f) Riverside and points between San Diego and Riverside on and within 10 miles of Interstate Highway 15, (g) Points on and within 15 miles of U.S. Highway 101, between and including Santa Maria and Paso Robles; and (h) Points on and within 15 miles of California Highway 14 between and including junction Interstate Highway 5 and Mojave, on the one hand, and, on the other, points on and within 15 miles of Interstate Highway 10 at and west of Indio in iRverside County, Calif., and on and within 15 miles of California Highways 86 and 111 in Riverside and Imperial Counties, Calif.

NOTE.—The puropose of this correction is to indicate the correct authority. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar application as Los Angeles, Calif.

No. MC 103993 (Sub-No. 892), filed, May 16, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Indiana 46514. Applicant's representatives: Paul D. Borghesani, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) trailers, designed to be drawn by passenger automobiles, (except recreational vehicles), in initial movements, from points in Arkansas, California, Colorado, Louisiana, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Virginia and Wisconsin, to points in the United States, (except Alaska and Hawaii), and (2) buildings and sections of buildings on undercarriages, (except modular and/or prefabricated buildings), from Colorado, Maryland, New Hampshire, New Mexico, New York, North Carolina, South Carolina, and Virginia, to points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, Applicant requests it be held at Washington, D.C., Raleigh, North Carolina, Chicago, Illinois, Dallas, Texas or Los Angeles, California.

No. MC 103993 (Sub-No. 893), filed May 20, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28641 U.S. 20 West, Elkhart, Indiana 46514. Applicant's representatives: Paul D. Borghesani and James B. Buda, 28651 U.S. 20 West, Elkhart, Indiana 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: trailers, designed to be drawn by passenger automobile, in initial movements and buildings and sections of buildings on undercarriages, from points in Laramie County, Wyoming to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, Applicant requests it be held at Denver, Colorado.

No. MC 105375 (Sub-No. 70), filed May 19, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's represent-

ative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought as a *common carrier over irregular routes* to transport: (1) *Such commodities as are dealt in by retail gasoline/general merchandise stores* (except commodities in bulk), from the facilities of Ashland Oil, Inc. at St. Paul, Minnesota to Ashland Oil, Inc. retail facilities located in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, South Dakota and Wisconsin. (2) *Such commodities as are dealt in by retail gasoline/general merchandise stores*, and *material, parts and supplies* needed for the conduct of such businesses (except commodities in bulk), from points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, to facilities of Ashland Oil, Inc. located in Illinois, Iowa, Minnesota, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., or Columbus, Ohio.

MC 106195 (Sub-No. 15), filed May 23, 1977. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, 800 North First, Norfolk, Nebraska 68701. Applicant's Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *modular homes and buildings when moving on shipper-owned trailers*, from Norfolk Homestead Housing, Inc. at or near Norfolk, Nebraska to points in Iowa, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 106398 (Sub-No. 775), filed May 23, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Oklahoma 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, Oklahoma 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and accessories* from Franklin Park, Illinois; Jacksonville, Florida; and Middletown, Pennsylvania, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 776) filed May 23, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and warehouse facilities of Ambassador Steel Corp. located at Auburn, N.Y.; Mt. Airy, N.C.; Toledo, Ohio; Gary, Ind.; and Chicago, Ill.; to points east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 106509 (Sub-No. 23), filed May 16, 1977. Applicant: YOUNGER TRANSPORTATION, INC., 4904 Griggs Road (P.O. Box 14066), Houston, TX 77021. Applicant's representative: Wray E. Hughes, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Virginia and Pennsylvania, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. Note: Applicant requests handling on consolidated record with similar applications (Wales Transportation, Inc., Docket MC 83835, Sub 136; E. L. Farmer & Company, Docket MC 11087, Sub 22. Common control may be involved.

MC 106674 (Sub-No. 237), filed May 25, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corporation, located at or near Charleston, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Florida, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia, restricted to traffic originating at the above named origin and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

No. MC 106748 (Sub-No. 12), filed May 20, 1977. Applicant: GODDARD'S TRANSPORTATION, INC., P.O. Box 185, Fair Haven, VT 05743. Applicant's representative: John P. Monte, 61 Summer Street, P.O. Box 568, Barre, VT 5641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of ground limestone slurries, in bulk in insulted tank vehicles, from Rutland County and New Haven Junction, Vermont to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont and points on the International Boundary Line between the United States and Canada located at or near Highgate Springs and Derby Line, Vt. and Champlain, Alexandria Bay, Rooseveltown, Buffalo and Niagara Falls, N.Y. for furtherance into the Canadian provinces of Quebec and Ontario.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt.

No. MC 107295 (Sub No. 854) filed May 23, 1977. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Panels*, from Evansville, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill.

MC 107496 (Sub-No. 1083), filed: May 20, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Corn products and blends thereof, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Wisconsin, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either St. Paul, Minn. or Chicago, Ill.

MC 107496 (Sub-No. 1084), Filed May 20, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vapona (dichlorovinyl dimethyl phosphate)*, in bulk, from Denver, Colorado to points in Arkansas, Mississippi, and Texas; and

(2) *lime*, in bulk from Springfild, Missouri to points in Illinois, New Jersey, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant would like it to be held at Kansas City, Missouri. Common control may be involved.

No. MC 108341 (Sub-No. 61), Filed May 17, 1977. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment; and* (2) *attachments and parts of mining machinery and equipment*, between points in Washington County, Va., on the one hand, and, one the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MC 109124 (Sub-No. 30), filed May 23, 1977. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Gypsum, gypsum products and building materials and materials and supplies used in the manufacture, installation or distribution thereof, between the plantsite and facilities of the United States Gypsum Company at River Rouge, Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Illinois.

MC 109533 (Sub-No. 91), filed May 25, 1977. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, Va. 23224. Applicant's representative: C. H. Swanson, (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Fernandina Beach and Yulee, Florida as off-route points in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 110325 (Sub-No. 78), filed May 23, 1977. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, California 90009. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Midland Building, Kansas City, Missouri 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Houston Lighting & Power Company, located at or near Wallis (Austin County), Texas, as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held either at Houston or Dallas, Texas.

No. MC 111672 (Sub-No. 11), filed May 23, 1977. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, Iowa. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Calcium chloride (except in bulk), from Midland, Mich., to points in Iowa and Missouri.

NOTE.—If hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or Kansas City, Mo.

No. MC 112304 (Sub-No. 121), filed May 19, 1977. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *pipe making machinery*, between the plantsites and facilities of Interpace Corporation, Lock Joint Products Division, located at Wharton and Hillsborough, N.J.; Perryman, Md.; Columbia, S.C.; Lacoochee, Fla.; Kansas City, Kans.; South Beloit, Ill.; Solon, Ohio, and Romeo, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 367), filed May 23, 1977. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P. O. Box 21395, Louisville, Kentucky 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *salt*, in bulk, in tank or hopper type vehicles. From Louisville, Kentucky, to points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112750 (Sub-No. 343), filed May 12, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Microfilm, microfiche, microforms and related items, used in the business of banks and banking institutions, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Mississippi, and Missouri, under a continuing contract or contracts with Banks and Banking Institutions.

NOTE.—Applicant holds motor common carrier authority in MC 111729 and Sub Numbers thereunder, and therefor dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., or Washington, D.C.

MC 113382 (Sub-No. 18), filed May 16, 1977. Applicant's name: NELSEN BROS., INC., P.O. Box 613, River Bridge, Nebraska City, Nebraska 68410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food*, from Nebraska City, Nebraska, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture, production and distribution of pet food, from points in the United States (except Alaska and Hawaii), to Nebraska City, Nebraska. Restricted to a transportation service to be performed under a continuing contract, or contracts, with Thomas J. Lipton, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 113651 (Sub-No. 221), filed May 18, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Post Office Box 552, Muncie, Indiana 47305. Applicant's representative: George E. Batty, Post Office Box 552, Muncie, Indiana 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, laboratory equipment, furnishings and supplies* (except commodities, in bulk, in tank vehicles) from the plantsite and storage facilities of Fisher Scientific Co., at or near Somerville, New Jersey to Chicago, Illinois; Cincinnati and Cleveland, Ohio; St. Louis, Missouri; and points in their respective commercial zones as defined by the Commission.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Pittsburgh, Pennsylvania or Washington, D.C.

No. MC 113651 (Sub-No. 222), filed May 18, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Post Office Box 552, Muncie, Indiana 47305. Applicant's representative: George E. Batty, Post Office Box 552, Muncie, Indiana 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionary products, and foodstuffs*, when in shipments with candy and/or confectionery products in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plantsite and storage facilities of Standard Brands, confectionery division of Standards

Brands, Inc., located at or near Chicago, Ill., to points in Florida, Georgia, Louisiana, North Carolina, South Carolina, and Cincinnati, Ohio, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois or Washington, D.C.

No. MC 113855 (Sub-No. 378), filed May 18, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minnesota 55901. Applicant's Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Recreational vehicles* and *equipment; parts* and *accessories* of, and *paraphernalia* used in connection with, recreational vehicles and equipment from Los Angeles and Orange Counties, California and Seattle, Washington, to Lincoln, Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Los Angeles, California.

No. MC 113855 (Sub-No. 379), filed May 18, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minnesota 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Hydraulic hammers, road building, construction* and *mining machinery* and *parts* and *accessories* therefor, between Adams County, Colorado, on the one hand, and, on the other, points in the United States, including Alaska (excluding Hawaii); and (2) *materials, equipment*, and *supplies* used in the manufacture of the commodities named in part (1) above (except commodities in bulk) between points in the United States including Alaska (excluding Hawaii), on the one hand, and, on the other, Adams County, Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colorado or Salt Lake City, Utah.

No. MC 113855 (Sub-No. 380), filed May 19, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minnesota 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Boiler systems* and *parts* and *attachments* for boiler systems, from Lebanon, Pennsylvania, to points in the United States in and west of Wisconsin, Illinois, Missouri, Oklahoma, and Texas, including Alaska (but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 400) filed May 20, 1977. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Beverage Base, Beverages, Beverage Concentrate, Fruit Emulsions*, and *Fruit Juice*, in bulk, from Chicago, Illinois and the Commercial Zone thereof, to Vincentown, New Jersey and Muskogee, Oklahoma and their respective Commercial Zone thereof.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Kansas City, Mo.

No. MC 114211 (Sub-No. 304), filed, May 24, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Singer & Sullivan, Suite 1600, 10 South La Salle, Chicago, Illinois 60603. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: Such *commodities* as are dealt in, or used by, agricultural machinery, industrial and construction equipment dealers (except commodities in bulk), between Delaware County, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) including the Ports of Entry between the United States and Canada.

NOTE.—If an oral hearing is deemed necessary, we request it be held at either Chicago, Illinois or Des Moines, Iowa.

No. MC 114211 (Sub-No. 306), filed May 26, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel C. Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: *Pre Cut Log Homes*, from points in Polk County, Ark., to points in Illinois, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, Texas, Oklahoma, Kansas, South Dakota, Nebraska, and New Mexico.

NOTE.—If a hearing is deemed necessary we request it be held at either Little Rock or Fort Smith, Ark.

No. MC 114890 (Sub-No. 75), filed May 18, 1977. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Missouri 64801. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, from Tulsa and Bartlesville, Oklahoma, to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Oklahoma City or Tulsa, Okla., or Washington, D.C.

No. MC 114896 (Sub-No. 52), filed May 17, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Denver, Colo. on the one hand, and, on the other, points in Kansas, under contract with Federal Reserve Bank of Kansas City, located at Kansas City, Mo.

NOTE.—Applicant holds common carrier authority in No. MC 140345 (Sub No. 1), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo. or Washington, D.C.

No. MC 115162 (Sub-No. 365), filed May 24, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Alabama 36401. Applicant's Representative: Robert E. Tate, Post Office Drawer 500, Evergreen, Alabama 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, wrapping paper, paper bags, paper and paper products* (except commodities in bulk in tank vehicles) from the facilities of Gilman Paper Company at or near St. Marys, Georgia to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Texas, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Jacksonville, Florida or Washington, D.C.

No. MC 115311 (Sub-No. 222), filed May 16, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular* routes transporting: (1) *Plywood and particle board* from the warehouse and plant facilities of the Day Companies, Inc., located in Randolph County, Ga., to points in the United States, in and east of Colorado, Nebraska, New Mexico, North Dakota, and South Dakota; and (2) *Veneer* from points in Chatham County, Ga., to points in Randolph County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Savannah or Atlanta, Ga.

No. MC 115311 (Sub-No. 223), filed May 23, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (A) *Building paper, roofing cement, roofing paper, roofing asphalt, prepared roofing, prepared shingles, asphaltum, filter felt, and materials and supplies* used in the manufacture and installation thereof (except liquids, in bulk, in tank vehicles), (1) From Tuscaloosa, Ala., to points in Georgia, Kentucky, Tennessee,

Mississippi, Florida, and Arkansas; and (2) from points in Georgia, Kentucky, Tennessee, Mississippi, Florida, and Arkansas, to Tuscaloosa, Ala.; and (B) *Materials and supplies* used in the manufacture of commodities stated above (except liquids, in bulk, in tank vehicles), from points in Georgia, Florida, Kentucky, Tennessee, Mississippi, and Arkansas, to Tuscaloosa, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Birmingham or Montgomery, Ala.

No. MC 115322 (Sub-No. 135), filed May 19, 1977. Applicant: REDWING REFRIGERATED, INC., Post Office Box 10177, Taft, Fla. 32809. Applicant's representative: L. W. Fincher, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, and except frozen foods), from plantsite and storage facilities of American Home Foods, Division American Home Products Corp. at Milton, Pa., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115491 (Sub-No. 134), filed May 16, 1977. Applicant: COMMERCIAL CARRIER CORP., P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, from the plant sites of International Paper Co., located at or near Mobile, Ala., and Moss Point, Miss., to points in Florida on, east and south of Interstate Highway 75 beginning at the Florida-Georgia State boundary line and south to its intersection with State Road 24 to Cedar Key, Fla.; and (2) *building and construction material* and such material, equipment, and supplies as are used in the manufacture, packaging, distribution, or installation of building and construction material, between Mobile, Ala., on the one hand, and, on the other, points in Florida on, east and south of Interstate Highway 75 beginning at the Florida-Georgia State boundary line and south to its intersection with State Road 24 near Gainesville, Fla., thence west on State Road 24 to Cedar Key, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Mobile, Ala.

