Vol.42—No.74
4–18–77
PAGES
20111–20279

federal register

MONDAY, APRIL 18, 1977

highlights

CONTINUED INSIDE

reminders

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

Rules Going Into Effect Today

CSC—Equal opportunity; administrative processing of class complaints of discrimination..... 11807; 3–1–77

List of Public Laws

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

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/FDA			HEW/FDA

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

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

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

federal register

Area Code 202 Phone 523–5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

INFORMATION AND ASSISTANCE

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

FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

contents

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

CUMULATIVE LIST OF PARTS AFFECTED DURING APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

1 CFR

Ch. I 17413

3 CFR

PROCLAMATIONS:

852 (See PLO 5615) 18859
4485 (See Proc. 4495) 18053
4495 18053
4496 18855
4497 19315
4498 19317
4499 19319
4500 19475
4501 20111

MEMORANDUMS:

April 1, 1977 18269

4 CFR

415 18857

5 CFR

213 ..... 17411, 17414, 18082, 18607, 18608, 19147, 19853, 19854
430 18608
713 19147

PROPOSED RULES:

552 19882

7 CFR

75 19864
230 18587
354 18587
722 ..... 17414, 18055
723 17414
728 17419
729 17419
775 17420
794 17421
905 18271
907 ..... 18387, 19477, 20113
910 ..... 17420, 18055, 18587, 19865
928 17422
944 18271
981 19321
991 18857
1063 17423
1070 17423
1078 17423
1079 17423
1260 19865
1421 18055
1472 20113
1888 19322

PROPOSED RULES:

Ch. VII 19885
728 17456
730 17457
908 ..... 17457, 17879
918 18621
929 20143
945 19148
959 18404
967 17458
989 17463
1002 18950
1006 20143
1068 19350
1260 19885
1421 19149
1425 19149

8 CFR

100 17434
211 19477
223a 19477

9 CFR

72 19854
78 17434
331 18609
381 18609

10 CFR

0 20138
20 20138
50 20139
51 18387
140 20139

PROPOSED RULES:

9 20145
211 19499
212 19499
213 17470
430 19499
440 17470
450 20012

11 CFR

Ch. I 19324

12 CFR

203 19123
226 ..... 17865, 18056, 19124
329 19324
342 19325
720 18057
760 20114

PROPOSED RULES:

217 19350
309 19351
526 18404
545 17483
561 17483
611 19888
615 19888
618 19888

13 CFR

108 18388

14 CFR

39 ..... 17865–17868, 18388–18390, 18857, 18858, 20114, 20115
61 18390
71 ..... 17868, 17869, 18859, 20116
97 ..... 18391, 20117
101 19478
121 18394
123 18394
135 18394
207 20118
208 20119
221 19125
296 20119
300 17436
385 20120
1206 17869

PROPOSED RULES:

39 ..... 17879, 17880, 18405, 18861, 20145, 20146
71 ..... 18406, 18861, 19491, 20147

14 CFR—Continued

PROPOSED RULES—Continued

183 18407
221 19355
288 18282
302 17484
399 18282

15 CFR

371 18397
376 18398
377 18398
386 18401
932 19854

PROPOSED RULES:

803 19888
806 19888

16 CFR

13 ..... 18057, 19480–19487
28 19860
64 19860
149 19860
193 19860
220 19860
433 19487
502 18057
1500 18850

PROPOSED RULES:

1700 20148

17 CFR

240 19126

PROPOSED RULES:

1 18246
32 18246
240 18621

18 CFR

3 17448
3c 17448
295 19860

PROPOSED RULES:

295 ..... 19154, 19895

19 CFR

159 ..... 18587, 19127, 19326, 19327

20 CFR

210 18058
404 18272
405 18274
416 17440

PROPOSED RULES:

404 ..... 17484, 17881
405 17485
602 17486

21 CFR

10 19127
12 19127
25 19990
135 ..... 19127, 19134
175 18610
177 18611
330 19137
430 19142
436 18058
442 18058

49 CFR

301 18081
385 18077
386 18077
391 18081
1033 ..... 17447, 17448, 18081
1254 19146

PROPOSED RULES:

Ch. II 19359
172 17891
173 18409
175 17891
178 18409
195 18412

49 CFR—Continued

PROPOSED RULES—Continued

218 20154
395 17891
396 18103
531 18413
537 18867

50 CFR

17 ..... 18106, 18109
611 18607

PROPOSED RULES:

17 18287
651 20156

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*	*Pages*	*Date*
17413–17864	Apr. 1	18855–19122	11
17865–18052	4	19123–19313	12
18053–18268	5	19315–19473	13
18269–18386	6	19475–19852	14
18387–18585	7	19853–20109	15
18587–18854	8	20111–20279	18

presidential documents

Title 3—The President

PROCLAMATION 4501

Small Business Week, 1977

By the President of the United States of America

A Proclamation

Our nation's small businesses employ 100 million Americans and produce nearly half of our gross business product. Small businesses remain healthy in an economic environment that equates size with success because they take an active interest in the customers and communities they serve.

A successful small business is evidence of the independence, initiative and hard work of the man or woman who owns and operates it. Their spirit has been, and will continue to be, a major factor in our nation's growth.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning Sunday, May 22, 1977, as Small Business Week, and I ask all Americans to join me in expressing the pride we take in our nation's small business sector.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-11306 Filed 4-14-77;3:23 pm]

rules and regulations

Title 7—Agriculture

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

[Navel Orange Reg. 408, Amdt. 1]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to Final Rule.

SUMMARY: This amendment increases the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 8–14, 1977. The amendment recognizes that demand for navel oranges has improved, since the regulation was issued. This action will increase the supply of navel oranges available to consumers.

DATES: Weekly regulation period April 8–14, 1977.

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

(2) Demand in the navel orange markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit navel orange handlers to ship a larger quantity of navel oranges to market to supply the increased demand. The amendment will increase the quality permitted to be shipped by 100 cartons, in the interest of producers and consumers.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.708 Navel Orange Regulation 408 (42 FR 18387) are hereby amended to read as follows:

"(i) District 1: 1,254,000 cartons;

"(ii) District 2: 296,000 cartons."

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

Dated: April 13, 1977.

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

[FR Doc.77-11212 Filed 4-15-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 3]

PART 1472—WOOL

Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1974–1977); Payment and Deduction Rates for 1976 Marketing Year

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to amend the regulations issued by Commodity Credit Corporation with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for the 1974, 1975, 1976, and 1977 marketing years to include the payment and deduction rates for shorn wool and unshorn lambs (pulled wool) marketed during the 1976 marketing year. The rate of payment for each year is based on the difference between the annual national average price received for wool and the previously announced support price.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald Schiermeyer, Program Operations Division, ASCS, USDA, 3636 South Building, Washington, D.C. 20013 (202–447–4428).

SUPPLEMENTARY INFORMATION: For the four marketing years 1974, 1975, 1976, and 1977, section 703 of the National Wool Act of 1954, as amended (7 U.S.C. 1782) and 7 CFR 1472.1403 and 1472.1421 provide for a specific support price rate for shorn wool and a support price rate for pulled wool which the Secretary determines will maintain normal marketing practices for pulled wool. The payment rates for shorn wool and pulled wool are determined in accordance with section 704 of the Act, as amended (7 U.S.C. 1783), and 7 CFR 1472.1405 and 1472.1421.

Section 708 of the Act, as amended (7 U.S.C. 1787), authorizes the Secretary of Agriculture to enter into agreements with marketing cooperatives, trade associations and others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats, or the products thereof. These agreements can provide for deductions from support payments to producers to conduct advertising and sales promotion programs for the development and dissemination of information for wool, mohair, sheep or goats, or their products. Deductions for the 1974–1977 marketing years were authorized in the agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture approved by producers in a referendum held November 4 through 15, 1974.

Since there is no latitude for varying the payment rate and since the deduction rate is the same as for the 1974 and 1975 marketing years, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1976. It is, therefore, found upon good cause that compliance with the notice of proposed rule making and public participation procedure is unnecessary, impracticable and contrary to the public interest.

In consideration of the foregoing, Part 1472 is amended by adding a new paragraph (e) to § 1472.1405, a new paragraph (e) to § 1472.1421, and a new paragraph (d) to § 1472.1446 as follows:

1. Section 1472.1405 is amended by adding the following new paragraph (e):

§ 1472.1405 Price support payments.

* * * * *

(e) *1976 marketing year.* The national average price received by producers for shorn wool marketed during the 1976 marketing year was 67.5 cents a pound, grease basis, which was 6.3 cents a pound below the price support level of 72 cents for that year. Therefore, the rate of payment for the 1976 marketing year is 9.6 percent.

2. Section 1472.1421 is amended by adding the following new paragraph (e):

§ 1472.1421 Price support payments.

* * * * *

(e) *1976 marketing year.* The rate of payment on unshorn lambs sold during the 1976 marketing year is 25 cents per hundredweight of live lambs based on a difference of 6.3 cents a pound between the price support level of 72 cents and the national average price of 65.7 cents a pound received by producers for shorn wool during the 1976 marketing year (§ 1472.1405(e)).

3. Section 1472.1446 is amended by adding the following new paragraph (d):

§ 1472.1446 Deductions for promotion.

* * * * *

(d) For the 1976 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787, as amended).)

Signed at Washington, D.C., on April 6, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-11176 Filed 4-15-77;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 760—FLOOD INSURANCE

Flood Disaster Protection Amendments

Correction

In FR Doc. 77-8946 appearing at page 16130 in the issue for Friday, March 25, 1977, make the following correction: on page 16131 in paragraph (a)(3) of § 760.2, the word "financial" should be changed to read "finance".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-CE-3-AD; Amdt. 39-2875]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 58P, 58PA, 58TC and 58TCA Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to certain Beech Models 58P, 58PA, 58TC and 58TCA airplanes. The AD requires inspection of the engine mount fitting bolts and their replacement if necessary. This action will remove from service any under strength bolts that may have been installed during production of the airplanes. Beechcraft Service Instruction No. 0875-038 covers the subject matter of this AD.

EFFECTIVE DATE: May 26, 1977.

Compliance required within 100 hours' time in service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instruction No. 0875-038 may be obtained from Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: On February 17, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Beech Models 58P, 58PA, 58TC and 58TCA airplanes (42 FR 9680). The AD requires inspection of the engine mount fitting bolts and their replacement if necessary. Beechcraft Service Instructions No. 0875-038 pertains to this AD.

Interested persons were invited to participate in this rule making by submitting written comments on the proposal to the FAA. No comments were received.

This AD is necessary because the manufacturer informed the FAA that AN4 type bolts were inadvertently installed in the engine mount fittings on certain of the aforementioned airplanes. NAS1104 type bolts are the correct bolts for this installation. While the AN4 bolts are strong enough to carry the maximum limit loads that the airplane is expected to encounter in service, they will not carry the ultimate design loads as required by the applicable Federal Aviation Regulations. If the AN4 type bolts are not replaced with the NAS1104 type bolts, separation of the engine mount from the airplane may occur and could result in loss of the airplane. Since the condition described herein is likely to exist in other airplanes of the same type design, the AD is being issued as proposed in the notice.

Accordingly, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR § 39.13) is amended effective May 26, 1977, by adding the following new AD:

BEECH. Applies to Models 58P and 58PA (Serial Numbers TJ-46 thru TJ-74, TJ-76, TJ-78 thru TJ-80, TJ-82 thru TJ-85, TJ-88 and TJ-89) and Models 58TC and 58TCA (Serial Numbers TK-7 thru TK-18, TK-20, TK-21, TK-25, TK-27, TK-30, TK-32, TK-34, TK-37 and TK-38) airplanes certified in all categories.

Compliance: Required as indicated, unless already accomplished.

To assure that the correct bolts are installed in the engine mount fittings, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

A. Inspect, and if necessary, replace the engine mount fitting bolts in accordance with the following procedures:

1. Remove the access covers just aft of the engine firewall on the upper and lower inboard and outboard sides of both right and left engine nacelles to gain access to the engine mount fittings (four per engine).

2. Visually inspect the two attach bolts in each fitting (eight bolts for each engine) to determine that NAS bolts are installed. NAS bolts may be identified by a concave indentation on the bolt head and NAS stamped on the bolt head.

3. If NAS bolts are installed, reinstall the access covers and proceed to Paragraph A.6. below. If NAS bolts are not installed, proceed with Paragraphs A.4. thru A.6. below.

4. Using engine hoist and sling as noted in the engine removal section of the applicable Beech Maintenance Manual, lift the engine weight off of the engine mount fittings.

5. Remove any of the engine mount fitting bolts that are not NAS bolts (remove and replace one bolt at a time). Discard the bolts and self-locking nuts removed and install new NAS1104-7 or NAS1104-7M bolts using new AN960-416L washers and new MS21042-4 self-locking nuts. Torque bolts to 50 to 70 inch pounds. Reinstall access covers and proceed to Paragraph A.6.