No. MC 115496 (Sub-No. 51), filed May 19, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: (1) (A) *Air conditioners, air coolers, air conditioning equipment, heaters, furnaces, and heating equipment;* and (B) *related parts, accessories, materials, and supplies* for the commodities named in (1) (A) above, from the plantsite and warehouse facilities of Rheem Manufacturing Co. located in Baldwin County, Ga., to points in the United States (except Alaska and Hawaii); and (2) *materials, parts, and supplies* used in the manufacture, production, and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Rheem Manufacturing Co. located in Baldwin County, Ga., and Fort Smith, Ark., restricted in parts (1) and (2) above against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC 115496 (Sub-No. 52), filed May 20, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Lumber*, from the facilities of Continental Can Co. at or near Hazelhurst and Statesboro, Ga., to points in North Carolina, South Carolina, Virginia, and Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 115730 (Sub-No. 33), filed May 23, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 Southwest Sixth Street, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Wrought steel pipe and tubing and related fabricating structures*, from Hazelwood, Mo., and Staunton, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116763 (Sub-No. 380), filed May 13, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Building materials and supplies; building mortar; concrete surface curing compounds;* and *adhesives;* and (2) *equipment, materials* and *supplies* used in the installation or application of commodities named in item (1) above, from Conyers, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to the transportation of traffic originating at the facilities of UPCO Co. located at or near Conyers, Ga.

NOTE.—If hearing is deemed necessary the applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 631), filed May 25, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: M. M. Geffon, P.O. Box 154, Willingboro, N.J. 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Acids, chemicals, and plastic materials*, in vehicles equipped with mechanical refrigeration (except in bulk), from Metuchen, N.J., and Marcus Hook, Pa., to California and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y., or Washington, D.C.

No. MC 117119 (Sub-No. 632), filed May 23, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: M. M. Geffon, P.O. Box 154, Willingboro, N.J. 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Confectionery, cocoa, chocolate, and products related thereto, materials, supplies, and equipment* used in the manufacture, production, distribution, and sale of the above named commodities, from the plantsites and storage facilities of Hershey Foods Corp. at Derry Township, Dauphin County, Pa., to points in and west of Wisconsin, Illinois, Missouri, Arkansas, and Texas, and Memphis, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117165 (Sub No. 42), filed May 19, 1977. Applicant: St. Louis Freight Lines, Inc. 1000 Michigan Avenue, St. Louis, Michigan 48880. Applicant's Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Michigan 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* from St. Louis, Michigan to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Chicago, Illinois.

No. MC 117676 (Sub-No. 6), filed May 18, 1977. Applicant: Herms Trucking, Inc., 58–64 Ward Avenue, Trenton, N.J. 08609. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pressed fireplace logs and charcoal* from the facilities of P & M Lumber Products, Inc. in Falls Township, Bucks County, Pa. to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, South Carolina, Tennessee and West Virginia; (2) *Materials* used in the manufacture of pressed logs and charcoal from points in

Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Va. to the facilities of P & M Lumber Products, Inc. in Falls Township, Bucks County, Pa.

NOTE.—Applicant holds motor contract carrier authority in No. MC 140806 Sub 2 therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 117820 (Sub No. 13), filed May 23, 1977. Applicant: AURELIA TRUCKING CO., a Corporation, 2136 Pine Grove Avenue, Port Huron, Michigan 48060. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Michigan 48013. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Frozen fruits and frozen berries*, from points in the Lower Peninsula of Michigan and points in Door, Kewaunee, and Brown Counties, Wisconsin, to the facilities of Jeno's, Inc. at or near Duluth, Minnesota; (2) *Foodstuffs, except in bulk*, from the facilities of Jeno's, Inc. at or near Duluth, Minnesota to points in Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia; and (3) *Paper and paper products*, from the facilities of Northwest Paper Division of Potlatch Corporation at or near Cloquet, Minnesota to points in Michigan (except Dewitt and points in Sanilac County, Michigan) and points in Ohio (except Maumee, Ohio); restricted in (1), (2), and (3) above to the transportation of shipments originating at the named origins and destined to the named destinations. Note: This is an application for conversion of contract carrier authority in Permit No. MC 141918 to a common motor carrier operating authority in Certificate No. MC 117820.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill. or Washington, D.C.

No. MC 118089 (Sub-No. 22), filed May 24, 1977. Applicant: Robert Heath Trucking, Inc., 2909 Avenue C, P.O. Box 2501, Lubbock, TX 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought as a *common carrier* by motor vehicle, over irregular routes transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C to Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk). From: the plantsite and storage facilities of Glover Packing Co. at or near Amarillo, Texas to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. A carrier affiliated with Applicant holds contract carrier authority in MC 139309 and Subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Amarillo, Texas.

No. MC 118535 (Sub-No. 100), filed May 18, 1977. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Missouri, 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center 3535 N.W. 58th, Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trasporting: Dry Soybean Products and Soybean By-Products; Dry Mixtures of Corn and Soybean Products; Dry Corn Products in containers, from Kansas City, Missouri to points in Alabama, Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri.

No. MC 118535 (Sub-No. 101), filed May 18, 1977. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Missouri 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 N.W. 58th St., Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods* from (a) Ft. Collins, Colorado to points in Arizona, Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin; (b) La Junta, Colorado to points in Arkansas, Illinois, Kansas, Missouri, Oklahoma and Wisconsin; (c) Hutchinson, Kansas to points in Arizona, Arkansas, Colorado, New Mexico, Oklahoma and Texas, and (2) *Materials and supplies* used in food processing and packaging from points in Arizona, Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin to Ft. Collins, Colorado; La Junta, Colorado; and Hutchinson, Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri.

No. MC 118739 (Sub-No. 13), filed May 23, 1977. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, Minn. 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minnesota 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned Goods*, from Arlington and Ortonville, Minnesota, to points in Colorado and Illinois, under a continuing contract, or contracts, with Big Stone, Incorporated located at Chaska, Minn.

NOTE.—Applicant holds common carrier authority in No. MC 140549 (Sub-No. 3), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 119555 (Sub-No. 14), filed May 25, 1977. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, Alberta T2P 2P9 Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Montana 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash* in bulk, in tank vehicles, from Green River, Wyoming, to the port of entry on the United States/Canada boundary line at International Falls, Minnesota, for furtherance in foreign commerce to Shebandowan, Ontario.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Montana. Common control may be involved.

No. MC 119726 (Sub-No. 91), filed May 20, 1977. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Container, container accessories, closures, cartons, and pharmaceutical accessories*, from the facilities of Owens-Illinois at or near Berlin, Ohio, and warehouse facilities within 15 miles thereof, to points in Tennessee, Mississippi, Louisiana, Alabama, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois, or Indianapolis, Indiana.

No. MC 119726 (Sub-No. 95), filed May 19, 1977. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container accessories, and materials* used in the the manufacture and distribution of containers and container accessories, between the plant and warehouse facilities of the Kerr Glass Manufacturing Corporation located in Wilson County, North Carolina, on the one hand, and, on the other, points in the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, Mississippi, Alabama, West Virginia, Maryland, Virginia, South Carolina, Georgia, Florida, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa, Okla., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 351), filed May 17, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex., 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, Meat products, Meat byproducts, and articles distributed by Meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (1) from Plainview, Tex., to points in Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and (2) From Friona, Tex., to points in Connecticut, Kentucky, Maine, Massachusetts, and Rhode Island.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Wichita, Kans., or Kansas City, Mo.

Docket No. MC 119974 (Sub-No. 68), filed May 19, 1977. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance Street, Green Bay, Wisconsin 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wisconsin 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and Plastic Articles*, when moving in mixed shipments with foodstuffs requiring refrigeration, from the facilities of Ross Laboratories at Milwaukee, Wisconsin to points in the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 120646 (Sub-No. 19), filed May 17, 1977. Applicant: BRADLEY FREIGHT LINES, INC., 35 Garfield St., Asheville, N.C. 28803. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from the plant sites and warehouse facilities of Broyhill Industries, located at or near Arcadia, La., to points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, supplies and equipment*, used in the manufacture of new furniture and furniture parts, from points in the United States (including Alaska, but excluding Hawaii), to the origin points named in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held either at Asheville, N.C., or Washington, D.C.

No. MC 123407 (Sub-No. 378), filed May 19, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe fittings, and couplings;* and (2) *Materials and supplies* used in the installation of the commodities in (1) above from Albany, Indiana, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124211 (Sub-No. 293), filed May 19, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Printed matter, and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter (except commodities in bulk), from points in Cook, DuPage, Lake and Will Counties, Ill., Lake and Marion Counties, Ind., Fayette and Woodford Counties, Ky., Bristol County, Mass., Westchester County, N.Y., and Davidson County, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If an oral hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Chicago, Ill.

No. MC 124887 (Sub-No. 34), filed May 19, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lumber and crossties, between points in Alabama, Georgia, Florida, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 125169 (Sub-No. 5), filed May 23, 1977. Applicant: C. R. WINTERS, INC., 590 Winters Avenue, Paramus, N.J. 07652. Applicant's representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield, Rd., Fairfield, N.J. 07706. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waylite*, in bulk, in dump vehicles, from the plantsite of Bethlehem Steel Corporation, Bethlehem, Pa., to the plantsites of Faber Cement Block Co., at Paramus, N.J., and Monsey, N.Y., under a continuing contract with Faber Cement Block Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 125978 (Sub-No. 9), filed May 23, 1977. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., 130 West 42nd Street, New York, New York 10036. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Used passenger automobiles and baggage, sporting equipment and personal effects of the owners thereof, when moving with used passenger automobiles, in secondary movements, in truckaway service, between points in New York, New Jersey, Connecticut, and Pennsylvania, on the one hand, and, on the other, points in Florida, restricted against the transportation of traffic having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Miami, Fla.

No. MC 126118 (Sub-No. 38), filed March 28, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal food* (except fresh, edible meat from points in Ariz., New Mexico and Texas to Crete, Nebr.), from Crete, Nebr., to points in Arizona, Kansas, Minnesota, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin, and points in that part of Colorado on and south of U.S. Highway 50 (2) *supplies and materials* used in the manufacture of animal food, from points in Arizona, Kansas, Minnesota, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin and from points in that part of Colorado on and south of U.S. Highway 50, to Crete, Nebr.

NOTE.—The purpose of (1) and (2) above is to convert a permit held by applicant in MC 128375 (Sub-No. 1) to a certificate of public convenience and necessity.

(3) *Animal food*, from Crete, Nebr., to points in Arkansas, Indiana, Kentucky, Michigan, Missouri, Ohio and Tennessee; and (4) *supplies and materials* used in the manufacture of animal food, from points in Arkansas, Indiana, Kentucky, Michigan, Missouri, Ohio, and Tennessee, to Crete, Nebr.

NOTE.—The purpose of (3) and (4) above is to convert a permit held by applicant in MC 128375 (Sub-No. 2) to a certificate of public convenience and necessity.

(5) *Animal, poultry, and fish feed* (except commodities in bulk and fresh edible meats), from Los Angeles, Calif., to points in Arizona, Kansas, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, Texas, Washington, and Wyoming.

(6) *Animal, poultry, and fish feed and feed ingredients*, and *supplies and materials* used in the manufacture of animal, poultry, and fish feed (except commodities in bulk and fresh edible meats), from points in Arizona, Iowa, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Washington, Wisconsin, and Wyoming, to Los Angeles, Calif.

NOTE.—The purpose of (6) above is to convert a permit held by applicant in MC 128375 (Sub-No. 4) to a certificate of public convenience and necessity.

(7) *Inedible meat* and *meat by-products* for use in animal food, from points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin, to Allentown, Pa., with no transportation for compensation on return except as otherwise authorized, (2) *pet food* and *supplies, ingredients, and materials* used in the manufacture of pet food, between Allentown, Pa., and Crete, Nebr.

NOTE.—The purpose of (7) and (8) above is to convert a permit held by applicant in MC 128375 (Sub-No. 8) to a certificate of public convenience and necessity.

(9) *Animal food, and ingredients, materials, and supplies* used in the manufacture of animal food (except petroleum and petroleum products, acids, chemicals, vegetable and animal oil, in bulk, in tank vehicles), between Cleveland, Ohio, on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE.—The purpose of (9) above is to convert a permit held by applicant in MC 128375 (Sub-No. 10) to a certificate of public convenience and necessity.

(10) *Pet food and supplies, materials, and ingredients* used in the production of pet food (except liquid commodities in bulk, in tank vehicles), (A) between Crete, Nebr., on the one hand, and, on the other, points in Illinois and Iowa; and (B) between points in Illinois within the Chicago, Ill. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Iowa.

NOTE.—The purpose of (10) above is to convert a permit held by applicant in MC 128375 (Sub-No. 11) to a certificate of public convenience and necessity.

(11) *Pet food,* and *ingredients and materials,* used in the manufacture of pet food, (A) between Allentown, Pa., and Crete, Nebr., on the one hand, and, on the other, Buffalo, N.Y., points in Florida, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, and Virginia, restricted against the transportation to Crete, Nebr., of manufactured animal and poultry feeds, fish meal, and meat scraps moving (a) from the plant or warehouse sites of Mavar Fish & Oyster Company at Biloxi, Miss., Hi-Life Packing Company, at Gulfport, Miss., and Usen Products, Inc., at Golden Meadow and Lockport, La., and (b) from storage facilities used by and for the account of Usen Products, Inc., at New Orleans, La., (B) between Crete, Nebr., and points in Pennsylvania (except Allentown); and (C) from Allentown, Pa., to points in Kentucky, Tennessee, and West Virginia.

NOTE.—The purpose of (11) above is to convert a permit held by applicant in MC 128375 (Sub-No. 20) to a certificate of public convenience and necessity.