6. Make proper entry in the aircraft maintenance records that are to be transferred with the aircraft showing compliance with this AD.

B. Compliance time for this AD may be extended up to 10 hours to a maximum of 110 hours to allow compliance with this AD at previously scheduled maintenance periods.

C. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

D. Beechcraft Service Instructions No. 0875-038 covers the subject matter of this AD.

This amendment becomes effective May 26, 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)); § 11.81 of the Federal Aviation Regulations (14 CFR 11.81).)

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

Issued in Kansas City, Missouri, on April 6, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-11079 Filed 4-15-77;8:45 am]

[Docket No. 77-SO-12; Amdt. 39-2873]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Model AA-5A and AA-5B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive which requires an inspection of the alternate static source valves on Grumman American Model AA-5A and AA-5B airplanes. This inspection will eliminate the pos-

sibility of excessive grease in the valve which could cause faulty altitude, airspeed, and vertical speed indications to the pilot. An excessive amount of grease was applied to internal parts of some valves during assembly.

EFFECTIVE DATE: April 19, 1977.

Compliance required prior to further flight under Instrument Flight Rules (IFR) or night flight, or within the next 25 hours day Visual Flight Rules (VFR) time in service after the effective date of this AD or the next scheduled inspection, whichever comes first, unless already accomplished.

ADDRESSES: Grumman American Service Bulletin No. 160, dated March 21, 1977, may be obtained from Grumman American Aviation Corporation, P.O. Box 2206, Savannah, Georgia 31402.

FOR FURTHER INFORMATION CONTACT:

G. C. Carver, Systems Section, Engineering and Manufacturing Branch, FAA Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, Telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: There have been instances of excessive grease being found in the alternate static source valve, identified as Gerdes part number A-1390. This creates a hazardous situation, especially under IFR conditions, since indications in altitude, airspeed, and vertical speed may be affected. An Airworthiness Directive is being issued to require inspection and cleaning of the alternate static source valve.

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

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, adding the following new Airworthiness Directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Model AA-5A, serials AA5A-0001 through AA5A-0340 and Model AA-5B, serials AA5B-0001 through AA5B-0451 airplanes equipped with an alternate static source system.

To prevent faulty altitude, airspeed, and vertical speed indications from being presented to the pilot, accomplish the following: Disassemble, clean, lubricate, and reassemble the alternate static source valve, Gerdes part number A-1390, and leak test the static system in accordance with the following procedure:

1. Remove static source valve knob and jamb nut.
2. Note static line routing and remove lines from valve body.
3. Remove attach screws and valve assembly from aircraft.
4. Disassemble valve by removing hex bushing from forward end of valve and pushing valve shaft through valve body.
5. Wipe and save all grease from valve shaft with a clean lint-free cloth.
6. Clean inside valve body with a lint-free cloth.
7. Blow compressed air through fittings into valve body to clear ports.
8. Reclean inside of valve body.
9. Lubricate O-rings only with a very thin film of grease removed in Step 5. Keep rest of shaft dry.
10. Reassemble valve, mark serial number plate with a red dot, reinstall in instrument panel and reconnect lines to their respective ports.
11. Conduct a static system leak test according to the procedure in Grumman American Service Bulletin No. 160, dated March 21, 1977, or FAA Advisory Circular AC 43-203A (Ref. PAR 23.1325).

Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(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)).)

This amendment becomes effective April 19, 1977.

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, Georgia on April 5, 1977.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc.77-11076 Filed 4-15-77;8:45 am]

[Docket No. 76-EA-96; Amdt. 39-2874]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive which requires an alteration to the mounting bracket of the pilot and copilot microphone and phone jack relay to preclude possible shorting of the relay coil presenting a fire hazard due to the close proximity of fuel lines on Piper PA-31 type aircraft.

DATES: Effective Date: April 20, 1977. Compliance is required within 50 hours in service after the effective date of this AD.

ADDRESSES: Piper Kits and Service Bulletins may be obtained from Piper, 820 East Bald Eagle Street, Lock Haven, Pennsylvania, 17745.

FOR FURTHER INFORMATION CONTACT:

William J. White, Systems and Equipment Section, AEA-213, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-3372.

SUPPLEMENTARY INFORMATION: There has been a report that a jack relay could loosen through vibration from its mounting bracket and the 28V. pin on the relay coil could short against the mounting bracket, presenting a fire hazard. Since this is a deficiency which can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require an alteration to the mounting bracket. Since air safety is involved, notice and public procedure hereon are impractical and good cause exists for making the directive effective in less than 30 days.

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

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 20, 1977, by issuing a new Airworthiness Directive as follows:

PIPER. Applies to PA-31, PA-31-300, and PA-31-325, S/N's 31-2 to 31-7712010 inclusive; PA-31-350, S/N's 31-5001 to 31-7752028 inclusive; PA-31P, S/N's 31P-1 to 31P-7730001 inclusive, and PA-31T, S/N's 31T-7400002 to 31T-7720008 inclusive.

Compliance required within the next 50 hours in service after the effective date of this AD unless already accomplished. To avoid an electrical short between the Pilot/Copilot Microphone and Phone Jack Relay and mounting bracket, comply with the "Instructions" paragraph of Piper Service Bulletin No. 526, dated November 30, 1976, or with an approved equivalent method.

Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, who must also approve equivalent methods of compliance.

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

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

Issued in Jamaica, New York, on April 6, 1977.

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

[FR Doc.77-11078 Filed 4-15-77;8:45 am]

[Docket No. 77-EA-14; Amdt. 39-287]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive applicable to Piper PA-24, PA-30 and PA-39 type airplanes and requires an initial and repetitive inspection of the aileron spar behind the outboard hinge to prevent possible weakening of the aileron to wing attachment.

EFFECTIVE DATE: April 18, 1977. Initial compliance is required within 100 hours in service after the effective date.

ADDRESSES: Piper Service Letter 787 may be obtained from the manufacturer at 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the spar behind the outboard hinge bracket. Extended progression of this crack could compromise the attachment of the aileron to the wing. It was determined that a reduction of stresses in the outboard hinge bracket area or a repetitive inspection for cracks would mitigate the deficiency. Since this is a deficiency which can exist or develop in similar type design airplanes, an Airworthiness Directive is being issued which will require a repetitive inspection or replacement of the part.

Since the foregoing affects air safety, notice and public procedure hereon are impractical and good cause exists for making directive effective in less than 30 days.

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

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 18, 1977, by issuing a new Airworthiness Directive as follows:

PIPER. Applies to models PA-24, PA-24-250 and PA-24-260, Serial Nos. 24-1 through 24-5047; Model PA-24-400, Serial Nos. 26-2 through 26-148; Model PA-30, Serial Nos. 30-2 through 30-2000; Model PA-39, Serial Nos. 39-1 through 39-155; certificated in all categories except aircraft incorporating Piper Kit number 760 914.

To prevent possible hazards in flight associated with aileron spar cracks, accomplish the following:

(a) Within the next 100 hours in service from the effective date of this AD or upon the attainment of 1,000 total hours in service, whichever is later, and at intervals not to exceed 100 hours in service from the last inspection, inspect and alter as necessary in accordance with the instructions sections of Piper Service Letter No. 787 dated December 1, 1976, or equivalent.

(b) Upon the incorporation of Aileron Outboard Hinge Bracket Replacement, Piper Kit No. 760 914 or equivalent, compliance with the requirements of this AD may be dispensed with.

(c) Equivalent inspections and alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection intervals specified in this AD.

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

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

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

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

[FR Doc.77-11109 Filed 4-15-77;8:45 am]

[Airspace Docket No. 77-SW-13]

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

Alteration of Control Zone: Truth or Consequences, New Mexico

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment changes the effective hours of operation of the Truth or Consequences, New Mexico, control zone to coincide with the hours of operation of the Truth or Consequences Flight Service Station. The Truth or Consequences Flight Service Station hours of operation were reduced from continuous to 0600 to 1800 local time. This reduces the availability of special weather observations accordingly and necessitates the change in the control zone hours of operation to conform to the Flight Service Station hours of operation.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F 71.171 (42 FR 355) of FAR Part 71, the Truth or Consequences 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. Special 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 traffic survey was completed on October 29, 1976, which indicated insufficient activity to retain the 24-hour operation. On June 16, 1977, the FSS hours of operation will be reduced to 0600 to 1800 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.

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 16, 1977, as follows:

In Subpart F 71.171 (42 FR 355), the Truth or Consequences, New Mexico, control zone is amended by adding the following sentence:

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 (49 U.S.C. 1348); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Fort Worth, Texas, on April 6, 1977.

PAUL J. BAKER,
Director,
Southwest Region.

[FR Doc.77-11077 Filed 4-15-77;8:45 am]

[Airspace Docket No. 77-CE-6]

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

Revocation of the West Alternate of VOR Airway (V-307)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the west alternate of VOR Airway (V-307) between Pawnee City, Nebr., and Omaha, Nebr. An Air Traffic Use Survey of this alternate airway indicates that it is rarely used; therefore, retention of this airway serves no useful purpose to the flying public.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.123 by revoking alternate airway V-307W between Pawnee City, Nebr., and Omaha, Nebr.

This airspace area is under full radar and radio coverage. Therefore, should an occasional aircraft request to fly through this general area, it can be accommodated quite readily by air traffic control and also be provided more direct routings than the alternate airway presently provides.

Under the circumstances presented, the FAA concludes that this alternate airway can be revoked as it is no longer required. Further, since it has been rarely used, its revocation is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

§ 71.123 [Amended]

Accordingly, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307), is amended, effective 0901 GMT, June 16, 1977, as follows:

In § 71.123, V–307 ", including a west alternate via INT Pawnee 003° and Omaha 226° radials" is deleted.

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

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

Issued in Washington, D.C., on April 8, 1977.

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

[FR Doc.77–11069 Filed 4–15–77;8:45 am]

[Docket No. 16659; Amdt. No. 1068]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration, 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.

DATES: 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 $150.00; add $30.00 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 97) 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.

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 June 16, 1977.*

Opelousas, LA—St. Landry Parish, VOR/DME–A, Amdt. 2

* * * *effective June 2, 1977.*

Port Sulphur, LA—Port Sulphur Seaplane Base, VOR/DME–A, Amdt. 2
Port Sulphur, LA—Port Sulphur Seaplane Base, VOR/DME–B, Amdt. 2
Albuquerque, NM—Albuquerque International, VOR Rwy 8 (TAC), Amdt. 17
Deming, NM—Deming Municipal, VOR Rwy 26, Amdt. 6
Bowie, TX—Bowie Municipal, VOR/DME Rwy 17, Amdt. 1
Greenville, TX—Majors Arpt., VOR/DME Rwy 13 (TAC), Amdt. 1
Terrell, TX—Terrell Municipal, VOR/DME Rwy 36, Amdt. 1

* * * *effective May 26, 1977.*

Chicago, IL—Chicago O'Hare International, VOR Rwy 22R, Amdt. 6
Baltimore, MD—Glenn L. Martin State, VOR Rwy 14, Amdt. 1
Wheeling, WV—Wheeling-Ohio County, VOR Rwy 21, Amdt. 6

* * * *effective May 5, 1977.*

Donalsonville, GA—Donalsonville Muni Arpt., VOR–A, Amdt. 1, cancelled
Bainbridge, GA—Decatur County Industrial Airpark, VOR–B, Amdt. 1, cancelled

Donaldsonville, GA—Donaldsonville Muni Arpt., VOR Rwy 27, Amdt. 1, cancelled

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

* * * *effective May 26, 1977.*

Chicago, IL—Chicago O'Hare International, LOC Rwy 4L, Amdt. 13
Trenton, NJ—Mercer County, LOC(BC) Rwy 24 Original

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

* * * *effective June 2, 1977.*

Albuquerque, NM—Albuquerque International, NDB Rwy 35, Amdt. 6
Greenville, TX—Majors Arpt, NDB Rwy 17, Amdt. 1

* * * *effective May 26, 1977.*

Savannah, GA—Savannah Muni Arpt., NDB Rwy 9, Amdt. 14
Chicago, IL—Chicago O'Hare International, NDB Rwy 4L, Amdt. 11
Chicago, IL—Chicago O'Hare International, NDB Rwy 9R, Amdt. 10
Chicago, IL—Chicago O'Hare International, NDB Rwy 14L, Amdt. 19
Chicago, IL—Chicago O'Hare International, NDB Rwy 14R, Amdt. 17
Chicago, IL—Chicago O'Hare International, NDB Rwy 27R, Amdt. 16
Chicago, IL—Chicago O'Hare International, NDB Rwy 32L, Amdt. 14
Chicago, IL—Chicago O'Hare International, NDB Rwy 32R, Amdt. 14
Baltimore, MD—Glenn L. Martin State, NDB Rwy 14, Amdt. 1
Baltimore, MD—Glenn L. Martin State, NDB Rwy 32, Amdt. 1
Charleston, SC—Johns Island Arpt., NDB Rwy 9, Amdt. 1
Bristol, TN—Tri-City Arpt., NDB Rwy 22, Amdt. 14