(12) *Animal feed* and *animal feed ingredients* (except in bulk), (A) between points in Pennsylvania, and Princess Anne, Md., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Iowa, Georgia, Kansas, Maine, Massachusetts, Missouri, North Dakota, New Jersey, New Mexico, New York, New Hampshire, Nebraska, Oklahoma, Rhode Island, South Dakota, Texas, Vermont, and the District of Columbia, (except between Allentown, Pa. and Buffalo, N.Y., and between points in Pennsylvania, on the one hand, and, on the other, Crete, Nebr.), (B) from points in Pennsylvania, and Princess Anne, Md., to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, West Virginia, and Wisconsin, (C) from points in Arkansas, Illinois, Indiana, Kentucky, Michigan, (except Detroit, Flint and Plainwell), Minnesota, Ohio, Tennessee, West Virginia, Wisconsin, to points in Pennsylvania (except Allentown, Pa.) and Princess Anne, (D) between points in Pennsylvania (except Allentown, Pa.), and Princess Anne, Md., on the one hand, and, on the other, points in Florida, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, and Virginia, restricted against the transportation of dry animal feed ingredients between Bucks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, and York Counties, Pa., and Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and Virginia.

NOTE.—The purpose of (12) above is to convert a permit held by applicant in MC 128375 (Sub-No. 24) to a certificate of public convenience and necessity.

(13) *Ingredients, materials, and supplies* used in the manufacture and production of animal feed and animal feed ingredients (except chemicals in bulk), (A) from points in California, New Jersey, New York, Oregon, and Washington, to points in Maryland, Nebraska, and Pennsylvania; and (B) from points in Arizona, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, to points in Nebraska (except Crete, Nebr.).

NOTE.—The purpose of (13) above is to convert a permit held by applicant in MC 128375 (Sub-No. 25) to a certificate of public convenience and necessity.

(14) *Animal feed* and *animal feed ingredients,* and *related advertising and promotional material* in mixed loads with animal feed and animal feed ingredients, from St. Paul, Minn., to points in Connecticut, Kansas, Massachusetts, and Pennsylvania, restricted against the transportation of commodities in bulk.

NOTE.—The purpose of (14) above is to convert a permit held by applicant in MC 128375 (Sub-No. 51) to a certificate of public convenience and necessity.

(15) *Animal feed* and *animal feed ingredients* and *equipment, materials, and supplies* used in the manufacture and production of animal feed and animal feed ingredients (except commodities in bulk), between Turner, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of (15) above is to convert a permit held by applicant in MC 128375 (Sub-No. 53) to a certificate of public convenience and necessity.

(16) *Animal food* (except in bulk, and meat or meat by-products), and *materials and supplies* used in the production and distribution of animal food, (A) between Camp Hill and Allentown, Pa., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio (except Cleveland), Tennessee, and Wisconsin; and (B) between Dublin, Pa., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnsota, Ohio (except Cleveland), Virginia, west Virginia and Wisconsin.

(17) *Animal food* (except in bulk) and *materials and supplies* used in the production of animal food, between points in Nebraska, on the one hand, and, on the other points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE.—The purpose of (16) and (17) above is to convert a permit held by applicant in MC 128375 (Sub-No. 103) to a certificate of public convenience and necessity.

(18) *Animal feed* and *animal feed ingredients* (except in bulk), between points in Saline County, Nebr., on the one hand, and, on the other, points in California.

NOTE.—The purpose of (18) above is to convert a permit held by applicant in MC 128375 (Sub-No. 111) to a certificate of public convenience and necessity.

(19) *Animal food,* and *materials and supplies* used in the manufacture and distribution of animal food (except commodities in bulk in tank or hopper vehicles), between Crete, Nebr., on the one hand, and, on the other, points in Alabama, Georgia, Idaho, Montana, (except Billings), Nevada, Utah, Wyoming, and points in that part of Colorado north of U.S. Highway 50.

NOTE.—The purpose of (19) above is to convert a permit held by applicant in MC 128375 (Sub-No. 89) to a certificate of public convenience and necessity.

(20) *Animal food ingredients* (except in bulk, in tank or hopper vehicles), from points in the United States (except Alaska, Hawaii, Billings, Mont.; St. Louis, Mo.; Decatur and Peoria, Ill.; Indianapolis and Terre Haute, Ind.; and Dayton, Columbus, and Springfield, Ohio.), to Mattoon, Ill., restricted against the transportation of defluorinated phosphate feed supplements from North Little Rock, Ark.

NOTE.—The purpose of (20) above is to convert a permit held by applicant in MC 128375 (Sub-No. 88) to a certificate of public convenience and necessity.

(21) *Pet food* and those *commodities* used in the manufacture and distribution of pet food (except in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Colorado, Kansas (except Kansas City), Kentucky, Montana (except Billings), Nebraska, Nevada, North Dakota, South Dakota, Tennessee, and Wyoming; (22) *pet food,* between Chicago, Ill., on the one hand,

and, on the other, points in Arizona, Arkansas, California, Mississippi, and New Mexico, restricted to traffic originating at or destined to facilities utilized by the Liggett Group, Inc. and its corporate subsidiaries and divisions including Allen Products Co., Inc.

NOTE.—The purpose of (21) and (22) above is to convert a permit held by applicant in MC 128375 (Sub-No. 112) to a certificate of public convenience and necessity.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration No. MC 128375 (Subs 1, 2, 4, 8, 10, 11, 20, 24, 25, 51, 53, 88, 89, 103, 111, and 112) to a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Lincoln, Nebr.

No. MC 126539 (Sub-No. 31), filed May 19, 1977. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Liquid fertilizer, in bulk, in tank vehicles, from the storage and terminal facilities of Allied Chemical Corp., located at or near Durant, Iowa, to points in Arkansas, Illinois (except points in the St. Louis, Mo., E. St. Louis, Ill. commercial zone), Iowa, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, South Dakota, Tennessee, and Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129135 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston, Texas, or Des Moines, Iowa.

No. MC 127897 (Sub-No. 3), filed May 23, 1977. Applicant: TAG, INC., 1816 Grand Street, Sioux City, Iowa 51107. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer solutions*, in bulk, in tank vehicles, from LaCrossee, WI, to points in Illinois, Iowa, Minnesota, and North Dakota; (2) *anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles; (A) Between points in Iowa, Minnesota, Nebraska, and South Dakota, on the one hand, and, on the other, points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; (B) From points in Iowa, and Minnesota to points in Wisconsin.

Restrictions: (1) Restricted against the transportation of liquid fertilizer, liquid fertilizer solutions and anhydrous ammonia fertilizer solutions, in bulk, in tank vehicles, between the plant sites and warehouse facilities of the Nutra-Flo Chemical Co., at Sioux City, Iowa, on the one hand, and, on the other, points in Nebraska, South Dakota, North Dakota, Minnesota, and points in Kansas on and north of U.S. Highway 36; (2) Restricted in (1) and (2) above to traffic originating at the plant sites, distribution sites, or pipe line terminals utilized by and, for the account of Nutra-Flo Chemical Co.; (3) Restricted in (1) and (2) above to a transportation service performed under a continuing contract, or contracts, with Nutra-Flo Chemical Co., Sioux City, IA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Sioux City, IA., or Omaha, NE.

No. MC 128639 (Sub-No. 12), filed May 24, 1977. Applicant: CURRIER TRUCKING CORPORATION, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Massachusetts 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residue, wood waste, bark, wood shavings, wood bolts, wood slabs, and sawdust*, in bulk, (1) from points in Maine and New Hampshire to Gilman, Vt.; and, (2) from ports of entry on the International Boundary Line between the United States and Canada at or near Beecher Falls, Canaan, Norton and Derby Line, Vt. to Gilman, Vt.

NOTE.—If a hearing is deemed necessary, applicant requests that it bt held at Concord, N.H.

No. MC 129994 (Sub No. 23), filed May 23, 1977. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and supplies, and brick*, from points in Colorado to points in Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Denver, Colorado.

No. MC 129994 (Sub-No. 24), filed May 23, 1977. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (1) from West Jordan, Utah, to points in California, Arizona, New Mexico, Nevada, Wyoming, Idaho, and Oregon; (2) from points in Utah, Arizona, and Nevada, to points in California; and (3) from points in Utah and Nevada to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Los Angeles, California.

No. MC 133095 (Sub-No. 159), filed May 16, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Georgia 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Hair care toiletries and equipment* from Camarillo, Calif. to Portland, Oreg.; and (2) *Materials, supplies and ingredients* used in the packaging, manufacture, and distribution of toiletries and toiletry equipment (except in bulk) in vehicles equipped with mechanical refrigeration from Stamford, Conn. to Camarillo, Calif.

Restriction: (1) and (2) above restricted to the transportation of traffic originating at and destined to the plant site or warehouse facilities utilized by Clairol, Inc.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136032 and Sub Nos. thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at: New York, N.Y. or Los Angeles, Calif.

No. MC 133095 (Sub-160), filed May 23, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from San Antonia, Tex. and Galveston, Tex., to points in Louisiana, Arkansas, and Arizona.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136032 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Dallas, Tex.

No. MC 133689 (Sub-No. 129), filed May 20, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 5512. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by fabric stores and in connection therewith materials and supplies used in the conduct of such business, (1) from Charlotte, N.C., to points in Michigan, Pennsylvania, Ohio, Wisconsin, Missouri, Indiana, Illinois, and Minnesota; (2) from points in Massachusetts, Connecticut, New Jersey, and New York, to Charlotte, North Carolina; and (3) from points in Massachusetts, Connecticut, New Jersey, and New York, to points in Pennsylvania, Illinois, Ohio, Wisconsin, Indiana, Minnesota, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub.-No. 130), filed May 20, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings, stair treads, wall tile, counter top coverings, mouldings, plumbers goods, kitchen fixtures and accessories, kitchen and bathroom cabinets and cabinet tops;* and (2) *materials and supplies* used in the installation, maintenance and repair of the commodities described in (1) above, from points in Connecticut, Illinois, Maine, Maryland, Massachusetts, New

Jersey, New York, North Carolina, Ohio, Pennsylvania, and Vermont, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134467 (Sub-No. 19) filed May 6, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 75764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from the plantsite and storage facilities of Chelsea Milling Co. at or near Chelsea, Michigan, to points in Louisiana, Mississippi, and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Detroit, Michigan.

No. MC 135170 (Sub-No. 19), filed May 25, 1977. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *plastic containers*, from points in New Jersey, to Frederick, Md. under a continuing contract or contracts with The Clorox Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 135195 (Sub-No. 3), filed May 18, 1977. Applicant: STOVER AIR CARGO, INC., 3830 Wiseman Lane, Quincy, Ill. 62301. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except commodities in bulk, those of unusual value, Classes A and B Explosives, Household Goods as defined by the Commission), between points in Des Moines, Henry, Jefferson, Johnson, Lee, Linn, Louisa, Muscatine, Wapello, and Washington Counties, Iowa; Adams, Cook, DuPage, Hancock, Henderson, Henry, Knox, McDonough, Peoria, Pike, Tazewell, Warren, and Woodford Counties, Illinois; Lincoln, Lewis, Marion, Pike, Ralls, St. Louis, and Shelby Counties, Mo.; and St. Louis, Missouri.

Restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois or St. Louis, Missouri.

No. MC 135283 (Sub-No. 23), filed May 20, 1977. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 So. Stuhr Road, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in Section A of Appendix I to the report of Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Company, located at or near Grand Island, Nebraska, to points in Kentucky, Ohio, and points in Maryland, New York, Pennsylvania, and West Virginia on and west of Interstate Highway 81, and Orwigsburg, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Lincoln, Nebraska, or Chicago, Illinois.

No. MC 135874 (Sub-No. 88), filed May 23, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street, So., So. St. Paul, Minn. 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street, So., So. St. Paul, Minn. 55075. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Spencer Foods, Inc. at or near Fremont and Schuyler, Nebraska and Fort Dodge, Hartley and Spencer, Iowa to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at the plantsite and storage facilities utilized by Spencer Foods, Inc. at or near the named origins and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Minneapolis, Minn.

No. MC 135874 (Sub-No. 90), filed May 20, 1977. Applicant: LTL Perishables, Inc., 550 E. 5th Street So., So. St. Paul Minn. 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street So., So. St. Paul, Minn. 55075. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facilities utilized by Creamettes Company in Minneapolis and New Hope, Minnesota to points in Montana, Idaho, Washington, Oregon, Wyoming, Colorado, Utah, Nevada, California, Arizona, New Mexico, and Texas, restricted to traffic originating at the plantsite and storage facilities of Creamettes Company, Minneapolis and New Hope, Minnesota and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at St. Paul, Minn.

No. MC 136285 (Sub-No. 21), filed May 20, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common, carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from points in Mississippi, Georgia, Alabama, and Tennessee, to Charleston, S.C., Savannah, Ga., and Jacksonville, Fla.

Restriction: Restricted to the transportation of shipments having a subsequent movement by water, in marine cargo containers. (2) *Marnie cargo containers, and chassis therefor*, from Charleston, S.C., Savannah, Ga., and Jacksonville, Fla., to points in Mississippi, Georgia, Alabama, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Georgia. Common control may be involved.

No. MC 136545 (Sub-No. 9), filed May 23, 1977. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, Wis. 54556. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *Hydraulic loading equipment, and component parts of hydraulic loading equipment*, between the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C.; (2) *Hydraulic loading equipment*, from the plantsites of Omark Industries, Inc. located at or near Prentice, Wis. and Zebulon, N.C., to points in the United States (except Alaska, Hawaii, Zebulon, N.C., and Prentice, Wis.); and (3) *Materials, supplies and equipment* used in the manufacture of hydraulic loading equipment (except in bulk), from points in Illinois, Indiana, Ohio, and points in the Lower Peninsula of Michigan, to the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C., restricted in parts (1), (2), and (3) above to traffic originating at and destined to the involved points, and further restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—Applicant states the purpose of this application is to convert Permit No. MC 124121 (Sub-Nos. 6 and 8) to a Certificate of Public Convenience and Necessity. Applicant holds contract carrier authority in No. MC 124121 (Sub-No. 1) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis.; Minneapolis-St. Paul, Minn; Milwaukee, Wis.; or Chicago, Ill.

No. MC 136669 (Sub-No. 13), filed May 19, 1977. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, Nebr. 68731. Applicant's representative: Jerry T. Ratledge, P.O. Box 522, Dakota City, Neb. 68731. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) From the plant sites and/or storage facilities utilized by Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Boise, Nampa, Idaho; Wallula, Walla Walla, Washington to points in the United States (except Alaska and Hawaii), (b) From points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nevada, Nebraska, Oregon, Texas, Utah, Washington, Wyoming, to the plant sites of Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Boise, Idaho and Wallula, Washington; and (2) *Materials, supplies and equipment* used in the conduct of business by meat packinghouses and hide companies (except commodities in bulk) from points in the United States (except Alaska and Hawaii) to the plant sites of Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Boise, Idaho and Wallula, Washington, under a continuing contract, or contracts, in (1) and (2) above, with Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebraska or Kansas City, Missouri.