* * * *effective May 5, 1977.*

San Antonio, TX—San Antonio International, NDB Rwy 3R, Amdt. 32

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

* * * *effective June 2, 1977.*

Oxnard, CA—Oxnard Arpt., ILS Rwy 25, Amdt. 2
Albuquerque, NM—Albuquerque International Arpt., ILS Rwy 8, Amdt. 1
Greenville, TX—Majors Arpt., ILS Rwy 17, Amdt. 1

* * * *effective May 26, 1977.*

Savannah, GA—Savannah Muni Arpt., ILS Rwy 9, Amdt. 17
Chicago, IL—Chicago O'Hare International, ILS Rwy 4R, Amdt. 2
Chicago, IL—Chicago O'Hare International, ILS Rwy 9R, Amdt. 8
Chicago, IL—Chicago O'Hare International, ILS Rwy 14L, Amdt. 24
Chicago, IL—Chicago O'Hare International, ILS Rwy 14R, Amdt. 23
Chicago, IL—Chicago O'Hare International, ILS Rwy 22L, Amdt. 1
Chicago, IL—Chicago O'Hare International, ILS Rwy 22R, Amdt. 3
Chicago, IL—Chicago O'Hare International, ILS Rwy 27L, Amdt. 7
Chicago, IL—Chicago O'Hare International, ILS Rwy 27R, Amdt. 18
Chicago, IL—Chicago O'Hare International, ILS Rwy 32L, Amdt. 16
Chicago, IL—Chicago O'Hare International, ILS Rwy 32R, Amdt. 14
Bristol, TN—Tri-City Arpt., ILS Rwy 22, Amdt. 19
Richmond, VA—Richard Evelyn Byrd Int'l Arpt., ILS Rwy 15, Amdt. 1
Wheeling, WV—Wheeling-Ohio County Arpt., ILS Rwy 3, Amdt. 12

* * * *effective May 5, 1977.*

San Antonio, TX—San Antonio International Arpt., ILS Rwy 3R, Amdt. 9

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

* * * *effective June 2, 1977.*

Albuquerque, NM—Albuquerque International Arpt., RADAR-1, Amdt. 19

* * * *effective May 26, 1977.*

Savannah, GA—Savannah Municipal Arpt., RADAR-1, Amdt. 1
Chicago, IL—Chicago O'Hare International Arpt., RADAR-1, Amdt. 33

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

* * * *effective June 2, 1977.*

Albuquerque, NM—Albuquerque International Arpt., RNAV Rwy 8, Amdt. 3, cancelled

* * * *Effective May 26, 1977.*

Savannah, GA—Savannah Muni Arpt., RNAV Rwy 18, Amdt. 2
Madison, MS—Bruce Campbell Fld, RNAV Rwy 17, Amdt. 1

(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: 24 FR 5662 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 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 8, 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.77-11070 Filed 4-15-77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Economic Regs. Doc. 28256; Reg. ER-992, Amdt. 8]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Charters by Cooperative Shippers Associations and Joint Loading Between Cooperative Shippers Associations and Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: The amended Board regulations under Parts 207 and 208 allow direct air carriers to provide charter air transportation to cooperative shippers associations under the same terms and conditions as apply to air freight forwarders. The amendments to Part 296 of the Board regulations allow such associations to engage in joint loading agreements with air freight forwarders, and provide that such joint loading agreements must be filed with the Board pursuant to section 412 of the Act. These changes were suggested by a cooperative shippers association now operating under Part 296.

DATES: Effective: May 15, 1977; Adopted: April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: On December 16, 1974, Hawaii Air Cargo Shippers Association (HACSA) filed an application for exemption from the restriction prohibiting a cooperative association from forming an agreement to joint load with an air freight forwarder. On September 12, 1975, HACSA filed a petition for rulemaking to allow cooperative shippers associations to charter aircraft from direct air carriers under the same terms as apply to air freight forwarders. By EDR-297, dated May 5, 1976, we issued a Notice of Proposed Rulemaking on both issues, requesting comment from the public.

In accordance with the Notice, comments were filed in general support of the proposed amendments by Aeromar C por A, National Air Carrier Association (NACA), jointly for 6 supplemental air carriers,[1] Aerospace Airfreight Association, Inc., Spiegel, and Portland Shipper's Agents.[2] Comments generally opposed to the changes were filed by Delta Air Lines, Air Freight Forwarders Association, The Flying Tiger Line, Trans World Airlines, and American Airlines.

Upon consideration, the Board has decided to adopt the rules as proposed, with one modification discussed below. The tentative findings and conclusions set forth in EDR-297 are incorporated herein and made final, except as modified, and all requests contained in the comments are denied unless specifically granted herein.

Several comments in opposition state that there is no demonstrated need to amend Parts 207 and 208 to permit cooperative shippers associations to charter aircraft from direct air carriers. Those comments also state that the addition

[1] The carriers joining in NACA's comments were: Evergreen International Airlines, McCulloch International Airlines, Overseas National Airways, Saturn Airways, Trans International Airways, and World Airways.

[2] The Board also received a letter supporting the proposal from the Washington-Oregon Shippers Cooperative Association, Inc.

of the cooperative associations' traffic would further increase the diversion of air freight from scheduled services to charters, harming both the scheduled carrier and the independent shipper.

We no longer see any regulatory need for the present distinction among subclassifications of indirect air carriers regarding charters from the direct air carriers, however, and we believe that the simplification in our rules which this amendment would accomplish is in itself sufficient justification for its adoption. Nor does it appear that, in view of the small number of cooperative shippers associations now operating under Part 296, any significant diversion of freight to charters could likely result from our action here. We thus do not believe that these objections warrant modification of the amendments as proposed.

One opposition comment stated that amending Part 296 to allow cooperative associations to joint load with air freight forwarders could result in a shipper withdrawing his freight from an air freight forwarder, and then quickly forming a cooperative association which would demand the right to participate in a joint loading agreement with the same air freight forwarder.

We do not believe that this problem is likely to occur. Cooperative associations must prepare incorporation papers and by-laws, arrange and execute agent agreements, as well as perform various other functions, all of which must be agreed to by their members, before they can commence operations. We believe that these time requirements would, as a practical matter, preclude the use of an association in the manner which this comment suggests. In any event, the cooperative shippers association would not have the right to joint load with a forwarder against the forwarder's wishes unless the forwarder was already engaged in joint loading: While the Board has traditionally required parties to joint loading agreements to admit other parties on reasonable and nondiscriminatory terms, no forwarder has ever been required to engage in joint loading in the first instance.

As with the charter amendments, several comments also expressed the opinion that there is no demonstrated need for the change in joint loading agreements. We can see no reason, though, why a shipper should be forced to abandon a cooperative association in favor of an air freight forwarder or direct air carrier merely because the association cannot find a joint loading partner among the small number of other associations now in operation.

Almost all comments opposing this proposal requested that the rulemaking be held in abeyance until completion of the *Air Freight Forwarders' Charters Investigation*, Docket 23287. The narrow issue in this proceeding is whether these particular regulatory distinctions between cooperative shippers associations and air freight forwarders are still necessary. This narrow issue is not included in the investigation in Docket 23287, and we therefore see no need to defer this proceeding pending resolution of that one.

In reviewing the proposed rules, we find that, as an editorial correction, the last line, "as defined in § 296.1(c)," of the amendment to § 296.1(g) should be deleted as unnecessary.

Accordingly, 14 CF Part 207 is amended, as follows:

Revise § 207.11(b)(3) to read as follows:

§ 207.11 Charter flight limitations.

* * * * *

(b) * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter for the carriage of property in air transportation; by a cooperative shippers association currently in compliance with the relevant provisions of Part 296 of this subchapter; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 296.41 of this subchapter;

* * * * *

(Secs. 204, 401, 403 and 404(b), 72 Stat. 743, 754 (as amended), 758 (as amended) and 760; 49 U.S.C. 1324, 1371, 1373 and 1374.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11234 Filed 4-15-77;8:45 am]

[Economic Regs. Doc. 28256; Reg. ER-993, Amdt. 8]

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

Charters by Cooperative Shippers Associations and Joint Loading Between Cooperative Shippers Associations and Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule amends Part 208 of the Board's Regulations to allow supplemental carriers to charter to cooperative shippers associations, for the reasons given in the preamble to ER-992, which is being simultaneously released.

DATES: Effective: May 15, 1977; Adopted: April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428. (202-673-5442).

Accordingly, 14 CFR Part 208 is amended as follows:

Revise § 208.6(b)(3) to read as follows:

§ 208.6 Charter flight limitations.

* * * * *

(b) * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter for the carriage of property in air transportation; by a cooperative shippers association currently in compliance with the relevant provisions of Part 296 of this subchapter; by a person authorized by the Board to transport used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation by any foreign air freight forwarder who has complied with the provisions of § 296.41 of this subchapter;

* * * * *

(Sec. 204, 401, 403 and 404(b), 72 Stat. 743, 754 (as amended), 758 (as amended) and 760; 49 U.S.C. 1324, 1371, 1373 and 1374.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11235 Filed 4-15-77;8:45 am]

[Economic Reg. Doc. 28256; Reg. ER-994, Amdt. 1]

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

Charters by Cooperative Shippers Associations and Joint Loading Between Cooperative Shippers Associations and Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule amends Part 296 of the Board's Regulations to allow cooperative shippers associations to engage in joint loading with air freight forwarders, for the reasons given in the preamble to ER-992, which is being simultaneously released.

DATES: Effective: May 15, 1977; Adopted: April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 296 is amended as follows:

1. Revise § 296.1(g) to read as follows:

§ 296.1 Definitions.

* * * * *

(g) "Joint loading" means the pooling of shipments and their delivery to a direct air carrier for transportation as one shipment in accordance with the filed tariff rules of the direct carrier, pursuant to an agreement between two or more indirect carriers of the same subclassification established in § 296.2, or between one or more air freight forwarders and one or more cooperative shippers associations.

* * * * *

2. Revise the second proviso to § 296.12 to read as follows:

§ 296.12 Exemption of cooperative shippers associations.

* * * * *

Provided, further, however, That cooperative shippers associations are hereby relieved from the requirements of section 412 of the Act insofar as agreements relate to joint loading, as defined in § 296.1(g), with other cooperative shippers associations.

* * * * *

(Secs. 204, 401, 403 and 404(b), 72 Stat. 743, 754 (as amended), 758 (as amended) and 760; 49 U.S.C. 1324, 1371, 1373 and 1374.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11236 Filed 4-15-77;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-115; Amdt. 60]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTER

Expansion of Delegation of Authority to the Director, Bureau of Operating Rights, To Grant Exemptions Permitting Schedule Changes on Less Than Ten Days Notice; Delegation of Authority to the Director, Bureau of Operating Rights, To Grant Exemptions From Section 403 in Connection With Exemptions Already Handled by Delegated Authority Under § 385.13(a)(2)

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule expands in certain respects the delegated authority of the Director, Bureau of Operating Rights.

DATES: Effective: April 12, 1977; Adopted: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: 1. Section 405(b) of the Federal Aviation Act requires air carriers to give ten days' notice to the Postmaster General of any schedule changes affecting the carriage of mail, and § 231.5(b) of the Board's Economic Regulations requires air carriers to file schedule changes with the Board at least ten days prior to their effective date. Section 385.13(hh) of the Economic Regulations, adopted during the shortage of aviation fuel in 1973, presently delegates to the Director, Bureau of Operating Rights, authority to approve or deny exemptions from both of these ten-day notice requirements, but provides that approval shall be granted only if required by the carrier's inability to procure fuel.

A substantial number of applications currently received by the Board for exemption from the ten-day notice requirements are, however, based on other types of emergency, such as unforeseen problems with equipment, airport conditions, and strikes. These requests are normally not opposed and involve no significant policy issue or other matters warranting the Board's attention. In the circumstances, the preparation and submission of draft orders imposes an unnecessary workload on the Board's staff, and their review is an inefficient use of the Board's time. Accordingly, the Board hereby delegates to the Director, Bureau of Operating Rights, authority to dispose of all applications for exemption from the ten-day notice requirements of section 405(b) of the Act and § 231.5(b) of the Economic Regulations, without regard to the grounds on which exemption is sought.