No. MC 136814 (Sub-No. 4), filed May 23, 1977. Applicant: JESSE E. MATLOCK, doing business as MATLOCK TRANSPORTATION, 456 Valley Blvd., Rialto, Calif. 92376. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, used, dealt in, and distributed by the graphic arts industry (other than bulk), (1) Between points in California, Colorado, and Tennessee on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Illinois, Indiana, Louisiana, Mississippi, Missouri, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, and Washington; (2) Between points in California and Colorado on the one hand, and, on the other, points in California, Colorado, Idaho, Iowa, Kansas, Nebraska, New Mexico and Tennessee; (3) Between points in California and Tennessee on the one hand, and, on the other, points in Florida, Georgia, Maryland, Michigan, Minnesota, and Wis.; (4) Between points in California on the one hand, and, on the other points in West Virginia; (5) Between points in Tennessee and Colorado on the one hand, and, on the other, points in Kentucky; and (6) Between points in Tenn. on the one hand, and, on the other, points in Massachusetts, North Carolina, South Carolina, and Va., under a continuing contract, or contracts, with Arcata Graphics and Baird-Ward Printing, operating divisions of Arcata National Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rialto, Calif.

No. MC 136828 (Sub-No. 17), filed May 4, 1977. Applicant: COOK TRANSPORT, INC., U.S. Highway 79, Gilmer Industrial Park, P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer converter collies, packers, refuse compactors, cargo containers, refuse containers, storage containers, material handling equipment, and parts*, from Lamar County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly, and servicing of commodities in (1) above, from points in the United States (except Alaska and Hawaii) to points in Lamar County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 138126 (Sub-No. 17), filed May 23, 1977. Applicant: Williams Refrigerated Express, Inc., Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foodstuffs*, from Salisbury, Maryland to points in Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 138308 (Sub-No. 29), filed May 19, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, hand, and parts* from the facilities of Ames Distribution Center at or near Parkersburg, West Virginia to points in Arizona, California, Oregon, Washington, Idaho, Wyoming, Nevada, Utah, Colorado, New Mexico, Montana, Texas, Nebraska, Kansas, and Oklahoma.

NOTE.—Applicant holds motor contract authority pending in MC 128592 (Sub-No. 5), therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 138308 (Sub-No. 30), filed May 18, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn* from points in Cherokee and Pickens Counties, Ga., to points in Arizona, California, and Texas.

NOTE.—Applicant holds contract authority in No. MC 128592 and subnumbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga. or Washington, D.C.

No. MC 138322 (Sub-5), filed May 20, 1977. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, California 91733. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Texas 77006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel channels, angles, and pipe together with nails and bolts for the assembling thereof;* from plant sites of Triangle Steel and Supply Company at Torrance, California to Salt Lake City and Cedar City, Utah and to points in Idaho on the South of U.S. Highway 80 and 25 and State Highway 26; (2) *Rebars, reinforcing steel, and hardware accompanying same;* from Plant sites of Soule Steel Company at Carson, California to Salt Lake City, Utah; Phoenix, Arizona; Las Vegas, Nevada, and Winnemuccka, Nevada for fabrication and delivery; (3) *Steel channels, beams and bars and hardware* from plant sites of Soule Buildings, Inc. at Geneva, Utah, to Los Angeles, California; (4) *Steel Buildings*, from plant sites of Soule Buildings, Inc. at Geneva, Utah to points in California, Colorado, Nevada, New Mexico, and Arizona; (5) *Sheet Steel; a. Hot roll plate, b. Cold sheets and c. Galvanized sheets slit coil and structural steel;* from plant sites of Rich Steel Company at Commerce, California to points in Arizona, Utah, and Colorado; (6) *Sheet steel consisting of plates and slit coils*, from plant sites of Lafayette Metals, Inc. at Long Beach, California to points in Arizona, Colorado, Utah, New Mexico, and Nevada; (7) *Steel Pipe and piling;* from plant sites of L. B. Foster Company, Long Beach, California to points in Arizona, Nevada, Utah, Colorado, New Mexico, and that portion of Southern Idaho on the South of U.S. Highway 80 and 25 and State Highway 26.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, California.

No. MC 139460 (Sub-No. 23), filed May 24, 1977. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, New York 12828. Applicant's representative: J. Fred Relyea, Route 9, Saratoga Road, Fort Edward, New York 12828. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles from Howes Cave, New York to Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in either New York City or Washington, D.C.

No. MC 139460 (Sub-No. 24), filed May 27, 1977. Applicant: FORT EDWARD

EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, New York 12828. Applicant's representative: J. Fred Relyea, Route 9, Saratoga Road, Fort Edward, New York 12828. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum Gas*, in bulk, in tank vehicles, from Everett, Massachusetts to Connecticut, Maine, New Hampshire, New York, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in either New York City of Washington, D.C.

No. MC 139853 (Sub-No. 5), filed May May 25, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: HERBERT ALAN DUBIN, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *crayon plaster*, from Blue Rapids, Kans., to Easton, Pa.; and (2) *corrugated cases*, from Baltimore, Md., to Winfield, Kans.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139853 (Sub-No. 5), filed May 6, 1977. Applicant: Marten Transport, Ltd., Route 3, Mondovi, Wisconsin 54755. Applicant's Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minnesota 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* (except commodities in bulk and hides) between the plantsite of Landy of Wisconsin, Inc. at or near Eau Claire, Wisconsin on the one hand, and, on the other, points in and west of Ohio, Kentucky, Tennessee, Georgia, and Florida (except Alaska and Hawaii) under a continuing contract, or contracts, with Landy of Wisconsin.

NOTE.—Applicant holds common carrier authority in No. MC 103796; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 139999 (Sub-No. 24), filed May 19, 1977. Applicant: Redfeather Fast Freight, Inc., 2606 North 11th Street, Omaha, Neb. 68110. Applicant's Representative: Arlyn L. Westergen, Suite 530 Univac Building, 7100 West Center Road, Omaha, Neb. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodites in bulk), from the plantsite and facilities of Great Plains Beef Packers Co. at Omaha, Nebraska, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, New Jersey and Massachusetts; restricted to the transportation of traffic originating at the named origin and destined to points in the named states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebraska.

No. MC 140010 (Sub-No. 10), filed May 25, 1977. Applicant: Joseph Moving & Storage Co., Inc., d/b/a St. Joseph Motor Lines, 573 Dutch Valley Road, N.E., Atlanta, Ga. 30324. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30324. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed sensitized photographic materials, equipment*, used in the exposure, processing and mounting thereof, and photographic chemicals, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the facilities of E. I. du Pont de Nemours & Co., Inc., located at or near Doraville, Ga., to Corinth, Miss., and points in its Commercial Zone, under a continuing contract or contracts with E. I. du Pont de Nemours & Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140024 (Sub-No. 71), filed May 18, 1977. Applicant: J. B. Montgomery, Inc., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock, 5565 East 52nd Avenue, Commerce City, Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Unfinished blanks and stampings, iron or steel, from the plant site and facilities of The Cornwall & Patterson Company located at Bridgeport, Conn. to Colorado Springs, Colo., restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140205 (Sub-No. 1), filed May 25, 1977. Applicant: MOUW TRANSPORTATION INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypopylene agricultural baler twine*, from Albert Lea, Minn., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140339 (Sub-No. 4), filed May 23, 1977. Applicant: TONY'S TERMINAL TRK, INC., 77 Paterson Avenue, Wallington, N.J. 07057. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tansporting: (1) *Such commodities as are dealt in by a distributor or manufacturer of stereo equipment*, and (2) *materials, supplies* and *equipment* used in the production, sale and distribution of the commodities named in (1) above, between Edison, N.J., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Alabama, Florida, and Georgia, under continuing contract or contracts with Lloyds Electronics, located at Edison, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 140587 (Sub-No. 3) (partial correction), filed April 25, 1977, published in the FEDERAL REGISTER issue of May 26, 1977 as No. MC 133492 (Sub-No. 15), and republished in part as corrected this issue. Applicant: CECIL CLAXTON, Box 7, Route 3, Wrightsville, Ga. 31096. Applicant's representative: Ronald K. Kolins, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007. The purpose of this republication in part is to indicate the correct docket number assigned in this proceeding as No. MC 140587 (Sub-No. 3) in lieu of No. MC 133492 (Sub-No. 15) as previously published in error. The rest of the publication remains the same as previously published.

No. MC 140786 (Sub-No. 2) (correction), filed January 21, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE INCORPORATED, P.O. Box 1169, Columbus, Ohio 43216. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, and equipment and supplies* used in the manufacture or repair of mining machinery, between Columbus, Ohio, and points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, West Virginia, and Wyoming, in non-radial movement, under a continuing contract or contracts with Jeffrey Mining Machinery Company, a division of Dresser Industries, Inc.

NOTE.—The purpose of this republication is to specify non-radial movement in the territorial description. Applicant states it presently holds contract authority to provide the service sought in 11 states, and seeks herein only to add the states of Tennessee, Alabama, Georgia, Arkansas, South Carolina and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141076 (Sub-No. 10), filed May 23, 1977. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388D2, Hackettstown, N.J. 07848. Applicant's representative: Eugene M.

Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of The Pillsbury Company at or near East Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *Equipment, materials and supplies* (except in bulk), used in the manufacture and distribution of foodstuffs, from the destination States in (1) above to the plant site and warehouse facilities of The Pillsbury Company at or near East Greenville, Pa.

NOTE.—Applicant holds motor contract authority in MC-140781, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 141356 (Sub-No. 4), filed May 18, 1977. Applicant: LONE PINE TRUCKING COMPANY, A Corporation, 11831 Vose Street, North Hollywood, Calif. 91605. Applicant's Representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expanded shale and bentonite*, in bulk, from the mine and plant sites of Lightweight Processing Co., located at or near Lake of the Woods, Frazier Park and Ventura, Calif., to points in Arizona, Nevada, and New Mexico; and (2) *perlite*, in bulk, from the plant sites of American Perlite Company, located at or near Fish Springs and Los Angeles, Calif., to points in Arizona, Nevada, New Mexico, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141742 (Sub-No. 2), filed May 23, 1977. Applicant: FLOWERS TRANSPORTATION, INC., Post Office Box B, Station A, Auburn, Calif. 95603. Applicant's represenative: Randall M. Faccinto, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Reno, Nev., to points in Colorado, Wyoming, and Utah. If a hearing is deemed necessary, applicant requests that it be held in San Francisco, Calif., or Sacramento, Calif.

No. MC 141804 (Sub-No. 59), filed May 10, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, motorcycles, outboard motors, and related parts and accessories* from Orange and Los Angeles Counties, Calif., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the plantsites and storage facilities utilized by U.S. Suzuki Motor Corp. and Suzuki International, U.S.A.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141804 (Sub-No. 60), filed May 19, 1977. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Michael J. Norton, Suite 404, Boston Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture and baby care products and parts and supplies* used in the manufacture thereof (except food, clothing, commodities in bulk and which because of size or weight require special handling or equipment), between North Hollywood, Calif. on the one hand and on the other points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, restricted to traffic originating at or destined to the plantsites and storage facilities utilized by Peterson Baby Products.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Memphis, Tenn.

No. MC 141804 (Sub-No. 61), filed May 18, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Michael J. Norton, Suite 404, Boston Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental, medical, and surgical supplies, and parts and supplies* used in the manufacture thereof (except commodities in bulk and which because of size or weight require special handling or equipment), between Irwindale, Calif. on the one hand and on the other points in the Untied States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at or destined to the plantsites and storage facilities utilized by Pharmaseal.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Memphis, Tenn.

No. MC 141849 (Sub-No. 5), filed May 17, 1977. Applicant: RAY LOCKRIDGE TRUCKING, INC., 95 Lawrenceville Industrial Park Circle NE., Lawrenceville, Ga. 30345. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of: *Adhesive cement, advertising materials, racks, stands, nails, rims, or strips, and tools*, from the facilities of Taylor Industries, located at or near Conyers, Ga., to points in the United States on and east of U.S. Highway 85, under contract with Taylor Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 142178 (Sub-No. 1) (correction), filed February 15, 1977, published in the FEDERAL REGISTER issue of April 7, 1977, republished as corrected this issue. Applicant: KENNETH J. PRENGER, doing business as Cherken Truck Lines, P.O. Box 1302, Columbia, Mo. 65201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transpotring: *Building materials* used in the construction of heating and ventilating systems, from the plantsite of Semco Mfg., Inc., located at Salisbury, Mo., to points in the United States (except points in Alaska, Hawaii, and Missouri), under a continuing contract or contracts with Semco Mfg., Inc.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Columbia, Mo.

No. MC 142359 (Sub-No. 2), filed May 23, 1977. Applicant: PORT EAST TRANSFER, INC., 1404 South Clinton Street, Baltimore, Md. 21224. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting (1) *Trailers* (except those designed to be drawn by passenger automobiles), *containers, hitchboxes, and chassis for containers*, between Baltimore, Md., and Norfolk, Va., on the one hand, and, on the other, points in the United States on and east of the Mississippi River; (2) *trailers*, designed to be drawn by passenger autmobiles (except recreational vehicles), *and buildings*, in sections (except prefabricated buildings), in initial movements, in truckaway service, from Baltimore, Md., to points in the United States, on and east of the Mississippi River; and (3) *Office trailers and special purpose trailers* in truckaway service between Baltimore, Md., on the one hand, and, on the other, points in the United States, on and east of the Mississippi River.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md. Common control may be involved.

No. MC 142761 (Sub-No. 1) (partial correction), filed April 22, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, as MC 2761 (Sub-No. 1) and republished as corrected this issue. Applicant: GERTRUDIZ RODRIGUEZ, doing business as, Rodriguez Delivery, 19110 Northwest 42nd Avenue, Miami, Fla. 33178. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. The purpose of this partial correction is to indicate the correct docket number of No. MC 142761 (Sub-No. 1) in lieu of No. MC 2761 (Sub-No. 1) which was pub-

lished in error. The rest of the publication remains the same.