2. Section 385.13(a)(2) of the Board's Economic Regulations presently delegates to the Director, Bureau of Operating Rights, authority to approve—when no person disclosing a substantial interest protests—or to deny applications of certificated route air carriers for exemptions to perform certain operations prohibited by a term, condition or limitation in a certificate.[1] These operations may not be performed, however, unless the air carrier has tariffs covering the

[1] Section 385.13(a)(1) delegates to the Director authority to approve or deny applications to serve a point certificated on one segment of an air carrier's route in place of a point certificated on another segment of its route whenever no substantial competition to other lines will result and to perform single flights outside an air carrier's certificate authority. Section 385.13(a)(2) applies to any other operation prohibited by a term, condition or limitation in a certificate. In neither case may the authority be redelegated.

transportation on file with the Board, as required by section 403 of the Act. In the absence of delegated authority to handle requests for exemption from section 403 to the extent necessary in these circumstances, such requests are submitted to the Board although the questions involved are of a routine nature, are not opposed, and do not warrant the Board's consideration. Although expedition is critical, valuable time is lost and an unnecessary workload is imposed on the staff. Accordingly, the Board hereby delegates to the Director, Bureau of Operating Rights, authority to approve or disapprove—with the concurrence of the Chief, Tariffs Section—applications for exemption from section 403 of the Act to the extent necessary for performance of operations otherwise authorized by exemption granted by the Director under § 385.13(a)(2).

Since these amendments affect rules of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rules may become effective immediately.

Accordingly, the Board hereby amends Part 385 of its Organization Regulations (14 CFR Part 385) effective April 12, 1977, as follows:

1. Amend § 385.13(hh) by deleting the proviso, so that the paragraph reads as follows, and by adding a new paragraph (jj) to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(hh) Approve or deny applications of air carriers for exemptions from the provisions of section 405(b) of the Act and § 231.5(b) of Part 231 of the Economic Regulations to the extent necessary to permit the filing of schedules pursuant to section 405(b) on less than ten (10) days' notice to the Postmaster General and to the Board.

* * * * *

(jj) Approve or deny, with the concurrence of the Chief, Tariffs Section, applications for exemption from section 403 of the Act to the extent necessary to permit performance of air carrier operations otherwise authorized by exemption granted under paragraph (a)(2) of this section. This authority may not be redelegated.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11197 Filed 4-15-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2851]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Louisiana	Washington	Bogalusa, city of	Apr. 11, 1977, emergency		220232
Oklahoma	Osage	Shidler, city of	do	Apr. 9, 1976	400410
Texas	Limestone	Groesbeck, city of	do	Dec. 10, 1976	480912
*	*	*	*	*	*
Georgia	Forsyth	Unincorporated areas	Apr. 12, 1977, emergency	Apr. 23, 1976	130312
*	*	*	*	*	*
Florida	Duval	Jacksonville, Beach, city of	Apr. 1, 1977, suspension withdrawn	June 7, 1974 Feb. 6, 1976	120078A
Georgia	Fulton	East Point, city of	do	June 28, 1974 Jan. 23, 1976	130087A
*	*	*	*	*	*
New Jersey	Middlesex	Dunellen, borough of	Apr. 1, 1977, suspension withdrawn	Aug. 31, 1973	340239A
Do.	Mercer	Highstown, borough of	do	Jan. 9, 1974	340247B
Do.	Essex	Livingston, township of	do	June 1, 1973	340183
Do.	Ocean	Lakewood, township of	do	Jan. 16, 1974	340078 340054
Do.	Bergen	New Milford, borough of	do	June 15, 1973	340065A
Do.	do	Ridgefield, borough of	do	May 24, 1974 Feb. 21, 1975	370046A
North Carolina	Carteret	Cape Carteret, town of	do	June 7, 1974 July 2, 1976	370047A
Do.	do	Emerald Isle, town of	do	Nov. 9, 1973	550308
Wisconsin	Waupaca and Outagamie.	New London, city of	do	June 7, 1974	550430A
Do.	Sheboygan	Sheboygan, city of	do	Feb. 21, 1975	230294-A
Maine	Hancock	Stonington, town of	Apr. 14, 1977, emergency	June 4, 1976 Feb. 7, 1975	230328
Do.	Washington	Whiting, town of	do		330142
New Hampshire	Rockingham	Salem, town of	Apr. 15, 1977, emergency		330328
Ohio	Licking	Unincorporated areas	do		390138-B
Colorado	Ouray	Ridgway, town of	Dec. 12, 1975, emergency; Mar. 18, 1977, regular.	Nov. 8, 1974 Jan. 23, 1976	080022B
Missouri	Barry	Cassville, city of	Aug. 16, 1974, emergency; Apr. 15, 1977, regular.	Aug. 16, 1974 Nov. 28, 1975	290587-A
Do.	Saline and Lafayette	Emma, city of	Aug. 26, 1976, emergency; Mar. 25, 1977, regular.	Apr. 18, 1975	290543-A
Do.	Harrison	Ridgeway, city of	July 12, 1976, emergency; Mar. 25, 1977, regular.	do	340501-B
New Jersey	Camden	Haddonfield, borough of	July 14, 1972, emergency; Apr. 15, 1977, regular.	Nov. 30, 1973 Feb. 6, 1976	340191-A
Do.	Essex	Nutley, town of	June 30, 1972, emergency; Apr. 15, 1977, regular.	May 25, 1973	340030-A
Do.	Bergen	Old Tappan, borough of	Oct. 6, 1972, emergency; Apr. 15, 1977, regular.	June 22, 1973	340142-B
Do.	Camden	Pennsauken, township of	Jan. 26, 1972, emergency; Apr. 15, 1977, regular.	Jan. 16, 1974 Mar. 19, 1976	340114-B
Do.	Burlington	Riverton, borough of	Mar. 31, 1972, emergency; Apr. 15, 1977, regular.	Dec. 28, 1973 Dec. 27, 1974	390335-B
Ohio	Licking	Newark, city of	Aug. 25, 1972, emergency; Apr. 15, 1977, regular.	Nov. 28, 1973 Aug. 15, 1975	420570-B
Pennsylvania	Lebanon	Annville, township of	Mar. 16, 1973, emergency; Apr. 15, 1977, regular.	Nov. 9, 1973 Sept. 3, 1976	420276-B
Do.	Chester	East Bradford, township of	Aug. 16, 1974, emergency; Apr. 15, 1977, regular.	Aug. 16, 1974 Oct. 24, 1975	420385-B
Do.	Dauphin	Lower Swatara, township of	Nov. 3, 1972, emergency; Apr. 15, 1977, regular.	Jan. 9, 1974 June 4, 1976	421234-B
Do.	Montour	Mahoning, township of	Mar. 19, 1974, emergency; Apr. 15, 1977, regular.	Sept. 13, 1974 Sept. 24, 1976	420652-B
Do.	Lycoming	Old Lycoming, township of	Jan. 19, 1973, emergency; Apr. 15, 1977, regular.	Aug. 31, 1973 Aug. 13, 1976	420623-B
Do.	Luzerne	Plymouth, township of	Feb. 2, 1973, emergency; Apr. 15, 1977, regular.	Feb. 8, 1973 July 2, 1976	420286-A
Do.	Chester	Pocopson, township of	Jan. 21, 1972, emergency; Apr. 15, 1977, regular.	Nov. 22, 1974	420068-A
Do.	Allegheny	Reserve, township of	June 30, 1972, emergency; Apr. 15, 1977, regular.	Apr. 15, 1977	420740-B
Do.	Northumberland	Riverside, borough of	Nov. 19, 1973, emergency; Apr. 15, 1977, regular.	Mar. 29, 1974 June 11, 1976	420175-B
Do.	Bradford	Sayre, borough of	Feb. 19, 1974, emergency; Apr. 15, 1977, regular.	May 17, 1974 June 4, 1976	420292-B
Do.	Bucks	Solebury, township of	Oct. 29, 1971, emergency; Apr. 15, 1977, regular.	July 6, 1973 Mar. 26, 1976	420269-B
Do.	Centre	Spring, township of	Oct. 13, 1972, emergency; Apr. 15, 1977, regular.	June 21, 1974 June 25, 1976	420396-B
Do.	Dauphin	Steelton, borough of	Jan. 7, 1972, emergency; Apr. 15, 1977, regular.	Aug. 31, 1973 Dec. 26, 1975	420693-A
Do.	Monroe	Stroud, township of	May 9, 1973, emergency; Apr. 15, 1977, regular.	Jan. 17, 1975	420397-A
Do.	Dauphin	Susquehanna, township of	Oct. 29, 1971, emergency; Apr. 15, 1977, regular.	June 15, 1973	421033-B
Do.	Northumberland	West Chillisquaque, township of	Jan. 28, 1974, emergency; Apr. 15, 1977, regular.	May 10, 1974 June 4, 1974	420020-A
Do.	Luzerne	West Wyoming, borough of	Feb. 2, 1973, emergency; Apr. 15, 1977, regular.	May 15, 1977	450028-B
South Carolina	Beaufort	Port Royal, town of	Sept. 10, 1971, emergency; Apr. 15, 1977, regular.	June 14, 1974 Oct. 10, 1975	480847-B
Texas	Hardin	Rose Hill Acres, city of	Mar. 8, 1974, emergency; Apr. 15, 1977, regular.	Sept. 13, 1974 Mar. 5, 1976	480093-B
Do.	Throckmorton	Throckmorton, city of	Feb. 5, 1974, emergency; Apr. 15, 1977, regular.	May 3, 1974 Jan. 2, 1976	

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

Issued: April 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-11085 Filed 4-15-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7481]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Foreign Tax Credit for U.S. Corporate Shareholders in Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the foreign tax credit for U.S. corporate shareholders in foreign corporations. These regulations reflect certain amendments to the tax law which expanded the scope of the credit available to U.S. corporations and changed the rules for its computation.

DATE: The regulations apply to dividends received by a U.S. corporation after 1964. The substantive amendments to the regulations pertain only to dividends paid by foreign corporations after January 12, 1971.

FOR FURTHER INFORMATION CONTACT:

Paul A. Francis 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), 202-566-6640.

SUPPLEMENTARY INFORMATION:

Background

On Wednesday, June 16, 1976, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 78, 901, 902, and 960 of the Internal Revenue Code of 1954 (41 FR 24357). The amendments were proposed to conform the regulations to the Act of January 12, 1971 (84 Stat. 2068) and section 602(c)(6) of the Tax Reduction Act of 1975 (89 Stat. 59).

Since no person requested a public hearing, none was held. However, two parties submitted comments which pointed out certain ambiguities in the regulations as they existed prior to publication of the notice and which requested further elaboration of the implications of the proposed amendments with respect to controlled foreign corporations. The points raised in the comments will receive further study, and, if necessary, additional amendments to the regulations will be proposed later. It has been decided to promulgate the rules with which the notice was primarily concerned without further delay at this time. Accordingly, except as indicated below, the proposed amendments are adopted by this Treasury decision without change.

Prior Rules for Computation of Credit

The regulations under section 902 of the Internal Revenue Code deal with the foreign tax credit available to U.S. corporate shareholders of foreign corporations. Prior to the Act of January 12, 1971, this credit was computed at two levels. In order to qualify, a domestic corporation had to own at least 10 percent of the voting stock of a foreign corporation at the time it received a dividend from that foreign corporation; a foreign corporation with respect to which a domestic corporation satisfied this requirement was referred to as a first-tier corporation. If a first-tier corporation owned at least 50 percent of the voting stock of another foreign corporation at the time when it received a dividend from the other foreign corporation, the other foreign corporation was referred to as a second-tier corporation. A domestic corporation was deemed to have paid a certain portion of the foreign income taxes paid, accrued, or deemed to be paid, by its first-tier corporation on or with respect to the accumulated profits out of which the first-tier corporation paid the dividend to the domestic corporation. Similarly, a first-tier corporation, with respect to its accumulated profits for its taxable year in which it received a dividend from its second-tier corporation, was deemed to have paid a portion of the foreign income taxes paid or accrued by its second-tier corporation on or with respect to the accumulated profits out of which the second-tier corporation paid the dividend.

Computation of Credit under Act of January 12, 1971

The Act of January 12, 1971, modified the stock ownership requirement with respect to a second-tier corporation and extended the above computation to a third-tier corporation. The stock ownership requirement with respect to a first-tier corporation was unaffected. The amendments apply to dividends paid by a foreign corporation after January 12, 1971, but only for purposes of applying Code section 902 to a taxable year of a domestic corporation ending after that date. Under these amendments a foreign corporation qualifies as a second-tier corporation if at least 10 percent of its voting stock is owned by a first-tier corporation at the time that the latter corporation receives a dividend from such foreign corporation. The first-tier corporation, however, will be deemed to have paid a portion of the foreign income taxes paid, accrued, or deemed to be paid, by the second-tier corporation only if a new 5-percent indirect ownership requirement is satisfied. Thus, the percentage of voting stock owned by the first-tier corporation in the second-tier corporation at the time the first-tier corporation receives a dividend from the second-tier corporation, when multiplied by the percentage of voting stock owned by the domestic corporation in the first-tier corporation at the time that the domestic corporation receives a dividend from the first-tier corporation, must equal at least 5 percent.