No. MC 142875 (partial correction), filed January 21, 1977, published in the FEDERAL REGISTER issue of March 17, 1977, and republished as corrected this issue. Applicant: A. L. GOMES, doing business as A. Gomes Bus Lines Co., 30 Prospect Street, Bristol, R.I. 02809. Applicant's representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Rd., Harwich, Mass. 02645.

NOTE.—The purpose of this partial correction is to indicate the correct restriction to read: Restricted to groups and individuals in groups accompanied by an interpreter, the rest remains the same.

NOTE.—A hearing is deemed necessary, and will be held at Providence, R.I.

No. MC 142994 (Sub-No. 2), filed May 24, 1977. Applicant: VIRGINIA COURIER SERVICE, INC., P.O. Box 287, Harrisonburg, Va. 22801. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, notes, checks, records, and audit and accounting media* between Rockingham County, Va., on the one hand, and, on the other, points in Hampshire, Mineral, Grant, Hardy, Pendleton Preston, Taylor, Barbour, Upshur, Webster, Berkley, Jefferson, Pocahontas, Randolph, Greenbrier, Tucker and Morgan Counties, W. Va., and Allegany, Garrett, and Washington Counties, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 143238, filed May 16, 1977. Applicant: The COTE CORPORATION, 211 Broad Street, Auburn, Maine 04210. Applicant's representative: John G. Feehan, One Canal Plaza, Portland, Maine 04112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *telephone equipment, materials, and supplies*, used in the installation, maintenance, and repair of such equipment, from Auburn, Maine to points in Androscoggin, Franklin, and Oxford Counties, Maine, under a continuing contract or contracts with New England Telephone Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 143285, filed May 12, 1977. Applicant: MONROE'S GARAGE & WRECKER SERVICE, Route No. 1, Surgoinsville, Tenn. Applicant's representative: Wayne S. Monroe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* and *trailers and operative motor vehicles* to replace wrecked or disabled motor vehicles, from Kingsport, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kingsport, Tenn.

No. MC 143287, filed May 20, 1977. Applicant: HOLMES AND HOLMES, INC., 316 South 10th Avenue, Mt. Vernon, N.Y. 10550. Applicant's Attorney: James E. Mahoney, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment) from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to points in Ohio, Pennsylvania, and West Virginia; and (2) *general commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, accompanied baggage, commodities in bulk, commodities requiring special equipment, automobiles, trucks, and buses), from Baltimore, Maryland, to points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Westmoreland Counties, Pennsylvania. The authority sought in Parts 1 and 2 above is restricted to traffic moving on bills of lading issued by P.O.W. Freight Systems, Inc., a freight forwarder regulated under Part IV of the Interstate Commerce Act. The authority sought in Part 2 above is further restricted to the transportation of import traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass., or New York, N.Y.

No. MC 143289 (Sub. No. 1), filed May 18, 1977. Applicant: BERNARD SHAPIRO AND DANIEL KUYKENDALL, a Partnership doing business as FEDERATED TRANSPORT SYSTEMS, 800 South McGary Street, Los Angeles, California 90021. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive, Los Angeles, California 90014. Federated Transport Systems seeks authority as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of: (1) *Finished and unfinished piece goods*, from points in North Carolina, South Carolina and Georgia to points in California, and (2) *finished piece goods*, from points in California to points in North Carolina, South Carolina, and Georgia, under a continuing contract or contracts with Concord Fabrics, Inc. located in New York, N.Y.

NOTE.—An affiliate of applicant holds a Certificate of Registration in No. MC 120784 and therefore dual operations may be involved. Common control may be involved. If a hearing is demeed necesary, applicant requests that it be held at Los Angeles, California.

No. MC 143297, filed May 23, 1977. Applicant: GARN TRUCKING CO., INC., 1083 Columbus Road, Wooster, Ohio 44691. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *recyclable and recycled materials, scrap automobiles, scrap metals, and materials* processed therefrom, and *equipment, materials, and supplies* used or useful in the manufacture, processing, sale, and distribution of the described commodities, between points in Indiana, Illinois, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia under continuing contract or contracts with Wooster Iron & Metal Company, Wooster, Ohio; Auto Baling Company, Masury, Ohio; Q.C.P., Inc., Orville, Ohio; and Advance Bronze, Inc., Lodi, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 143298, filed May 23, 1977. Applicant: METER TANK SERVICE, INC., 569 W. Lancaster Avenue, Haverford, Pa. 19041. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in tank vehicles equipped with meters and hose reels from Claymont, Del., Delair, Pennsauken, Gloucester City, and Paulsboro, N.J. and Philadelphia, Twin Oaks, Tullytown, Malvern, Willow Grove, and Marcus Hook, Pa. to points in Delaware, points in the counties of Baltimore (except city of Baltimore), Carroll, Frederick, Harford, and Cecil, Md., and those in that part of Maryland east of the Chesapeake Bay; points in New Jersey south of the northern boundaries of the counties of Mercer and Monmouth and points in Pennsylvania east of the western boundaries of the counties of York, Dauphin, Northumberland, Montour, Sullivan, and Bradford, under continuing contracts with Kirschner Bros. Oil Co., Kirschner Bros. of New Jersey, Inc., and Service Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 143313, filed May 11, 1977. Applicant: WORLD-WIDE MOVERS, INC., P.O. Box 3126, Anchorage, Alaska 99501. Applicant's representative: John M. Stern, Jr., P.O. Box 1672, Anchorage, Alaska 99510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* as defined by the Commission, between points in Alaska, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Anchorage, Alaska or Seattle, Wash.

No. MC 143328, filed May 13, 1977. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59801. Applicant's representative: David A. Sutherlund, Suite 400, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Fairfield, CA, to points in Montana, and (2) *empty containers*, from points in Montana, to Fairfield, CA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, WA.

No. MC 143337, filed May 13, 1977. Applicant: HANNIFEN BODY & PAINT COMPANY, INC., 5329 Second Avenue, Des Moines, Iowa 50313. Applicant's Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wrecked, disabled, and repossessed motor vehicles*, including trailers, between points in Polk County, Iowa, on the one hand, and, on the other, points in N.D., S.D., Nebr., Colo., Kan., Okla., Minn., Iowa., Mo., Ark., Wisc., Ill., Mich., Ind., and Ky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Des Moines, Iowa or Kansas City, Missouri.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 230), filed May 23, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, (1) between the junction of U.S. Highway 61 and Interstate Highway 55 north of New Madrid, Missouri and the junction of U.S. Highway 51 and Interstate Highway 155 north of Dyersburg, Tennessee serving all intermediate points: From the junction of U.S. Highway 61 and Interstate Highway 55 over Interstate Highway 55 to its junction with Interstate Highway 155, thence over Interstate Highway 155 to its junction with U.S. Highway 51 and return over the same route; (2) between the junction of Interstate Highway 55 and Missouri Highway 84 west of Caruthersville, Missouri and the junction of Interstate Highway 155 and Missouri Highway 84 south of Caruthersville, Missouri serving all intermediate points; from the junction of Interstate Highway 55 and Missouri Highway 84 over Missouri Highway 84 to its junction with Interstate Highway 155 and return over the same route; and (3) between the junction of Interstate Highway 155 and Tennessee Highway 78 north of Dyersburg, Tennessee and Dyersburg, Tennessee serving all intermediate points; from the junction of Interstate Highway 155 and Tennessee Highway 78 over Tennessee Highway 78 to Dyersburg, Tennessee and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tennessee.

No. MC 1515 (Sub-No. 233), filed May 20, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Passengers and their baggage, in special operations, in sightseeing and pleasure tours, (1) in round trips from points in Jefferson, Spencer, Nelson, Washington, Marion, Taylor, Green, Adair, Bullitt, Meade, Hardin, Hart, Barren, Allen, Edmonson, Warren, Simpson, McCracken, Graves, Hickman, Breckenridge, Hancock, Daviess, Henderson, Union, Crittenden, Livingston, Webster, Hopkins, Christian, Todd, Kenton, Boone, Gallatin, Carroll, Trimble, Henry, Oldham, Fayette, Woodford, Franklin, Shelby, Campbell, Pendleton, Harrison, Bourbon, Grant, Scott, Anderson, Mercer, Boyle, Garrard, Lincoln, Pulaski, McCreary, Madison, Rockcastle, Jessamine, Laurel, Knox, Bell, Whitley, Harlan, Clark, Powell, Wolfe, Breathitt, Perry, Montgomery, Menifee, Morgan, Magoffin., Johnson, Bath, Rowan, Carter, Boyd, Lawrence, and Fulton Counties, Kentucky; Obion, Dyer, Lauderdale, Tipton, Shelby, Fayette, Haywood, Madison, Gibson, Carroll, Henry, Benton, Humphreys, Dickson, Cheatham, Davidson, Montgomery, Robertson, Sumner, Williamson, Maury, Giles, Lawrence, Rutherford, Coffee, Franklin, Grundy, Marion, Hamilton, Cannon, Warren, White, Cumberland, Roane, Loudon, Anderson, Knox, Wilson, DeKalb, Scott, Morgan, Campbell, Clairborne, Union, Rhea, Grainger, Hawkins, Sullivan, Sevier, Jefferson, and Cocke Counties, Tennessee; Jackson, Lafayette, Saline, Howard, Boone, Callaway, Montgomery, Warren, Lawrence, Jefferson, Perry, Scott, Pemiscot, St. Charles, St. Louis, Franklin, Crawford, Phelps, Pulaski, Laclede, Webster, Greene, Jasper, Ste. Genevieve, Cape Girardeau, Newton, Cooper, Caly, Clinton, Platte, Buchanan, New Madrid, and Mississippi Counties, Missouri; to points in the United States, including Alaska but excluding Hawaii, and return; (2) in one way operations: (a) from points in the Counties of Kentucky, Tennessee, and Missouri named in (1) above. to points in the United States, including Alaska but excluding Hawaii; and (b) from points in the United States, including Alaska but excluding Hawaii, to points in the Counties in Kentucky, Tennessee, and Missouri named in (1) above. Restriction: The authority sought in 2(b) above is limited to those passengers or groups of passengers who originated at points in the Counties in Kentucky, Tennessee, and Missouri named in (1) above, and whose transportation from named counties was by means of air or rail carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at St. Louis, Mo., Kansas City, Mo., Nashville, Tenn., Memphis, Tenn., or Lexington, Kentucky.

No. MC 1934 (Sub-No. 40), filed May 25, 1977. Applicant: THE ARROW LINE, INC., 105 Cherry Street, E. Hartford, Conn. 06108. Applicant's representative: Frank Daniels, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Passengers and their baggage in the same vehicle with passengers, in special operations, over irregular routes; and (2) passengers' automobiles in secondary movement in truckaway service, between Framingham, Mass., Hartford, Conn. and Bridgeport, Conn. on the one hand, and, on the other, Jacksonville, Fla., Cocoa Beach, Fla. and West Palm Beach, Fla. restricted to the transportation of passengers having an immediately prior movement in a passenger automobile tendered to the carrier for transportation on separate automobile transporters.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass., Hartford, Conn. or Jacksonville, Fla.

No. MC 143288 (Sub-No. 1), filed May 23, 1977. Applicant: THE CAPPS COMPANY, a corporation, R. R. No. 1, Hedrick, Iowa 52563. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Train crews and baggage of such crews* in the same vehicle with train crews, between points in Iowa, Illinois, Missouri, and Kansas City, Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Des Moines, Iowa.

No. MC 143315, filed May 18, 1977. Applicant: RENT-A-BUS, INC., Highway 17 South, Myrtle Beach, S.C. 29577. Applicant's representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at points in Georgetown and Horry Counties, S.C., and extending to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Myrtle Beach, S.C.

No. MC 143336, filed May 13, 1977. Applicant: BAY RAPID TRANSIT COMPANY, INC., 700 Munras Avenue, Post Office Box 1709, Monterey, California 93940. Applicant's representative: Randall Ward, 134 Wildcat Canyon Road, Pebble Beach, California 93953. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage*, (1) from

points in Monterey, San Benito, and Santa Cruz Counties, California, to points in California, Nevada, Washington, Oregon, Arizona, New Mexico, Wyoming, Idaho, Montana, Utah, and Colorado, and (2) from the destination points in (1) above to points in Monterey, San Benito, and Santa Cruz Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either San Francisco, or Monterey, or San Jose, Calif.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13243. Authority sought for merger by A & B TRANSPORTATION SERVICES, INC., 2645 Nevin Avenue, Los Angeles, CA., 90011, with (B) GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, California, 90011, and (BB) A & B GARMENT DELIVERY OF SAN FRANCISCO, INC., 690 24th Street, San Francisco, CA., 94108, and for acquisition by NELSON RESOURCES, INC., 20 Enterprise Ave., Syracuse, N.J., 07094, of control of such rights and property through the merger. Applicant's attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006, and Arthur Liberstein, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J. Operating rights sought to be merged: (B) Hanging or cartoned garments, clothing and wearing apparel and component parts used in the manufacture, thereof, as defined in 61 M.C.C. 288 and 289 (except natural furs and natural fur on fur-trimmed garments), handbags and costume jewelry, as a common carrier over regular routes (a) between North Sacramento, Calif., and San Francisco, Calif., serving all intermediate points, (b) between Sacramento, Calif., and Oakland, Calif., serving all intermediate points, (c) between junction Interstate Highway 80 and California Highway 29, east of Vallejo, Calif., and junction California Highways 29 and 37, north of Vallejo, Calif. serving all intermediate points, (d) between junction California Highways 29 and 37, near Vallejo, Calif., and junction California Highway 37 and U.S. Highway 101 at Ignacio, Calif., serving all intermediate points, and the off-route points of Novato, Sonoma, Napa, Ignacio, Junction, Waldo and Black Point, Calif., (e) between Richmond, Calif., and San Jose, Calif., serving all intermediate points, (f) between Oakland, Calif., and Pittsburg, Calif., serving all intermediate points, and the off-route point of Moraga, Calif., (g) between junction California Highway 4 and Interstate Highway 80, near Rodeo, Calif., and Stockton, Calif., serving all intermediate points, and the off-route points of Port Chicago and Byron, Calif., (h) between Martinez, Calif., and Warm Springs, Calif., serving all intermediate points, (i) between Tracy, Calif., and Modesto, Calif., serving all intermediate points, (j) between Wheeler Ridge, Calif., and San Juan Capistrano, Calif., serving all intermediate points between San Fernando and San Juan Capistrano, Calif., inclusive, and all points in the Los Angeles "Basin Territory", as described in Appendix A hereafter, as intermediate and off-route points.