If a second-tier corporation owns at least 10 percent of the voting stock of another foreign corporation at the time it receives a dividend from that other foreign corporation, the other foreign corporation is a third-tier corporation under the new law. However, it also must satisfy a 5-percent requirement. Thus the percentage of indirect ownership arrived at under the 5-percent requirement of the preceding paragraph, when multiplied by the percentage of voting stock owned by the second-tier corporation in the third-tier corporation at the time the second-tier corporation receives a dividend from the third-tier corporation, must equal at least 5 percent.

The notice of proposed rulemaking provided definitions of the terms "second-tier corporation" and "third-tier corporation" which took into account the effective date provisions of the Act of January 12, 1971. Those definitions have been modified in the Treasury decision in order to clarify the application of the effective date provisions.

Rearrangement of Regulations

Prior to amendment by this Treasury decision, the regulations provided separate rules for two situations. First, §§ 1.902-1 and 1.902-2 dealt with certain pre-1965 dividends to which Code section 902, as in effect prior to its amendment by section 9(a) of the Revenue Act of 1962 (76 Stat. 999), applied. Second, §§ 1.902-3 and 1.902-4 dealt with dividends to which Code section 902, as so amended, applied, and provided rules for the determination of whether or not the first-tier corporation was a less developed country corporation. For this purpose, § 1.902-4 referred to the regulations under Code section 955 for elaboration of the criteria relevant to this determination.

Section 602(c)(6) of the Tax Reduction Act of 1975 (89 Stat. 59) transferred to Code section 902(d) the full statutory provisions of Code section 955 relating to the definition of a less developed country corporation. Section 602(c)(5) of that Act also "repealed" section 955 of the Code. The notice of proposed rulemaking would have incorporated into the regulations under Code section 902 the material in the regulations under Code section 955 to which the present § 1.902-4 makes reference. Upon reconsideration, it was concluded that, by reason of Code section 951(a)(1)(ii), as amended by section 602(c)(3) of that Act, "repealed" Code section 955 and the pertinent sections of the regulations thereunder will remain in effect for the indefinite future, and thus it is unnecessary to duplicate the treatment of the subject. Accordingly, this document retains the present § 1.902-4 except that, for reasons explained below, that section is redesignated as § 1.902-2.

In order to make it easier to determine currently applicable rules, this Treasury decision (as did the notice of proposed rulemaking) restructures the arrangement of the regulations under Code section 902. The present §§ 1.902-1 and 1.902-2, which prescribed rules applicable only to certain pre-1965 dividends, do not appear in the new arrangement; cross-references indicate where those rules may be found. The rules which were prescribed in the present § 1.902-3 have been expanded to conform to the 1971 amendments and ap-

pear in the new § 1902–1. The present § 1.902–4 is redesignated as § 1.902–2. The present § 1.902–5, which related to the effective dates of the various sections, is deleted, and the sections as amended contain effective date provisions.

TAX REFORM ACT OF 1976

These regulations do not reflect the amendment of Code section 902 by section 1033 of the Tax Reform Act of 1976 (90 Stat. 1626).

DRAFTING INFORMATION

The principal author of this regulation was Paul A. Francis 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 AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 1 is amended as follows:

PARAGRAPH 1. Paragraph 2, as set forth in the appendix to the notice of proposed rulemaking, is amended by revising so much of paragraph (a) of § 1.902–1 as precedes subparagraph (1) thereof and by revising paragraphs (a) (3), (4), and (6) and (j) of § 1.902–1. These revised provisions are set forth below.

PAR. 2. Paragraphs 3, 4, and 5, as set forth in the appendix to the notice of proposed rule making, are deleted.

PAR. 3. Section 1.902–2 is deleted.

PAR. 4. Section 1.902–3 is deleted.

PAR. 5. Section 1.902–4 is redesignated as § 1.902–2, and as redesignated is amended as follows:

1. Paragraph (a) is amended by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" after the words "section 955(c)(1) or (2)", the words "section 955(c)(1)", and the words "section 955(c)(1)(B)".

2. Paragraph (b) is amended by deleting the last sentence of subparagraph (1) and of subparagraph (2).

3. Example (1) of paragraph (c) is amended by deleting "paragraph (c)(2) and (3)(ii) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

4. Example (2) of paragraph (c) is amended by deleting "paragraph (c)(1) of § 1.902.3" and inserting in lieu thereof "§ 1.902–1(e)(1)" in the last sentence.

5. Example (3) of paragraph (c) is amended by deleting "paragraph (c)(2) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

6. There is added immediately after paragraph (c) a new paragraph (d) to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 14, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

Part 1 of 26 CFR Chapter I is amended as follows:

Paragraph 1. Section 1.902 is amended by revising section 902(b), section 902(c)(1)(A) and (B), section 902(d), and the historical note to read as follows:

§ 1.902 Statutory provisions; credit for corporate stockholder in foreign corporation.

SEC. 902. *Credit for corporate stockholder in foreign corporation.* * * *

(b) *Foreign subsidiary of first and second foreign corporation.* (1) If the foreign corporation described in subsection (a) (hereinafter in this subsection referred to as the "first foreign corporation") owns 10 percent or more of the voting stock of a second foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such second foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

(A) For purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such second foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

(B) For purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such second foreign corporation from which such dividends were paid.

(2) If such first foreign corporation owns 10 percent or more of the voting stock of a second foreign corporation which, in turn, owns 10 percent or more of the voting stock of a third foreign corporation from which the second foreign corporation receives dividends in any taxable year, the second foreign corporation shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such third foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

(A) For purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such third foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

(B) For purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such third foreign corporation from which such dividends were paid.

(3) For purposes of this subpart, subsection (b)(1) shall not apply unless the percentage of voting stock owned by the domestic corporation in the first foreign corporation and the percentage of voting stock owned by the first foreign corporation in the second foreign corporation when multiplied together equal at least 5 percent, and for purposes of this subpart, subsection (b)(2) shall not apply unless the percentage arrived at for purposes of applying subsection (b)(1) when multiplied by the percentage of voting stock owned by the second foreign corporation in the third foreign corporation is equal to at least 5 percent.

(c) *Applicable rules*—(1) *Accumulated profits defined.* * * *

(A) For purposes of subsections (a)(1), (b)(1)(A), and (b)(2)(A), the amount of its gains, profits, or income computed without reduction by the amount of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income by any foreign country or any possession of the United States; and

(B) For purpose of subsections (a)(2), (b)(1)(B), and (b)(2)(B), the amount of its gains, profits, or income in excess of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income. * * *

(d) *Less developed country corporation defined.* For purposes of this section, the term "less developed country corporation" means—

(1) A foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of paragraph (3) or (4), and

(2) A foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of paragraph (3), and—

(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of paragraph (3)(A), and

(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in paragraph (3)(B).

A foreign corporation which is a less developed country corporation for its first taxable year beginning after December 31, 1962, shall, for purposes of this section, be treated as having been a less developed country corporation for each of its taxable years beginning before January 1, 1963.

(3) The term "less developed country corporation" means a foreign corporation which during the taxable year is engaged in the active conduct of one or more trades or businesses and—

(A) 80 percent or more of the gross income of which for the taxable year is derived from sources within less developed countries; and

(B) 80 percent or more in value of the assets of which on each day of the taxable year consists of—

(i) Property used in such trades or businesses and located in less developed countries,

(ii) Money, and deposits with persons carrying on the banking business,

(iii) Stock, and obligations which, at the time of their acquisition, have a maturity of

one year or more, of any other less developed country corporation,

(iv) An obligation of a less developed country,

(v) An investment which is required because of restrictions imposed by a less developed country, and

(vi) Property described in section 956(b)(2).

For purposes of subparagraph (A), the determination as to whether income is derived from sources within less developed countries shall be made under regulations prescribed by the Secretary or his delegate.

(4) The term "less developed country corporation" also means a foreign corporation—

(A) 80 percent or more of the gross income of which for the taxable year consists of—

(i) Gross income derived from, or in connection with, the using (or hiring or leasing for use) in foreign commerce of aircraft or vessels registered under the laws of a less developed country, or from, or in connection with, the performance of services directly related to use of such aircraft or vessels, or from the sale or exchange of such aircraft or vessels, and

(ii) Dividends and interest received from foreign corporations which are less developed country corporations within the meaning of this paragraph and 10 percent or more of the total combined voting power of all classes of stock of which are owned by the foreign corporation, and gain from the sale or exchange of stock or obligations of foreign corporations which are such less developed country corporations, and

(B) 80 percent or more of the assets of which on each day of the taxable year consists of (i) assets used, or held for use, for or in connection with the production of income described in subparagraph (A), and (ii) property described in section 956(b)(2).

(5) The term "less developed country" means (in respect to any foreign corporation) any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of this section. For purposes of the preceding sentence, an overseas territory, department, province, or possession may be treated as a separate country. No designation shall be made under this paragraph with respect to—

Australia	Luxembourg
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
France	Union of South Africa
Germany (Federal Republic)	San Marino
Hong Kong	Sweden
Italy	Switzerland
Japan	United Kingdom
Liechtenstein	

After the President has designated any foreign country or any possession of the United States as an economically less developed country for purposes of this section, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order under the first sentence of this paragraph which has the effect of terminating such designation) unless, at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation. Any designation in effect on March 26, 1975, under section 955(c)(3) (as in effect before the enactment of the Tax Reduction Act of 1975) shall be treated as made under this paragraph.

* * * * *

[Sec. 902 as amended by sec. 6(b)(2), Act of Sept. 14, 1960 (Pub. L. 86-780, 74 Stat. 1016); sec. 9(a), Rev. Act 1962 (76 Stat. 999); Act of Jan. 12, 1971 (Pub. L. 91-684, 84 Stat. 2068); sec 602(c)(6), Tax Reduction Act 1975 (89 Stat. 59)]

Par. 2. Section 1.902-1 is revised to read as follows:

§ 1.902-1 Credit for domestic corporate shareholder of a foreign corporation.

(a) *Definitions.* For purposes of section 902 and §§ 1.902-1 and 1.902-2.

(1) *Domestic shareholder.* In the case of dividends received by a domestic corporation after December 31, 1964, from a foreign corporation, the term "domestic shareholder" means a domestic corporation which owns at least 10 percent of the voting stock of the foreign corporation at the time it receives a dividend from such foreign corporation.

(2) *First-tier corporation.* In the case of dividends received by a domestic shareholder after December 31, 1964, from a foreign corporation, the term "first-tier corporation" means a foreign corporation at least 10 percent of the voting stock of which is owned by a domestic shareholder at the time it receives a dividend from such foreign corporation.

(3) *Second-tier corporation.* (i) In the case of dividends paid to a first-tier corporation by a foreign corporation after January 12, 1971 (i.e., the date of enactment of Pub. L. 91-684, 84 Stat. 2068), but only for purposes of applying this section for a taxable year of a domestic shareholder ending after that date, the foreign corporation is a "second-tier corporation" if at least 10 percent of its voting stock is owned by the first-tier corporation at the time the first-tier corporation receives the dividend.

(ii) In the case of dividends paid to a first-tier corporation by a foreign corporation after January 12, 1971, but only for purposes of applying this section for a taxable year of a domestic shareholder ending before January 13, 1971, or in the case of any dividend paid to a first-tier corporation by a foreign corporation before January 13, 1971, the foreign corporation is a "second-tier corporation" if at least 50 percent of its voting stock is owned by the first-tier corporation at the time the first-tier corporation receives the dividend.

(4) *Third-tier corporation.* In the case of dividends paid to a second-tier corporation (as defined in paragraph (a)(3)(i) or (ii) of this section) by a foreign corporation after January 12, 1971, but only for purposes of applying this section for a taxable year of a domestic shareholder ending after that date, the foreign corporation is a "third-tier corporation" if at least 10 percent of its voting stock is owned by the second-tier corporation at the time the second-tier corporation receives the dividend.

(5) *Foreign income taxes.* The term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(6) *Less developed country corporation.* The term "less developed country corporation" is defined in § 1.902-2.

(7) *Dividend.* For the definition of the term "dividend" for purposes of applying section 902 and this section, see section 316 and the regulations thereunder.

(8) *Dividend received.* A dividend shall be considered received for purposes of section 902 and this section when the cash or other property is unqualifiedly made subject to the demands of the distributee. See § 1.301-1(b).

(b) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* (i) If a domestic shareholder receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations of this section, the foreign income taxes deemed, in accordance with paragraph (b)(2) or (3) of this section, to be paid by such domestic shareholder for such year.

(ii) If dividends are received by a domestic shareholder from more than one first-tier corporation, the taxes deemed to be paid by such shareholder under section 902(a) and this paragraph (b) shall be computed separately with respect to the dividends received from each of such first-tier corporations.

(iii) Any taxes deemed paid by a domestic shareholder for the taxable year pursuant to section 902(a)(1) and paragraph (b)(2) of this section shall, except as provided in § 1.960-3(b), be included in the gross income of such shareholder for such year as a dividend pursuant to section 78 and § 1.78-1. For the source of such a section 78 dividend, see paragraph (h)(1) of this section.

(iv) Any taxes deemed, under paragraph (b)(2) or (3) of this section, to be paid by the domestic shareholder shall be deemed to be paid by such shareholder only for purposes of the foreign tax credit allowed under section 901. See section 904 for other limitations on the amount of the credit.

(v) For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901-3.

(vi) For the nonrecognition as a foreign income tax for purposes of this section of certain income, profits, or excess profits taxes paid or accrued to a foreign country in connection with the purchase and sale of oil or gas extracted in such country, see section 901(f) and the regulations thereunder.

(vii) For rules relating to reduction of the amount of foreign income taxes deemed paid with respect to foreign oil and gas extraction income, see section 907(a) and the regulations thereunder.

(viii) See the regulations under sections 960, 962, and 963 for special rules relating to the application of section 902 in computing the foreign tax credit of

United States shareholders of controlled foreign corporations.

(2) *When first-tier corporation is not a less developed country corporation.* To the extent dividends are paid by a first-tier corporation to its domestic shareholder out of accumulated profits, as defined in paragraph (e)(1) of this section, of a taxable year for which such first-tier corporation is not a less developed country corporation, the domestic shareholder shall be deemed to have paid the same proportion of any foreign income taxes paid, accrued or deemed, in accordance with paragraph (c)(2) of this section, to be paid by such first-tier corporation on or with respect to such accumulated profits for such year which the amount of such dividends (determined without regard to the gross-up under section 78) bears to the amount by which such accumulated profits exceed the amount of such taxes (other than those deemed, under paragraph (c)(2) of this section, to be paid). For determining the amount of foreign income taxes paid or accrued by such first-tier corporation on or with respect to the accumulated profits for the taxable year of such first-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* To the extent dividends are paid by a first-tier corporation to its domestic shareholder out of accumulated profits, as defined in paragraph (e)(2) of this section, of a taxable year for which such first-tier corporation is a less developed country corporation, the domestic shareholder shall be deemed to have paid the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (c)(3) of this section, to be paid by such first-tier corporation on or with respect to such accumulated profits for such year which the amount of such dividends bears to the amount of such accumulated profits. For determining the amount of foreign income taxes paid or accrued by such first-tier corporation on or with respect to the accumulated profits for the taxable year of such first-tier corporation, see paragraph (f) of this section.

(c) *First-tier corporation owning stock in a second-tier corporation*—(1) *In general.* For purposes of applying section 902(a) and paragraph (b)(2) and (3) of this section, if a first-tier corporation receives dividends in any taxable year from its second-tier corporation, the foreign income taxes deemed to be paid by the first-tier corporation on or with respect to its own accumulated profits for such year shall be the amount determined in accordance with paragraph (c)(2) or (3) of this section. This paragraph (c) shall not apply unless the product of—

(i) The percentage of voting stock owned by the domestic shareholder in the first-tier corporation at the time that the domestic shareholder receives dividends from the first-tier corporation in respect of which foreign income taxes are deemed to be paid by the domestic shareholder under paragraph (b)(1) of this section, and

(ii) The percentage of voting stock owned by the first-tier corporation in the second-tier corporation

equals at least 5 percent. The percentage under paragraph (c)(1)(ii) of this section of voting stock owned by the first-tier corporation in the second-tier corporation is determined as of the time that the dividend distributed by the second-tier corporation is received by the first-tier corporation and thus included in accumulated profits of the first-tier corporation out of which dividends referred to in paragraph (c)(1)(i) of this section are distributed by the first-tier corporation to the domestic shareholder.

Example. On February 10, 1976, foreign corporation B pays a dividend out of its accumulated profits for 1975 to foreign corporation A. On February 16, 1976, the date on which it receives the dividend, A Corporation owns 40 percent of the voting stock of B Corporation. Both corporations use the calendar year as the taxable year. On June 1, 1976, A Corporation sells its stock in B Corporation. On January 17, 1977, A Corporation pays a dividend out of its accumulated profits for 1976 to domestic corporation M. M Corporation owns 30 percent of the voting stock of A Corporation on January 20, 1977, the date on which it receives the dividend. M Corporation uses a fiscal year ending on April 30 as the taxable year. On February 16, 1976, A Corporation satisfies the 10-percent stock ownership requirement referred to in paragraph (a)(3) of this section with respect to B Corporation, and on January 20, 1977, M Corporation satisfies the 10-percent stock-ownership requirement referred to in paragraph (a)(2) of this section with respect to A Corporation. The 5-percent requirement of this paragraph (c)(1) is also satisfied since 30 percent (the percentage of voting stock owned by M Corporation in A Corporation on January 20, 1977), when multiplied by 40 percent (the percentage of voting stock owned by A Corporation in B Corporation on February 16, 1976), equals 12 percent. Accordingly, for its taxable year ending on April 30, 1977, M Corporation is entitled to a credit for a portion of the foreign income taxes paid, accrued, or deemed to be paid, by A Corporation for 1976; and for 1976 A Corporation is deemed to have paid a portion of the foreign income taxes paid or accrued by B Corporation for 1975.

(2) *When first-tier corporation is not a less developed country corporation.* A first-tier corporation which is not a less developed country corporation for its taxable year in which it receives dividends from its second-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (d)(2) of this section, to be paid by its second-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(1) of this section, for the taxable year of the second-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the second-tier corporation exceed the taxes so paid or accrued. This rule shall apply whether or not the second-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such second-tier corporation on or with respect to the accumulated profits for the taxable year of such second-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* A first-tier corporation which is a less developed country corporation for its taxable year in which it receives dividends from its second-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (d)(3) of this section, to be paid by its second-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(2) of this section, for the taxable year of the second-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount of such accumulated profits of the second-tier corporation. This rule shall apply whether or not the second-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such second-tier corporation on or with respect to the accumulated profits of the taxable year of such second-tier corporation, see paragraph (f) of this section.

(d) *Second-tier corporation owning stock in a third-tier corporation*—(1) *In general.* For purposes of applying section 902(b)(1) and paragraph (c)(2) and (3) of this section, if a second-tier corporation receives dividends in any taxable year from its third-tier corporation, the foreign income taxes deemed to be paid by the second-tier corporation on or with respect to its own accumulated profits for such year shall be the amount determined in accordance with paragraph (d)(2) or (3) of this section. This paragraph (d) shall not apply unless the product of—

(i) The percentage of voting stock arrived at in applying the 5-percent requirement of paragraph (c)(1) of this section with respect to dividends received by the first-tier coporation from the second-tier corporation, and

(ii) the percentage of voting stock owned by the second-tier corporation in the third-tier corporation

equals at least 5 percent. The percentage under paragraph (d)(1)(ii) of this section of voting stock owned by the second-tier corporation in the third-tier corporation is determined as of the time that the dividend distributed by the third-tier corporation is received by the second-tier corporation and thus included in accumulated profits of the second-tier corporation out of which dividends referred to in paragraph (d)(1)(i) of this section are distributed by the second-tier corporation to the first-tier corporation.

Example. On February 27, 1975, foreign corporation C pays a dividend out of its accumulated profits for 1974 to foreign cor-

poration B. On March 3, 1975, the date on which it receives the dividend, B Corporation owns 50 percent of the voting stock of C Corporation. On February 10, 1976, B Corporation pays a dividend out of its accumulated profits for 1975 to foreign corporation A. On February 16, 1976, the date on which it receives the dividend, A Corporation owns 40 percent of the voting stock of B Corporation. All three corporations use the calendar year as the taxable year. On January 17, 1977, A Corporation pays a dividend out of its accumulated profits for 1976 to domestic corporation M. M Corporation owns 30 percent of the voting stock of A Corporation on January 20, 1977, the date on which it receives the dividend. M Corporation uses a fiscal year ending on April 30 as the taxable year. On February 16, 1976, A Corporation satisfies the 10-percent stock ownership requirement referred to in paragraph (a)(3) of this section with respect to B Corporation, and on January 20, 1977, M Corporation satisfies the 10-percent stock-ownership requirement referred to in paragraph (a)(2) of this section with respect to A Corporation. The 5-percent requirement of paragraph (c)(1) of this section is also satisfied since 30 percent (the percentage of voting stock owned by M Corporation in A Corporation on January 20, 1977), when multiplied by 40 percent (the percentage of voting stock owned by A Corporation in B Corporation on February 16, 1976), equals 12 percent. On March 3, 1975, B Corporation satisfies the 10 percent stock ownership requirement referred to in paragraph (a)(4) of this section with respect to C Corporation. The 5-percent requirement of this paragraph (d)(1) is also satisfied since 12 percent (the percentage of voting stock arrived at in applying the 5-percent requirement of paragraph (c)(1) of this section with respect to the dividends received by A Corporation from B Corporation on February 16, 1976), when multiplied by 50 percent (the percentage of voting stock owned by B Corporation in C Corporation on March 3, 1975), equals 6 percent. Accordingly, for its taxable year ending on April 30, 1977, M Corporation is entitled to a credit for a portion of the foreign income taxes paid, accrued, or deemed to be paid, by A Corporation for 1976; for 1976 A Corporation is deemed to have paid a portion of the foreign income taxes paid, accrued, or deemed to be paid, by B Corporation for 1975; and for 1975 B Corporation is deemed to have paid a portion of the foreign income taxes paid or accrued by C Corporation for 1974.

(2) *When first-tier corporation is not a less developed country corporation.* For purposes of applying paragraph (c)(2) of this section to a first-tier corporation which is not a less developed country corporation, a second-tier corporation which receives dividends in its taxable year from its third-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid or accrued by its third-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(1) of this section, for the taxable year of the third-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the third-tier corporation exceed the taxes so paid or accrued. This rule shall apply whether or not the third-tier corporation is a less developed country corporation for the taxable year. For determining the amount of the foreign income taxes paid or accrued by such third-tier corporation on or with respect to the accumulated profits for the taxable year of such third-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* For purposes of applying paragraph (c)(3) of this section to a first-tier corporation which is a less developed country corporation, a second-tier corporation which receives dividends in its taxable year from its third-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid or accrued by its third-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(2) of this section, for the taxable year of the third-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount of such accumulated profits of the third-tier corporation. This rule shall apply whether or not the third-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such third-tier corporation on or with respect to the accumulated profits for the taxable year of such third-tier corporation, see paragraph (f) of this section.

(e) *Determination of accumulated profits of a foreign corporation*—(1) *When first-tier corporation is not a less developed country corporation.* The accumulated profits for any taxable year of a first-tier corporation which is not a less developed country corporation for such year, and the accumulated profits for any taxable year of a second-tier corporation, or of a third-tier corporation, which are taken into account in applying paragraph (c)(2) or (d)(2) of this section with respect to such first-tier corporation, shall be the sum of—

(i) The earnings and profits of such corporation for such year, and

(ii) The foreign income taxes imposed on or with respect to the gains, profits, and income to which such earnings and profits are attributable.

(2) *When first-tier corporation is a less developed country corporation.* The accumulated profits for any taxable year of a first-tier corporation which is a less developed country corporation for such year, and the accumulated profits for any taxable year of a second-tier corporation, or of a third-tier corporation, which are taken into account in applying paragraph (c)(3) or (d)(3) of this section with respect to such first-tier corporation, shall be the amount of the earnings and profits of such corporation for such year.

(f) *Taxes paid on or with respect to accumulated profits of a foreign corporation.* For purposes of this section, the amount of foreign income taxes paid or accrued on or with respect to the accumulated profits of a foreign corporation for any taxable year shall be so much of the foreign income taxes for such year as is properly attributable to such accumulated profits. For such purpose, the foreign income taxes which are properly attributable to the accumulated profits for any taxable year shall be the same proportion of the foreign income taxes imposed on or with respect to the gains, profits, and income for the taxable year as the accumulated profits, as determined under paragraph (e)(1) or (2), as the case may be, bear to the total amount of such gains, profits, and income for such year. Since, in applying the preceding sentence to a first-tier corporation which is not a less developed country corporation (and to any second-tier or third-tier foreign corporation described in paragraph (e)(1) of this section), the accumulated profits, determined in accordance with such paragraph, for the taxable year are always equal to the total amount of the gains, profits, and income for that year, the foreign income taxes imposed on or with respect to such accumulated profits shall be the entire amount of the foreign income taxes paid or accrued for such year on or with respect to such gains, profits, and income. For purposes of this paragraph (f), the gains, profits, and income of a foreign corporation for any taxable year shall be determined after reduction by any income, war profits, or excess profits taxes imposed on or with respect to such gains, profits, and income by the United States.