(k) Between Santa Monica, Calif., and junction Interstate Highways 405 and 5, serving all intermediate points: (1) between Ignacio, Calif., and Los Angeles, Calif., serving (1) all intermediate points between Ignacio and San Jose, Calif.; (2) Santa Barbara and Ventura, Calif., and Oxnard, Calif., as an off-route point; (3) Belvedere, Tiburon, Mill Valley, San Anselmo, Fairfax, Fort Berry, Fort Cronkhite, Fort Baker, Sausalito, Marin City, Corte Medera Larkspur, Kentfield, San Rafael, Terra Linda, San Benetia, Marinwood, and Hamilton Air Force Base, as off-route points; and (4) all points in the San Francisco Territory as described in Appendix B hereafter, as intermediate and off-route points; (m) between Sacramento, Calif. and Los Angeles, Calif., serving (1) all intermediate points between Sacramento and Modesto; and (2) the intermediate points of Fresno and Bakersfield; (n) between Santa Monica, Calif., and Tucson, Ariz., serving (1) all intermediate points between Santa Monica and Redlands, Calif., inclusive; (2) all intermediate points between Phoenix and Tucson, Ariz., inclusive; and (3) Casa Grande, Ariz., as an off-route point; (o) between Tucson, Ariz., and Nogales, Ariz., serving all intermediate points; (p) between Avondale, Ariz., and Mesa, Ariz., serving all intermediate points, and the off-route points of Alhambra, Chandler Glendale and Scottsdale, Ariz.; (q) between Los Angeles, Calif., and Las Vegas, Nev., serving (1) all intermediate points between the California-Nevada State line and Las Vegas; and (2) all points in Clark County, Nev., as off-route points, with restrictions; ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: Hanging or cartoned garments, clothing and wearing apparel and component parts used in the manufacture thereof, as defined in 1 M.C.C. 288 and 289 (except natural furs and natural fur or fur-trimmed garments), handbags, and costume jewelry, between junction U.S. Highway 99 and California Highway 152, near Chowchilla, Calif., and Gilroy, Calif., serving no intermediate points, between Wheeler Ridge, Calif., and Tracy, Calif., serving no intermediate points, between junction California Highway 86 and Interstate Highway 10, near Indio, Calif., and junction Interstate Highways 8 and 10, near Casa Grande, Ariz., serving no intermediate points, Los Angeles "Basin Territory", Calif., includes all points in Los Angeles and Orange Counties, Calif., points in San Bernardino County, Calif., south of California Highway 138 and west of U.S. Highway 395, and points in Riverside County, Calif., north and west of California Highway 91. San Francisco "Territory", Calif., includes all points in San Francisco County, Calif., points in San Mateo County, Calif., east of California Highway 280, points in Santa Clara County, Calif., east of Interstate Highway 280 and west of California Highway 17, points in Alameda County, Calif., west of Interstate Highway 680, and points in Contra Costa County, Calif., west of Interstate Highway 680.

(BB) (1) Wearing apparel, materials and supplies, accessories, containers, dry goods, clothes, luggage, textiles, and umbrellas; and (2) general commodities not named in (1) above when transported: (a) to or from retailers of garments not including retailers which sell garments incidentally such as (but not limited to) Hardware stores, drug stores, and grocery stores, as a common carrier over regular routes, (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, between San Francisco, Calif., and Santa Rosa, Calif., serving all intermediate points; Service is authorized at the off-route points of Fairfax, San Anselmo, Two Rocks, Petaluma, Graton, Ft. Cronkhite, Ft. Barry, Ft. Baker, Greenbrae, Daly City, Sebastopol, Fulton, Windsor, Kenwood, Marinwood, Tiburon, Black Point, Ross, Belvedere, Pacifica, Brisbane, Terra Linda, Santa Venetia, Corte Madera, Kentfield, Larkspur, Mill Valley, Hamilton AF Base, Waldo, Strawberry Point, and South San Fransico, between Ignacio, Calif., and Napa, Calif., serving all intermediate points, service is authorized at the off-route points of Ignacio, Novato, Schellville, Sonoma, and Black Point, between San Francisco, Calif., and North Sacramento, Calif., serving all intermediate points, service is authorized at the off-route points of Daly City, Brisbane, Alameda, Piedmont, Crockett, Mare Island, Vallejo, Del Paso, Sulsun City, Davis, Pacifica, Albany, Kensington, El Cerrito, Benicia, Bryte, Rockville, Vacaville, Elmira, Dixon, South San Francisco, El Sobrante, Pinole, Rodeo, Roosevelt Terrace, Sacramento, Broderick, West Sacramento, McClellan AF Base, and Allendale, between Napa, Calif., and junction California Highway 29 and U.S. Highway 40, serving all intermediate points, between San Francisco, Calif., and Sacramento, Calif., serving all intermediate points, service is authorized at the off-route points of Daly City, Pacifica, Bethany, Lathrop, French

Camp, Franklin, Perkins, Fruit Ridge, Banta, Parks AF Base, Brisbane, Pleasanton, Piedmont, Lodi, Galt, Sheldon, Bryte, Broderick, Dublin, Mt. Eden, South San Francisco, Berkeley, Hayward, Livermore, Herald, Elk Grove, North Sacramento, West Sacramento, Castro Valley, and Russell City, between Stockton, Calif., and junction California Highway 4 and U.S. Highway 40, serving all intermediate points, service is authorized at the off route points of Crockett, Martinez, Avon, Concord, Port Chicago, Pittsburg, West Pittsburg, Antioch, Knightsen, Byron, Pinole, Rodeo, Pacheco, Camp Stoneman, Clayton, Pleasant Hill, and Collinsville. Between Oakland, Calif., and Pittsburg, Calif., serving all intermediate points.

Service is authorized at the off-route points of Lafayette, Richmond, Moraga, Sparkle, Alameda, El Cerrito, Avon, Orinda, Saranap, Piedmont, Port Chicago, Antioch, and Orinda Village. Between Warm Springs, Calif., and Martinez, Calif., serving all intermediate points. Service is authorized at the off-route points of Palo Alto, Fremont, Avon, Benicia, Concord, Pleasanton, Vallecitos, and Milpitas. Between Stockton, Calif., and Modesto, Calif., serving all intermediate points. Service is authorized at the off-route points of Ceres, Empire, Riverbank, Manteca, Lathrop, Simms, French Camp, and Collegeville. Between junction California Highway 33 and U.S. Highway 50 near Tracy and junction U.S. Highway 50 and California Highway 132 at Vernalis, serving all intermediate points. Service is authorized at the off-route point of Banta, between Vernalis, Calif., and Modesto, Calif., serving all intermediate points. Service is authorized at the off-route points of Ceres, Empire, Grayson, and Salida, with restrictions. Between San Francisco, Calif., and San Jose, Calif., serving all intermediate points. Between San Jose, Calif., and Emeryville, Calif., serving all intermediate points. (1) Wearing apparel, materials and supplies, accessories, containers, dry goods, clothes, luggage, textiles, and umbrellas, and (2) general commodities not named in (1) above when transported: (a) to or from retailers of garments, not including retailers which sell garments incidentally such as (but not limited to) hardware stores, drug stores, and grocery stores (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, between points within 10 miles of Stockton.

Between points within 10 miles of Sacramento. Between points within 5 miles of Santa Rosa. Between all points within the San Francisco Territory as hereinafter described and the points of Dale City, Pacifica, Rockaway Beach, San Mateo, Hillsborough, Allerton, El Sobrante, Ft. Baker, Thornton Beach, Pinehurst, Menlo Park, Woodside, Palo Alto, Mountain View, Los Altos Hills, Ft. Barry, Colina, Canyon, Sunnyvale, Monta Vista, Campbell, Cupertino, El Camino Real, Santa Clara, Tiburon, Ft. Cronkhite, Baden, San Jose, Milpitas, Fremont, Irvington, Moraga, Berkeley, Sausalito, Belverdere, Vallemar, Castro Valley, Orinda, Rheem Valley, Lafayette, Albany, Kensington, Marin City, Waldo, Decota, and San Pablo. San Francisco Territory includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose: southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estate Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco water front at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

NOTE.—The control relationship between Transferee and Transferor was previously approved by an order served October 1, 1969, in Docket No. MC-F-10377.

No. MC-F-13245. Authority sought for purchase by HOLLEBRAND TRUCKING, INC., Route 350, P.O. Box 164, Ontario Center, N.Y. 14520, of the operating rights of FRED CARPENTIER, AN INDIVIDUAL, 1415 Luzerne Street, Scranton, Pa. 18504. Applicants' attorneys: S. Michael Richards and Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes from port facilities in New Jersey within the New York, N.Y., harbor area as defined by the Commission in Ex Parte No. 140, Determination of the Limits of New York Harbor and Harbor Contiguous Thereto, to Scranton, Pa.; from Albany, N.Y., to points in New York, New Jersey and Pennsylvania; from Baltimore, Md., to Scranton, Pa., with no transportation for compensation on return except as otherwise authorized. Applicant is authorized to operate as a *common carrier* in New York, Virginia, West Virginia, New Jersey, Pennsylvania, Ohio, Maryland, Massachusetts, Connecticut, Florida, Illinois, Iowa, Indiana, Kansas, Missouri, Kentucky, Michigan, Nebraska, North Carolina, Oklahoma, District of Columbia, Georgia, South Carolina, Delaware, and Vermont. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-13251. Authority sought for purchase by CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Indiana 46405, of the operating rights of MURPHY TRANSPORTATION, INC. (Charles Johnson, Trustee-In-Bankruptcy, Suite 11, Commerce National Bank, Anniston, Alabama 36201), and for acquisition by GEORGE A. REDIEHS COMPANY, INC., 79th Street & Joliet Road, Hinsdale, Illinois 60521 of control of such rights through the purchase. Applicants' attorney: James C. Hardman, 33 N. LaSalle Street, Chicago, Illinois 60602. Operating rights sought to be transferred: *Asbestos-cement pipe and pipe fittings, and plastic pipe and pipe fittings*, when transported in mixed loads with asbestos-cement pipe and pipe fittings, over regular routes, from the plant site of Orangeburg Manufacturing Company, located near Ravenna, Ohio, to points in Tennessee, Florida, and Georgia, restricted against the transportation of pipe used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and restricted against the transportation of articles which, because of size or weight, require the use of special equipment or special handling; *cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, from Holt, Alabama, to points in West Virginia, and points in that part of Pennsylvania on and west of U.S. Highway 219; *conduit and pipe, and fittings and attachments for such conduit and pipe* (except such commodities as require special equipment which is furnished by the carrier), all in flatbed trailers, from Glen Dale, Marshall County, West Virginia, to points in Alabama, Arizona, Florida, Georgia, Louisiana, and Mississippi; *fibre conduit and fibre pipe, in nonreturnable shipping racks, and fittings and couplings for such pipe*, from Orangeburg, New York, to points in Alabama, Georgia, and Florida; *fibre conduit and fibre pipe, in nonreturnable shipping racks, and couplings and fittings for such conduit and such pipe*, from Orangeburg, New York, to points in Arizona, Louisiana, and Mississippi.

Metal bleachers, pipe, and pipe fittings, from Demopolis, Alabama, to points in Georgia and Florida; *lumber*, from points in Sumter, Greene, and Marengo Counties, Alabama, to points in Florida,

Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia; *plastic pipe and fittings*, from the plantsite of the Central Foundry Company, at or near Holt, Alabama, to points in Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia; *iron and steel articles*, from the facilities of Continental Steel Corporation, at or near Kokomo, Indiana, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, Ohio, and extending northerly along U.S. Highway 23 to Columbus, Ohio, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219; *conduit, pipe and cable, and fittings and attachment therefor*, from Glendale (Marshall County), West Virginia, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Iowa, Missouri, and Wisconsin. Application has been filed for temporary authority under Section 210a(b).

NOTE.—Portions of the above operating rights are subject to term limitations which applicants will seek to have removed upon transfer. MC 43963 (Sub No. 11) is a directly related matter.

No. MC–F–13252. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, Mass. 01746, of a portion of the operating rights of Evans Delivery Company, Inc., P.O. Box 268, Pottsville, Pa., 17901, and for acquisition by S.J.T., Inc., 87 Jeffrey Avenue, Holliston, Mass. 01746, of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, John F. O'Donnell, Barrett and Barrett, P.O. Box 238, 60 Adams St., Milton, Mass. 02187, Abe Frumkin, 100 S. Centre St., Pottsville, Pa. 17901, and A. David Millner, John Tynan, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J. 07006. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Pottsville, Pa., and Easton, Pa., serving all intermediate points, and off-route points within 5 miles of Pottsville: From Pottsville over U.S. Highway 209 to Lehighton, Pa., thence over Pennsylvania Highway 248 (portions formerly Pennsylvania Highway 29 and 45) via Nazareth and Wilson, Pa., to Easton, and return over the same route. General commodities, with exceptions as a common carrier over irregular routes between Pottsville, Pa., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Pottsville; between Allentown, Bethlehem, Walnutport, Lehigh Gap, Weissport, Easton, Emmaus, Catasauqua, Northampton and Slatington, Pa. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Ohio, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13256. Authority sought for purchase by HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa, 51102, of a portion of the operating rights of Minn.-Cal., Inc., P.O. Box E, 104 3rd Avenue Northwest, Mandan, North Dakota, 58554, and for acquisition by Raymond C. Hirschbach and George L. Hirschbach, both of 5000 S. Lewis Blvd., Sioux City, Iowa, 51102, of control of such rights through the purchase. Applicants' attorney: Robert A. Wichser, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa, 51102. Operating rights sought to be transferred: Such merchandise as is dealt in by mail order houses and materials and supplies used in conducting such business, as a contract carrier over irregular routes between the facilities of the Fingerhut Corporation, at St. Cloud, Minn., on the one hand, and, on the other, points in that part of the United States in west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alaska and Hawaii), with restrictions. Vendee is authorized to operate as a common carrier in Arizona, California, Colorado, Idaho, Iowa, Kansas, Texas, Utah, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13257. Authority sought for control by Wm. H. P., Inc., 1342 North Howard Street, Philadelphia, PA., 19122, of Burgmeyer Bros., Inc., 50 North Fifth Street, Reading, Pa., 19601, through management for a period of up to one year pursuant to an option to acquire ownership of stock. Applicants' attorneys: A. David Millner and Arthur Liberstein, % Bowes, Millner, Rodgers & Liberstein, P.O. Box 1409, 167 Fairfield New Jersey 07006, and Henry Koch, Jr., P.O. Box 639, 217 North Sixth Street, Reading, Pennsylvania 19603. Operating rights sought to be controlled: General commodities, with certain specified exceptions, and other specified commodities, as a common carrier over regular routes and irregular routes, from, to, and between specified points in the States of New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, West Virginia, Illinois, Maryland, Ohio Indiana, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over alternate routes for operating convenience only, as more specifically described in Docket No. MC 29684 and Subs numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Wm. H. P., Inc. is authorized as a motor common carrier of general commodities over regular routes primarily in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia under MC 39821 and sub numbers thereunder.