(g) *Determination of earnings and profits of a foreign corporation*—(1) *Taxable year to which section 963 does not apply.* For purposes of this section, the earnings and profits of a foreign corporation for any taxable year beginning after December 31, 1962, other than a taxable year to which paragraph (g)(2) of this section applies, may, if the domestic shareholder chooses, be determined under the rules provided by § 1.964–1 exclusive of paragraphs (d) and (e) of such section. The translation of amounts so determined into United States dollars or other foreign currency shall be made at the proper exchange rate for the date of distribution with respect to which the determination is made.

(2) *Taxable year to which section 963 applies.* For any taxable year of a foreign corporation with respect to which there applies under § 1.963–1(c)(1) an election by a corporate United States shareholder to exclude from its gross income for the taxable year the subpart F income of a controlled foreign corporation, the earnings and profits of such foreign corporation for such year with respect to such shareholder must be determined, for purposes of this section, under the rules provided by § 1.964–1, even though the amount of the minimum distribution required under § 1.963–2(a) to be received by such shareholder from such earnings and profits of such foreign corporation, or from the consolidated earnings and profits of the chain or group which includes such foreign corporation, is zero. Effective for taxable years of foreign corporations beginning after December 31, 1975, section 963 is repealed by section 602(a)(1) of the Tax Reduction Act of 1975 (89 Stat. 58); accordingly, this

paragraph (g)(2) is inapplicable with respect to computing earnings and profits for such taxable years.

(3) *Time and manner of making choice.* The controlling United States shareholders (as defined in § 1.964–1(c)(5)) of a foreign corporation shall make the choice referred to in paragraph (g)(1) of this section (including the elections permitted by § 1.964–1 (b) and (c)) by filing a written statement to such effect with the Director of the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155, within 180 days after the close of the first taxable year of the foreign corporation during which such shareholders receive a distribution of earnings and profits with respect to which the benefits of this section are claimed or on or before November 15, 1965, whichever is later. For purposes of this paragraph (g)(3), the 180-day period shall commence on the date of receipt of any distribution which is considered paid from the accumulated profits of a preceding year or years under paragraph (g)(4) of this section. See § 1.964–1(c)(3)(ii) and (iii) for procedures requiring notification of the Director of the Internal Revenue Service Center and noncontrolling shareholders of action taken.

(4) *Determination by district director.* The district director in whose district is filed the income tax return of the domestic shareholder claiming a credit under section 901 for foreign income taxes deemed, under section 902 and this section, to be paid by such shareholder shall have the power to determine, with respect to a foreign corporation, from the accumulated profits of what taxable year or years the dividends were paid. In making such determination the district director shall, unless it is otherwise established to his satisfaction, treat any dividends which are paid in the first 60 days of any taxable year of such a corporation as having been paid from the accumulated profits of the preceding taxable year or years of such corporation and shall, in other respects, treat any dividends as having been paid from the most recently accumulated profits. For purposes of this paragraph (g)(4), in the case of a foreign corporation the foreign income taxes of which are determined on the basis of an accounting period of less than 1 year, the term "year" shall mean such accounting period. See sections 441 (b)(3) and 443.

(h) *Source of income from first-tier corporation and country to which tax is deemed paid*—(1) *Source of income.* For purposes of section 904(a)(1) (relating to the per-country limitation), in the case of a dividend received by a domestic shareholder from a first-tier corporation there shall be deemed to be derived from sources within the foreign country or possession of the United States under the laws of which the first-tier corporation is created or organized the sum of the amounts which under paragraph (a)(3)(ii) of §1.861–3 are treated, with respect to such dividend, as income from sources without the United States.

(2) *Country to which taxes deemed paid.* For purposes of section 904, all foreign income taxes paid, or deemed under paragraph (c) of this section to be paid, by a first-tier corporation shall be deemed to be paid to the foreign country or possession of the United States under the laws of which such first-tier corporation is created or organized.

(i) *United Kingdom income taxes paid with respect to royalties.* A taxpayer shall not be deemed under section 902 and this section to have paid any taxes with respect to which a credit is allowable to such taxpayer or any other taxpayer by virtue of section 905(b).

(j) *Information to be furnished.* If the credit for foreign income taxes claimed under section 901 includes taxes deemed, under paragraph (b)(2) or (3) of this section, to be paid, the domestic shareholder must furnish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it and for which credit is claimed. See § 1.905–2. For other information required to be furnished by the domestic shareholder for the annual accounting period of certain foreign corporations ending with or within such shareholder's taxable year, and for reduction in the amount of foreign income taxes paid or deemed to be paid for failure to furnish such information, see section 6038 and the regulations thereunder.

(k) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Throughout 1975, domestic corporation M owns all the one class of stock of foreign corporation A, not a less developed country corporation. Both corporations use the calendar year as the taxable year. Corporation A has accumulated profits, pays foreign income taxes, and pays dividends for 1975 as summarized below. For 1975, M Corporation is deemed, under paragraph (b)(2) of this section, to have paid $20 of the foreign income taxes paid by A Corporation for 1975 and includes such amount in gross income under section 78 as a dividend, determined as follows:

Gains, profits, and income of A Corp	$100
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	100
Foreign income taxes paid on or with respect to accumulated profits (total foreign income taxes)	40
Accumulated profits in excess of foreign income taxes	60
Dividends paid to M Corp	30
Foreign income taxes of A Corp. deemed paid by M Corp. under sec. 902(a)(1) ($40×$30/$60)	20

Example (2). The facts are the same as in example (1), except that M Corporation also owns all the one class of stock of foreign corporation B, a less developed country corporation, which also uses the calendar year as the taxable year. Corporation B has accumulated profits, pays foreign income taxes, and pays dividends for 1975 as summarized below. For 1975, M Corporation is deemed, under paragraph (b)(2) of this section, to have paid $20 of the foreign income taxes paid by A Corporation for 1975; is deemed, under paragraph (b)(3) of this section, to have paid $12 of the foreign income taxes paid by B Corporation for 1975; and includes $20 in gross income as a dividend under section 78, determined as follows:

B Corporation

Gains, profits, and income	$100
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	60
Foreign income taxes paid on or with respect to accumulated profits ($40×$60/$100)	24
Dividends paid to M Corp	30
Foreign income taxes of B Corp deemed paid by M Corp under sec. 902(a)(2) ($24×$30/$60)	12

M Corporation

Foreign income taxes deemed paid under sec. 902(a):	
Taxes of A Corp (from example (1))	20
Taxes of B Corp (as determined above)	12
Total	32
Foreign income taxes included in gross income under sec. 78 as a dividend:	
Taxes of A Corp (from example (1))	20
Taxes of B Corp	0
Total	20

Example (3). For 1975, domestic corporation M owns all the one class of stock of foreign corporation A, not a less developed country corporation, which in turn owns all the one class of stock of foreign corporation B. All corporations use the calendar year as the taxable year. For 1975, M Corporation is deemed under paragraph (b)(2) of this section to have paid $50 of the foreign income taxes paid, or deemed under paragraph (c)(2) of this section to be paid, by A Corporation for such year and includes such amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

B Corp. (second-tier corporation):	
Gains, profits, and income	$300
Foreign income taxes imposed on or with respect to gains, profits, and income	120
Accumulated profits	300
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits (total foreign income taxes)	120
Accumulated profits in excess of foreign income taxes	180
Dividends paid on Dec. 31, 1975 to A Corp	90
Foreign income taxes of B Corp. deemed paid by A Corp. for 1975 under sec. 902(b)(1)(A) ($120×$90/$180)	60
A Corp. (first-tier corporation):	
Gains, profits, and income:	
Business operations	200
Dividends from B Corp	90
Total	290
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	290
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	40
Accumulated profits in excess of foreign income taxes	250
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1975 on or with respect to its accumulated profits for such year ($60+$40)	100
Dividends paid on Dec. 31, 1975, to M Corp	125

M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. deemed paid by M Corp. for 1975 under sec. 902(a)(1) ($100×$125/$250)	50
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend received from A Corp.	50

Example (4). The facts are the same as in example (3), except that A Corporation is a less developed country corporation for 1975. For 1975, M Corporation is deemed under paragraph (b)(3) of this section to have paid $35.24 of the foreign income taxes paid, or deemed under paragraph (c)(3) of this section to be paid, by A Corporation for such year, determined as follows:

B Corp. (second-tier corporation):	
Gains, profits, and income	$300.00
Foreign income taxes imposed on or with respect to gains, profits, and income	120.00
Accumulated profits	180.00
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits ($120×$180/$300)	72.00
Dividends paid on Dec. 31, 1975 to A Corp	90.00
Foreign income taxes of B Corp. deemed paid by A Corp. for 1975 ($72×$90/$180)	36.00
A Corp. (first-tier corporation):	
Gains, profits, and income:	
Business operations	200.00
Dividends from B Corp	90.00
Total	290.00
Foreign income taxes imposed on or with respect to gains, profits, and income	40.00
Accumulated profits	250.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits ($40×$250/$290)	34.48
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1975 on or with respect to its accumulated profits for such year ($36.00+$34.48)	70.48
Dividends paid on Dec. 31, 1975 to M Corp	125.00
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. deemed paid by M Corp. for 1975 under sec. 902(a)(2) ($70.48×$125/$250)	35.24

Example (5). Throughout 1975, domestic corporation M owns 50 percent of the voting stock of foreign corporation A, not a less developed country corporation. A Corporation has owned 40 percent of the voting stock of foreign corporation B, a less developed country corporation, since 1970; B Corporation has owned 30 percent of the voting stock of foreign corporation C, a less developed country corporation, since 1972. B Corporation uses a fiscal year ending on June 30 as its taxable year; all other corporations use the calendar year as the taxable year. On February 1, 1974, B Corporation receives a dividend from C Corporation out of C Corporation's accumulated profits for 1973. On February 15, 1974, A Corporation receives a dividend from B Corporation out of B Corporation's accumulated profits for its fiscal year ending in 1974. On February 15, 1975, M Corporation receives a dividend from A Corporation out of A Corporation's accumulated profits for 1974. For 1975, M Corporation is deemed under paragraph (b)(2) of this section to have paid $81.67 of the foreign income taxes paid, or deemed under paragraph (c)(2) of this section to be paid, by A Corporation on or with respect to its accumulated profits for 1974, and M Corporation includes that amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

C Corp. (third-tier corporation):	
Gains, profits, and income for 1973	$2,000.00
Foreign income taxes imposed on or with respect to such gains, profits, and income	800.00
Accumulated profits	2,000.00
Foreign income taxes paid by C Corp. on or with respect to its accumulated profits (total foreign income taxes)	800.00
Accumulated profits in excess of foreign income taxes	1,200.00
Dividends paid on Feb. 1, 1974 to B Corp	150.00
Foreign income taxes of C Corp. for 1973 deemed paid by B Corp. for its fiscal year ending in 1974 ($800×$150/$1,200)	100.00
B Corp. (second-tier corporation):	
Gains, profits, and income for fiscal year ending in 1974:	
Business operations	850.00
Dividends from C Corp	150.00
Total	1,000.00
Foreign income taxes imposed on or with respect to gains, profits, and income	200.00
Accumulated profits	1,000.00
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits (total foreign income taxes)	200.00
Accumulated profits in excess of foreign income taxes	800.00
Foreign income taxes paid, and deemed to be paid, by B Corp. for its fiscal year on or with respect to its accumulated profits for such year ($100+$200)	300.00
Dividends paid on Feb. 15, 1974 to A Corp	120.00
Foreign income taxes of B Corp. for its fiscal year deemed paid by A Corp. for 1974 ($300×$120/$800)	45.00
A Corp. (first-tier corporation):	
Gains, profits, and income for 1974: Business operations	380.00
Dividends from B Corp	120.00
Total	500.00
Foreign income taxes imposed on or with respect to gains, profits, and income	200.00
Accumulated profits	500.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	200.00
Accumulated profits in excess of foreign taxes	300.00
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1974 on or with respect to its accumulated profits for such year ($45+$200)	$245.00
Dividends paid on Feb. 15, 1975 to M Corp	100.00
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. for 1974 deemed paid by M Corp. for 1975 under sec. 902(a)(1), $245×$100/$300)	81.67
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend received from A Corp	81.67

Example (6). The facts are the same as in example (5), except that A Corporation is a less developed country corporation for 1974. For 1975, M Corporation is deemed under paragraph (b)(3) of this section to have paid $51 of the foreign income taxes paid, or deemed under paragraph (c)(3) of this section to be paid, by A Corporation on or with respect to its accumulated profits for 1974, determined as follows:

C Corp. (third-tier corporation):	
Gains, profits, and income for 1973	$2,000
Foreign income taxes imposed on or with respect to such gains, profits, and income	800
Accumulated profits	1,200
Foreign income taxes paid by C Corp. on or with respect to its accumulated profits ($800×$1200/$2000)	480
Dividends paid on Feb. 1, 1974 to B Corp	150
Foreign income taxes of C Corp. for 1973 deemed paid by B Corp. for its fiscal year ending in 1974 ($480×$150/$1,200)	60
B Corp. (second-tier corporation):	
Gains, profits and income for fiscal year ending in 1974:	
Business operations	850
Dividends from C Corp	150
Total	1,000
Foreign income taxes imposed on or with respect to gains, profits, and income	200
Accumulated profits	800
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits ($200×$800/$1000)	160
Foreign income taxes paid, and deemed to be paid, by B Corp. for its fiscal year on or with respect to its accumulated profits for such year ($60+$160)	220
Dividends paid on Feb. 15, 1974 to A Corp	120
Foreign income taxes of B Corp. for its fiscal year deemed paid by A Corp. for 1974 ($220×$120/$800)	33
A Corp. (first-tier corporation):	
Gains, profits, and income for 1974:	
Business operations	380
Dividends from B Corp	120
Total	500
Foreign income taxes imposed on or with respect to gains, profits, and income	200
Accumulated profits	300
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits ($200×$300/$500)	120
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1974 on or with respect to its accumulated profits for such year ($33+$120)	153
Dividends paid on Feb. 15, 1975 to M Corp	$100
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. for 1974 deemed paid by M Corp. for 1975 under sec. 902(a)(2) ($153×$100/$300)	51

Effective date. This section applies to any distribution received from a first-tier corporation by its domestic shareholder after December 31, 1964. For corresponding rules applicable to distributions received by the domestic shareholder prior to January 1, 1965, see 26 CFR 1.902-5 (Rev. as of April 1, 1976).