NOTE.—In MC–F–13112 (pending) Wm. H. P., Inc. seeks to acquire control of Interstate Trucking Corp. with regular route authority in the States of Connecticut, New Jersey, and New York. Common control is involved. Application for temporary authority under Section 210a(b) has been filed.

No. MC–F–13258. Authority sought for purchase by DART TRUCKING COMPANY, INC., P.O. Box 158, 61 Railroad Street, Canfield, Ohio 44406, of the operating rights of E. J. Miller Trucking Co., 4588 State Route 82, Mantua, Ohio 44255, and for acquisition by James R. Soda, 61 Railroad Street, P.O. Box 158, Canfield, Ohio, 44406, of control of such rights through the purchase. Applicant's attorneys: Paul F. Beery, 275 E. State Street, Columbus, Ohio 43215, and James Duvall, 220 Westbridge Street, P.O. Box 97, Dublin, Ohio 43017. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 121381 (Sub-No. 1), covering the transportation of Property as a common carrier from and to Atwater, Ohio. Coal, builders supplies, farm equipment, farm supplies, farm commodities, lumber, logs, sawmill equipment from and to any point in Portage County, Ohio. Lumber, logs and sawmill equipment from and to any point in Columbiana, Mahoning, Trumbull, Stark, and Summit Counties, Ohio, with restrictions. Vendee is authorized to operate as a common carrier in Ohio, Pennsylvania, West Virginia, Michigan, and Kentucky. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–121420 (Sub-No. 8) is a directly related matter.

Finance Docket Nos. 26482 and 26483 (Petition for Modification) (AUTO-TRAIN CORP., operation rail passenger and automobile transport service, between Alexandria, Va., and Sanford, Fla.). Petitioner Auto-Train Corporation, 1801 K Street NW., Washington, D.C. 20006, represented by Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005, holds authority as a railroad for combined rail passenger-automobile transport service between Alexandria, Virginia, on the one hand, and, on the other, Sanford, Florida. By petition filed June 16, 1977, petitioner seeks to modify the above authority so as to permit the joint booking for substantially simultaneous transportation of an automobile by Auto-Train and of its owner or driver by another common carrier such as an airline.

Auto-Train has entered into an agreement with Eastern Airlines permitting it to offer "package plans" for passenger

transportation by air and automobile transport by Auto-Train and inclusive of lodging, entertainment, transfers and the like.

Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Finance Docket Nos. 27508 and 27525 (Petition for Modification) (Auto-Train Corp., operation between Louisville, Ky., and Sanford, Fla.). Petitioner: AUTO-TRAIN CORP., 1801 K Street NW., Washington, D.C. 20006. Representative: Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005. Holds authority as a railroad for combined rail passenger-automobile transport service between Alexandria, Va., on the one hand, and, on the other, Sanford, Fla.; and between Louisville, Ky., on the one hand, and on the other Sanford, Fla. By petition filed June 16, 1977, petitioners seeks to modify the above authority so as to permit the joint booking for substantially simultaneous transportation of an automobile by Auto-Train and of its owner or driver by another common carrier such as an airline. Auto-Train has entered into an agreement with Eastern Airlines permitting it to offer "package plans" for passenger transportation by air and automobile transport by Auto-Train and inclusive of lodging, entertainment, transfers and the like. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2253 (Sub-No. 74), filed May 16, 1977. Applicant: CAROLINA FREIGHT CARRIERS CORP., North Carolina Highway No. 150 East, Cherryville, N.C. 28021. Applicant's representative: William A. Gray, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Charleston, W. Va., and Williamson, W. Va., from Charleston over U.S. Route 119 to Williamson, and return over the same route; (2) between Charleston, W. Va., and Welch, W. Va., from Charleston over U.S. Route 60 to junction U.S. Route 119, thence over U.S. Route 119 to junction West Virginia State Route 3 to Beckley, thence over U.S. Routes 19 and 21 to Princeton and Bluefield, and thence over U.S. Route 52 to Welch, and return over the same routes; (3) between Charleston W. Va., and the junction of the West Virginia Turnpike (Interstate Highway 77) and U.S. Highways 19 and 21 at or near Camp Creek, W. Va., from Charleston over the West Virginia Turnpike (Interstate Highway 77) to junction U.S. Highways 19 and 21 at or near Camp Creek, W. Va., and return over the same route; (4) between Charleston, W. Va. and Parkersburg, W. Va., fom Charleston over U.S. Route 119 to junction West Virginia State Route 16, thence over West Virginia State Route 16 to junction West Virginia State Route 5, thence over West Virginia State Route 5 to junction West Virginia State Route 14 to Parkersburg, and return over the same routes; (5) between Charleston, W. Va., and Parkersburg, W. Va., from Charleston over U.S. Route 119 to junction West Virginia State Route 14, thence over West Virginia State Route 14 to Parkersburg, and return over the same routes; (6) between Charleston, W. Va., and Parkersburg, W. Va., from Charleston over Interstate Route 77 to Parkersburg, and return over the same route (7) between Charleston, W. Va., and Huntington, W. Va., from Charleston over U.S. Route 60 to Huntington and return over the same route; (8) between Charleston, W. Va., and Huntington, W. Va., from Charleston over Interstate Route 64 to Huntington, and return over the same route; (9) between Charleston, W. Va., and White Sulpher Springs, W. Va., from Charleston over U.S. Route 60 to White Sulpher Springs, and return over the same route; (10) between Charleston, W. Va., and White Sulpher Springs, W. Va., from Charleston over Interstate Route 64 to White Sulpher Springs, and return over the same route. Service is requested to and from all intermediate points on the above specified routes 1 through 10 and service is requested to and from all off-route points within 25 miles of the above specified routes 1 through 10.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-13222 which was noticed in the FEDERAL REGISTER issue of May 26, 1977. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 41432 (Sub-No. 149), filed March 21, 1977. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: Wyman C. Knapp, 825 City National Bank Bldg., 606 S. Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, livestock, logs, automobiles, trucks, buses, and automobile, truck and bus chassis), (1) between junction Interstate Highways 10 and 395 near Colton, Calif., and the San Diego territory as described in Appendix A, over Interstate Highway 15 (U.S. Highway 395), serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory as described in Appendix B; (2) between the Los Angeles territory, and the San Diego territory, over Interstate Highway 5 (U.S. Highway 101) and California Highway 1, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory;

(3) Between junction Interstate Highway 5 and California Highway 78, and Escondido, Calif., over California Highway 78, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory; (4) between junction Interstate Highway 15 (U.S. Highway 395), and Oceanside, Calif., over California Highway 76, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory; (5) between Vista, and Fallbrook, Calif., over San Diego County Road S-13, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory; and (6) serving points in the Los Angeles basin territory as intermediate and off-route points in connection with applicant's presently authorized regular route operations; restricted against the transportation of (a) sodium (soda) hypochlorite solution; cleaning compounds; dry laundry bleach; animal litter; chopped alfalfa pellets; liquid cooking or salid oil (cooking grease); bread crumbs; granulated cereal; dry dip mixes, in boxes; canned or preserved mushrooms, liquid, in containers in boxes; salad dressing preparations, in boxes; table sauce, in boxes; charcoal briquettes or charcoal pellets, in paper bags, in boxes; wood chips, not charred, in packages; Bar-h-q base (Verniculite), except crude, in packages; and lighter fluid (naphtha) fuel distillate, in boxes, originating at Vernon, Calif., and (b) pallets used in the transportation of the commodities listed in (a) next above destined to Vernon, Calif.

NOTE.—This application seeks to convert a Certificate of Registration docketed at MC 98134 (Sub-No. 2) into a Certificate of Public Convenience and Necessity. The request herein is restated to conform with customary Commission terminology. This is a matter directly related to a finance proceeding docketed at MC-F-13171 which appeared in the FEDERAL REGISTER issue of March 31, 1977. If a hearing is deemed necessary, applicant requests it be held at either Los Angeles, Calif., or Washington, D.C.

APPENDIX A

SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

APPENDIX B

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; Northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Memet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

APPENDIX C

LOS ANGELES TERRITORY:

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Roal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof of the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

No. MC 43963 (Sub-No. 11), filed June 10, 1977. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, IN 46405. Applicant's representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, which require specialized handling and rigging because of size and weight, from Chicago, IL and points in Illinois and Indiana within 50 miles of Chicago to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(2) *Iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, from Chicago and Joliet, IL, Burns Harbor, IN, and Minneapolis, MN to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(3) *Iron and steel articles* (except such commodities as are usually transported in dump trucks and commodities which, because of their size or weight, require the use of special equipment), from Centerville, IA to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(4) *Iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing strip, structurals, tank parts, tubing and wire in coils*, which, because of size or weight, require specialized handling or rigging, from points in Wisconsin to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(5) *Iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils* (except articles requiring specialized handling or rigging because of size or weight), from points in Lake, Cook, DuPage, Kane, Kendall, McHenry, and Will Counties, IL within 40 miles of Grant Park, Chicago, IL to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-13251 which is noticed in a prior section of this issue. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Illinois or Washington, D.C.

No. MC 59583 (Sub-No. 162), filed June 10, 1977. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Post Office Box 969, Kingsport, Tennessee 37662. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in North Carolina.

NOTE.—Common control may be involved. This application is directly related to the control and merger application filed May 12, 1977 in docket No. MC–F–13220 and noticed in the FEDERAL REGISTER of June 3, 1977. By this application, Mason and Dixon seeks to convert the certificate of registration issued General Motor Lines, Inc. in MC–120766 (Sub-No. 1) to one of public convenience and necessity. If a hearing is deemed necessary, applicant requests that it be held at Charlotte, North Carolina.

No. MC 63871 (Sub-No. 5), filed June 3, 1977. Applicant: ANDREWS & PIERCE, INC., 1431 Bedford Street, North Abington, Massachusetts 02351. Applicant's attorney: James E. Mahoney, 84 State Street, Boston, Massachusetts 02109. Authority is sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matters is directly related to a Section 5(2) finance proceeding in No. MC–F–13246, published in the FEDERAL REGISTER issue of June 16, 1977. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 68656 (Sub-No. 3), filed May 26, 1977. Applicant: CHICAGO EXPRESS CO., INC., 2418 S. Loomis Avenue, Chicago, Illinois 60608. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Stoves, refrigerators, and household appliances, between points in the state of Illinois; (2) general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight) and household appliances, between points in McHenry, Lake, DeKalb, Kane, DuPage, Cook, Kendall, Grundy, Will, and Kankakee Counties, Illinois and that portion of Iroquois County on and north of U.S. Highway 45 and U.S. Highway 52; and (3) between points in the above named counties on the one hand, and on the other, points in Illinois.

NOTE.—The purpose of this application is to convert a certificate of registration issued in MC–68656 (Sub-No. 2) to a certificate of public convenience and necessity. This is a matter directly related to No. MC–F–13172 which was noticed in the FEDERAL REGISTER issue of April 7, 1977. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 84242 (Sub-No. 1), filed June 6, 1977. Applicant: ORIGINAL HALL LANE MOVING & STORAGE CO., INC., 67 Mall Drive, Commack, New York 11725. Applicant's representative: Robert J. Gallagher, Esq., Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of Household Goods as defined by the Commission, between points in Connecticut, New Jersey, New York, Ohio, and Pennsylvania on the one hand, and, on the other, points in Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Rhode Island, Ohio, and the District of Columbia, removing the gateway of New York, New York.

NOTE.—This application is directly related to MC–FC–76962 wherein the Transferee is Original Hall Lane Moving & Storage Co., Inc. and the Transferor is Oliver E. Cote. The purpose of this application is to remove the gateway of New York, New York. If a hearing is deemed necessary, applicant requests that it be held in Commack, New York, however, modified procedure is requested. The request for authority in MC–FC–76962 was noticed in the FEDERAL REGISTER issue of April 21, 1977.

No. MC 120761 (Sub-No. 21), filed, June 15, 1977. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, P.O. Box 13302, Fort Worth, Texas 76118. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Texas 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and *Machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (except the stringing or picking up of pipe in connection with main or trunk pipelines); and *Heavy machinery*, and *heavy or cumbersome commodities*, which because of size and weight, require the use of special equipment, and *parts* threof; (1) between points in Texas; and (2) between points in Texas, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas; and (II) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *Machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (except the stringing and picking up of pipe in connection with main or trunk pipelines), between all points in Texas, on the one hand, and, on the other, points in Colorado and Wyoming.

NOTE.—This is a Gateway Elimination Application, directly related to MC–F–13182. The purpose of this application is as follows: To eliminate gateways with respect to Part (I) of the application, between points in that part of Texas west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 81 to Fort Worth, Texas, and north of a line beginning at Fort Worth, and extending along U.S. Highway 80 to El Paso, Texas, including points on the indicated portions of the highways specified, and between points in Texas north of a line beginning at the Texas-New Mexico State line, and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Texas, to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line, to the Texas-Oklahoma State line; and to eliminate gateways with respect to Part (II) of the application, between points in Texas north of a line beginning at the Texas-New Mexico State line, and extending along the southern boundaries of Parmer, Castro, Swisher, Brisco, Hall, and Childress Counties, Texas, to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line, to the Texas-Oklahoma State line; and to eliminate gateways in the State of Kansas. The request for authority in MC–F–13182 was noticed in the FEDERAL REGISTER issue of April 21, 1977. If a hearing is deemed necessary, applicant requests it be held in Houston or Dallas, Texas.

ABANDONMENT APPLICATIONS, NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB–37 (Sub-No. 6)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY ABANDONMENT AND ABANDONMENT OF OPERATION—BY UNION PACIFIC RAILROAD COMPANY OF "UMATILLA BRANCH" BETWEEN UMATILLA AND IRRIGON IN UMATILLA AND MORROW COUNTIES, OREGON

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by

an order entered on May 10, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Oregon-Washington Railroad and Navigation Company, and abandonment of operation by Union Pacific Railroad Company, over a portion of Oregon-Washington Railroad and Navigation Company branch line trackage known as the "Umatilla Branch" extending from railroad milepost 10.63 near Umatilla, Oregon, in a westerly direction to railroad milepost 18.15 near Irrigon, Oregon, a distance of 7.52 miles in Umatilla and Morrow Counties, Oregon. A certificate of abandonment will be issued to the Oregon-Washington Railroad and Navigation Company and Union Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-132]

AKRON & BARBERTON BELT RAILROAD COMPANY ABANDONMENT OF ITS FAIRLAWN BRANCH NEAR NORTON, IN SUMMIT COUNTY, OHIO

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 29, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Akron & Barberton Belt Railroad Company of its line of railroad extending from railroad milepost 3.4 near Wadsworth Road, State Route 261, Norton, Ohio, in a northerly direction to the end of the line at railroad milepost 6.8 near Frank Boulevard, Okron, Ohio, a distance of 3.4 miles in Summit County, Ohio. A certificate of abandonment will be issued to the Akron & Barberton Belt Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTES DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 75320 (Deviation No. 66), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed June 9, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Irving, Tex., thence over Belt Line Road to junction Texas Highway 121, thence over Texas Highway 121 to McKinney, Tex., thence over U.S. Highway 380 to Greenville, Tex., thence over Interstate Highway 30 to junction Arkansas Highway 5 near Benton, Ark., thence over Arkansas Highway 5 to junction Interstate Highway 430, thence over Interstate Highway 430 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 64 near Bald Knob, Ark., thence over U.S. Highway 64 to junction Arkansas Highway 147, thence over Arkansas Highway 147 to Lehi, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Irving, Tex., over City streets to U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 69 near Dennison, Tex., thence over U.S. Highway 69 to junction Oklahoma Highway 51, near Wagoner, Okla., thence over Oklahoma Highway 51 to the Oklahoma-Arkansas State line, thence over Arkansas Highway 244 to junction Arkansas Highway 59, thence over Arkansas Highway 59 to Van Buren, Ark., thence over U.S. Highway 71 to Fort Smith, Ark., thence over U.S. Highway 71 to junction Arkansas Highway 10, thence over Arkansas Highway 10 to Little Rock, Ark., thence over U.S. Highway 70 to Lehi, Ark., and return over the same route.

No. MC 80430 (Deviation No. 21), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, filed June 16, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 41 and Indiana Highway 63 near Carbondale, Ind., south over Indiana Highway 63 to junction U.S. Highway 41 in Terre Haute, Ind., and return over the same route for operating convenience only. The notice indicates that carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Carbondale, Ind., over U.S. Highway 41 to Terre Haute, Ind., and return over the same route.

No. MC 111231 (Deviation No. 57), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed June 8, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wis. Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to Beatrice, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently autrorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Kansas Highway 15E, thence over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to Beatrice, Nebr., and return over the same route.

No. MC 111231 (Deviation No. 58), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed June 9, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wis. Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 75 to Omaha, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S Highway 36, thence over U.S. Highway 36 to junction Kansas Highway 15E, thence east over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, Nebr., and return over the same route.

No. MC 111231 (Deviation No. 59), JONES TRUCK LINES, INC., 610 E. Emma Ave, Springdale, Ark. 72764, filed June 9, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wis. Ave., Washington, D.C. 10014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 64 to junction Cimarron Turnpike, thence over Cimarron Turnpike to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 35W, thence over Interstate Highway 35W to junction U.S. Highway 81, thence over U.S. Highway 81 to Belleville, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 81, thence over U.S. Highway 81 to Belleville, Kans., and return over the same route.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of human environment resulting from approval of its request.

Motor Carriers of Passengers

No. MC 2890 (Deviation No. 96), AMERICAN BUSLINES, INC., 1501 S. Central Ave., Los Angeles, Calif. 90021, filed June 15, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Los Angeles, Calif., over Interstate Highway 10 to junction Interstate Highway 15W, thence over Interstate Highway 15W to junction U.S. Highway 395 (Interstate Highway 15E) near Devore, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 395 to junction U.S. Highway 66, and return over the same route.

No. MC 29957 (Deviation No. 17), CONTINENTAL SOUTHERN LINES, INC., 1785 Highway 80 West, Jackson, Miss. 39204, filed June 14, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Tuscaloosa, Ala., over combined Interstate Highways 20 and 59 to Meridian, Miss., thence over Interstate Highway 20 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Tuscaloosa, Ala., over U.S. Highway 82 to Starkville, Miss., thence over Mississippi Highway 25 to Carthage, Miss., thence over Mississippi Highway 16 (formerly Mississippi Highway 25) to Canton, Miss., thence over U.S. Highway 51 (formerly Mississippi Highway 25) to Jackson, Miss., and return over the same route.

No. MC 74761 (Deviation No. 9), TAMIAMI TRAIL TOURS, INC., 525 Madison St., Tampa, Fla. 33602, filed June 17, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From West Palm Beach, Fla., over Interstate Highway 95 to junction PGA Blvd., thence over PGA Blvd. to junction Florida's Turnpike, thence over Florida's Turnpike to junction Interstate Highway 4, thence over Interstate Highway 4 to Orlando, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From West Palm Beach, Fla., over combined U.S. Highways 98 and 441 to junction U.S. Highway 98, thence over U.S. Highway 98 to Canal Point, Fla., thence over combined U.S. Highways 98 and 441 to Okeechobee, Fla., thence over U.S. Highway 441 to junction Florida Highway 15, thence over Florida Highway 15 to Orlando, Fla., and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission

with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A57362, filed June 2, 1977. Applicant: AUTO FAST FREIGHT, INC., 194 W. Benedict Street, San Francisco, Calif. 92402. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as a highway *common carrier* as defined in Section 213 of the Public Utilities Code for the transportation of *general commodities*, between all points and places within the Los Angeles basin territory described in note A, on the one hand, and, (1) points and places on California Highway 62 west of Ironage Road, on the other hand; (2) all points within 10 miles of the above route; (3) through routes and rates may be established between any any all points described above in connection with presently certificated authority and with other certificated carriers, at convenient points of interchange (except that pursuant to the authority herein granted, carrier shall not transport any shipments, of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B; (2) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses, and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.

(5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped mechanical mixing in transit. (7) Logs. (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A.—Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60;

Southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corproate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Alaska Docket No. 77–206–MF/O, filed June 6, 1977. Applicant: ST. ELIAS TRUCKING COMPANY, 4717 Business Park Blvd., Anchorage, Alaska 99503. Applicant's representative: Harris Saxon, Ely, Guess & Rudd, 510 L St., Anchorage, Alaska 99501. Certificate of Public Convenience and Necessity sought to operate a freight service as a *motor freight common carrier*, non-scheduled service over irregular routes transporting: *General commodities*, between all points and places within a one hundred and thirty miles radius of Yakutat, Alaska, including Yautat, Alaska. Intrastate, interstate and foreign commerce authority sought. *HEARING:* Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Alaska Public Utilities Commission, 1000 Mackay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.77-18625 Filed 6-29-77;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

[MA–11 Amending M–25]

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

NOTICE OF ADDITION OF ITEM TO JUNE 28, 1977, MEETING AGENDA

TIME AND DATE: 10 a.m.—June 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of Items Adopted by Notation. 2. Docket 30929, Tariff filed by Hughes Air Corporation d.b.a. Hughes Airwest proposing round-trip excursion fares in the Yuma-Los Angeles and Yuma-Phoenix markets. 3. Docket 30714, Application of Braniff Airways Inc. for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958 to provide free transportation for transportation for travel agents to attend the TravelAge MidAmerica Sales Seminar, Trade Show and Familiarization Program in Houston, Texas, between September 16 and 18, 1977. 4. Docket 30362, Petition of Air Freight Forwarders Association to amend Part 296 to permit the payment of commissions on international consolidated shipments or, in the alternative, the issuance of a Policy Statement by the Board recognizing that freight forwarders may be compensated for delivering freight shipments to the Direct Carriers "ready for carriage."

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary (202–673–5068).

SUPPLEMENTARY INFORMATION: The effective date of the tariff proposed by Hughes Airwest in Docket 30929 is July 1, 1977. If the Board desires to suspend the tariff pending investigation it must act by June 30, 1977, or lose the authority to do so under section 1002(g) of the Federal Aviation Act of 1958. The tariff in question was posted on April 18, 1977 for effectiveness June 2, 1977. The effective date was subsequently postponed until July 1, 1977. A late-filed complaint was received on May 26, 1977, which was answered on June 10, 1977. The Board's staff analyzed the tariff filing, the complaint and answer, and all other relevant matters, and submitted its recommendation to the Board on June 24, 1977. In order to permit discussion of the issues involved in this tariff filing before its proposed effective date, the following Members have voted that agency business requires the addition of this matter as Item 2 to the agenda of the June 28, 1977, meeting and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member Lee R. West

Member G. Joseph Minetti was not here.

NOTE.—The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room, Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428, following the meeting.

[S–771–77 Filed 6–27–77;3:41 pm]

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., July 1, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254–6126.

[S–774–77 Filed 6–28–77;8:57 am]

3

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: July 4, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: The Commission has scheduled no meetings for the week of July 4, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information 202–523–3830; Recorded Message 202–523–3806.

[S–776–77 Filed 6–28–77;10:14 am]

4

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., July 7, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public. Docket 83, Sac and Fox.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, Tel. 202–653–6184.

[S–773–77 Filed 6–27–77;4:14 pm]

5

AGENCY HOLDING THE MEETING: United States International Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: S–764–77; June 29, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., July 7, 1977.

CHANGES IN THE MEETING: Delete the following agenda item, which is the only one listed as closed to the public: "1. Reorganization (portions respecting the selection of personnel)."

[S–775–77 Filed 6–28–77;10:02 am]

6

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Volume 42, page 32616.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Monday, June 27, and Wednesday, June 29.

CHANGES IN THE MEETING: Meeting titled "Discussion of Tarapur Export License" (Monday, June 27, 10 a.m.) (closed meeting) is postponed to 11 a.m., Tuesday, June 28. Meeting titled "Briefing on Containment Safety" (Wednesday, June 29, 3 p.m.) (public meeting) is postponed to a date to be announced. Affirmation of "Policy Statement on Standardization of Nuclear Power

Plants" is rescheduled from Wednesday, June 29, to Monday, June 27, at 11:15 a.m.

By unanimous vote on June 24, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. Immediate affirmation is required because timely consideration of issues requires handling at this time.

The Commission approved the tentative scheduling of the following items in the affirmation session scheduled Wednesday, June 29, at 3 p.m.:

Petition of rulemaking from the Publice Interest Research Group, et al. (Docket No. PRM-50-16), and Pennsylvania Public Utility Commission (Docket No. PRM-50-16A) regarding physical security at multi-unit reactor plants.

Detroit Edison and Public Service Company of Indiana petition for the issuance of a rule concerning regulatory authority over transmission lines and related equipment.

Report of the NRC Task Force on Naturally Occurring and Accelerator-Produced Radioactive Materials (NARM).

Petition for rulemaking by the State of Alaska concerning labels on empty containers, PRM 20-8.

Petition by Central Maine Power Company (CMP) for a rulemaking concerning the definition of a capable fault (PRM-100-3).

Publication of effective amendments to 10 CFR Part 71 to establish more stringent quality assurance requirements for transport packages and to phase out a grandfather clause for irradiated nuclear fuel casks.

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

JUNE 27, 1977.

[S-778-77 Filed 6-28-77;10:48 am]

7

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: 2:30 p.m., Friday, June 24, 1977.

APPROVAL: By unanimous vote on June 24, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. On June 23, Senator Hart requested the meeting as soon as possible. June 24th is the first day on which a quorum of Commissioners was available to participate in the meeting or to vote to hold it on short notice.

PLACE: Room 254, Russell Building, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Meeting with Senator Hart on Proposed NRC delegation of authority.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202-634-1410).

Dated: June 24, 1977.

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

[S-777-77 Filed 6-28-77;10:48 am]

8

AGENCY HOLDING THE MEETING: Postal Rate Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 31898; June 23, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Wednesday, June 29, 1977.

STATUS: Closed meeting.

CHANGES IN THE MEETING: Additional matters to be considered: 4. Discussion of incorporation of phased rates into Mail Classification Schedule, Docket No. MC76-5. 5. Tenative Decision Concerning Proposals for Local and Nationwide Subclasses Within First-Class Mail, Docket No. MC76-1. (This item was previously considered at the meeting held June 22, 1977, but no action was taken.

Further requests for information should be directed to Mr. Ned Callan, Information Officer for the Postal Rate Commission by calling 202-254-5614.

[S-772-77 Filed 6-27-77;4:13 pm]

9

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 5, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, July 6, 1977, at 10 a.m. An open meeting will be held on Wednesday, July 6, 1977, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Pollack, and Evans voted to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, July 6, 1977, will be:

Formal orders of investigation.

Amendment of formal order of investigation.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings.

Settlement of administrative proceedings.

Simultaneous institution and settlement of injunctive actions and/or administrative proceedings.

Referral of investigative files to Federal, State, or self regulatory authorities.

Referral of transcript to Federal, State, or self regulatory authorities.

Regulatory matters arising from or bearing enforcement implications.

Other litigation matters.

The subject matter of the open meeting scheduled for Wednesday, July 6, 1977, will be:

1. Consideration of Chicken Unlimited Enterprises, Inc.'s petition for Commission review of staff denial of an application, pursuant to Rule 12b-25 under the Securities Exchange Act, requesting an exemption of time in filing its quarterly report on Form 10-Q for the period ending March 31, 1977.

2. Consideration of application of The Vanguard Group, Inc. and the Vanguard Funds for an order which would permit the investment companies to assume the responsibility for and the expenses of the distribution of their shares.

FOR FURTHER INFORMATION CONTACT:

Angela M. Desmond (202-755-1173) or Linda W. Jarett (202-755-1183).

JUNE 28, 1977.

[S-779-77 Filed 6-28-77;11:12 am]