§ 1.902-2 [Removed]

PAR. 3. Section 1.902-2 is deleted.

§ 1.902-3 [Removed]

PAR. 4. Section 1.902-3 is deleted.

§ 1.902–4 [Redesignated]

PAR. 5. Section 1.902–4 is redesignated as § 1.902–2, and as redesignated is amended as follows:

1. Paragraph (a) is amended by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" after the words "section 955(c)(1) or (2)", the words "section 955(c)(1)", and the words "section 955(c)(1)(B)".

2. Paragraph (b) is amended by deleting the last sentence of subparagraph (1) and of subparagraph (2).

3. Example (1) of paragraph (c) is amended by deleting "paragraph (c)(2) and (3)(ii) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

4. Example (2) of paragraph (c) is amended by deleting "paragraph (c)(1) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(1)" in the last sentence.

5. Example (3) of paragraph (c) is amended by deleting "paragraph (c)(2) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

6. There is added immediately after paragraph (c) a new paragraph (d) to read as follows:

§ 1.902–2 Definition of less developed country corporation for purposes of section 902.

* * * * *

(d) *Effective date.* This section applies to any distribution received from a first-tier corporation by its domestic shareholder after December 31, 1964, whether before or after the effective date of the Tax Reduction Act of 1975. For corresponding rules applicable to distributions received by the domestic shareholder prior to January 1, 1965, see 26 CFR 1.902–5 (Rev. as of April 1, 1976).

§ 1.902–5 [Removed]

Par. 6. Section 1.902–5 is deleted.

§ 1.78–1 [Amended]

Par. 7. Section 1.78–1 is amended as follows:

1. Paragraph (a) is amended by striking out "paragraph (a)(2) of § 1.902–3" from the first sentence and "paragraph (d)(1) of § 1.902–3" from the third sentence and inserting in lieu thereof "§ 1.902–1(b)(2)" in the first sentence and "§ 1.902–1(h)(1)" in the third sentence.

2. Paragraph (e)(1) is amended by striking out "paragraph (a)(2) of § 1.902–3" from the first sentence and "§ 1.902–5" from the last sentence and inserting in lieu thereof "§ 1.902–1(b)(2)" in the first sentence and "the regulations under section 902" in the last sentence.

3. Paragraph (f) is amended by striking out "§ 1.902–3" and inserting in lieu thereof "§ 1.902–1".

§ 1.901–3 [Amended]

Par. 8. Section 1.901–3 is amended as follows:

1. Paragraph (b)(2)(i) is amended by striking out "paragraph (d)(1) of § 1.902–3" wherever it occurs and inserting in lieu thereof "§1.902–1(h)(1)".

2. Paragraph (c) of the example under paragraph (b)(2)(ii) is amended by striking out "§ 1.902–3(d)(1)" and inserting in lieu thereof "§ 1.902–1(h)(1)" and by striking out "(§ 1.902–3(a)(2))".

3. Example (8) in paragraph (d) is amended by striking out "§ 1.902–3(d)" and inserting in lieu thereof "§ 1.902–1(h)" in the third sentence.

§ 1.960–1 [Amended]

Par. 9. Section 1.960–1 is amended as follows:

1. Paragraph (b)(4) is amended by striking out "§ 1.902–4" and inserting in lieu thereof "the regulations thereunder".

2. Paragraph (h) is amended by striking out "§ 1.902–5" wherever it occurs and inserting in lieu thereof "the regulations under section 902".

§ 1.960–3 [Amended]

Par. 10. Paragraph (a) of § 1.960–3 is amended by striking out the last sentence.

[FR Doc.77–11256 Filed 4–15–77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 709–1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Texas and New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule accomplishes two actions. It approves priority classification changes for sulfur oxides and changes to Texas' air quality surveillance network. It disapproves priority classification changes for particulate matter and carbon monoxide. The approval actions are being taken in response to priority classification and air quality network changes proposed by the Governor of Texas. The disapproval action is being taken because available data does not support the changes that were proposed. The approval of the sulfur oxides priority classifications will allow a reduction in air sampling equipment requirements commensurate with the air quality in the applicable AQCRs. The approval of the air quality surveillance network change will allow the State quality with available manpower and financial resources.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Oscar Cabra, Jr., Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Texas 75270 (214–749–3837).

SUPPLEMENTARY INFORMATION: The Governor of Texas submitted revisions to the State Implementation Plan (SIP) on March 21, 1975, and on August 2, 1976. The revision submitted in March 1975, concerned re-classification of several Air Quality Control Regions (AQCRs) for particulate matter, sulfur oxides, and carbon monoxide. The revision submitted in August 1976, concerned a change in air quality monitoring equipment requirements for sulfur oxides. Since these changes were based on the proposed priority classifications submitted in March 1975, the two SIP revisions were evaluated together.

EVALUATION RESULTS

The proposed re-classification of AQCRs for sulfur oxides were found to be approvable, while the proposed re-classification of AQCRs for particulate matter and carbon monoxide were found to be unapprovable. The proposed changes to the monitoring equipment requirements for sulfur oxides were found to be approvable. These approval and disapproval actions were proposed by the Environmental Protection Agency (EPA) in the FEDERAL REGISTER on January 28, 1977 (42 FR 5383). The details of the evaluation results which led to these proposed actions were provided in the preamble, and therefore, will not be restated in this action.

PUBLIC COMMENTS

In the proposed rulemaking action, interested persons were given the opportunity to comment on the proposed approvals and disapprovals. One written comment was submitted by Texaco Incorporated, Houston, Texas. In this comment, it was recommended that the approval/disapproval decision for the proposed change in priority classifications for particulate matter be based on 1975 and 1976 air quality data only. It was also recommended that EPA take into account wind blown dust, as specified in § 51.12(d) of 40 CFR Part 51, so that the State and its citizens would not be unnecessarily penalized with regulations more stringent than required.

With regard to the first recommendation, air quality data recorded in 1975 and 1976 for all three AQCRs exceed the particulate matter limits set forth in § 51.3 for a priority III classification. These data, as with previous values, support the current priority classifications for particulate matter. Consequently, there is no reason to believe that the original priority classifications were made in error. With regard to the second recommendation, EPA does allow wind blown dust to be discounted for control strategy purposes, if the contribution from wind blown dust is adequately documented.

CURRENT ACTION

In this action, the approvals and disapprovals are being promulgated as proposed. The disapproval actions do not require further action by EPA since the corresponding portions of the SIP are presently approved. These approved portions of the SIP remain in effect.

This Notice of Final Rulemaking is issued under the authority of Section

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

Dated: April 1, 1977.

DOUGLAS M. CASTLE,
Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

§ 52.1621 [Amended]

1. In § 52.1621, the table is revised by changing the classification for sulfur oxides in the El Paso-Las Cruces-Alamogordo Interstate Region from "I" to "IA".

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraphs (c)(9) and (10) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(9) A revision of priority classifications for particulate matter, sulfur oxides, and carbon monoxide was submitted by the Governor on March 21, 1975. (Non-regulatory.)

(10) A revision of Section IX, Air Quality Surveillance, was submitted by the Governor on August 2, 1976. (Non-regulatory.)

§ 52.2271 [Amended]

2. In § 52.2271, the section is amended to identify the table as paragraph (a) and the table is revised by changing the classification for sulfur oxides in the Abilene-Wichita Falls Intrastate Region from "II" to "III", in the Amarillo-Lubbock Intrastate Region from "I" to "III", in the Corpus Christi-Victoria Intrastate Region from "I" to "II", and in the El Paso-Las Cruces-Alamogordo Interstate Region from "I" to "IA". A new paragraph (b) is added as follows:

(b) The proposed priority classifications for particulate matter and carbon monoxide submitted by the Governor on March 21, 1975 are disapproved.

[FR Doc.77-11133 Filed 4-15-77;8:45 am]

[FRL 704-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Oregon Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking approves revisions to the Oregon State Implementation Plan which were submitted to EPA by the State on August 1, 1975 and February 17, 1976. The revisions substitute a phase down program for control of open field burning for the total ban which was previously approved by EPA. The phase down program, which was initiated at the direction of the Oregon Legislature, reduces the number of acres open burned each year from 235,000 acres in 1975 to no more than 50,000 acres in 1978 and each year thereafter. The rulemaking also approves a request made by the State to extend the date for attaining national secondary ambient air quality standards for particulate matter in the Eugene/Springfield Air Quality Maintenance Area to May 1978.

EFFECTIVE DATE: April 18, 1977.

ADDRESSES: Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101. Environmental Protection Agency, Public Information Reference Unit, Room 2292 (PM 213), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Clark L. Gaulding, Chief, Air Programs Branch (MS 625), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101.

SUPPLEMENTARY INFORMATION: On August 1, 1975 the State of Oregon Department of Environmental Quality (DEQ) submitted, for EPA's approval, the sections of the Oregon Revised Statutes (ORS) relating to field burning, ORS §§ 468.450 through 468.485, as amended by the 1975 session of the Oregon Legislature, and a revised administrative regulation for agricultural burning, Oregon Administrative Rules (OAR), Chapter 340 §§ 26-005 through 26-025. OAR §§ 340-26-005 through 26-025 were amended and adopted on a temporary basis by the Oregon Environmental Quality Commission (EQC) on July 10, 1975.

The administrative regulation, with certain changes, was adopted by the EQC on a permanent basis on December 12, 1975 and submitted to EPA on February 17, 1976. The revised statute and regulation, as the regulation was adopted in December 1975, were proposed by EPA for public comment on August 24, 1976 (41 FR 35725).

Briefly, as approved by EPA in May 1972, the control strategy in the Oregon State Implementation Plan for total suspended particulates (TSP) called for a total ban on open field burning in the Willamette Valley as of January 1, 1975. The 1975 session of the Oregon Legislature, however, amended the applicable statute to eliminate the total ban and to replace it with a program to phase down the number of acres burned each year so that by 1978 and each year thereafter no more than 50,000 acres may be open burned. The subsequent changes to the administrative regulation reflect the legislative changes to the statute.

Section 110 of the Federal Clean Air Act (42 U.S.C. 1857c-5) requires that the Administrator of EPA approve any revision to an implementation plan that meets certain requirements relating to the attainment and maintenance of national primary (health related) and secondary (welfare related) ambient air quality standards. The Administrator has carefully reviewed and evalauted the proposed revisions to the Oregon plan and has determined that they meet the requirements of the Act and 40 CFR Part 51. The Administrator is therefore today approving the revisions to the field burning provisions of the Oregon State Implementation Plan.

The Administrator is also today approving a request made by the State of Oregon to extend the attainment date for total suspended particulate secondary standards in the Eugene Air Quality Maintenance Area to May 31, 1978. This request was made on May 9, 1976 and was also proposed on August 24, 1976 (41 FR 35725). In view of the phase down program the extension of the secondary attainment date to 1978 is considered reasonable and therefore meets the requirements of section 110(a)(2) of the Clean Air Act.

In evaluating the proposed revisions to the field burning regulation, EPA initiated a study of open field burning in the Willamette Valley. The study included an on-site evaluation of the monitoring sites in the Eugene/Springfield area, the area most affected by the field burning; analysis of available air quality data emissions data and meteorological data; analysis of field burning as an emission source; and microscopic analysis of selected hi-vol filters. In addition, current literature on the subject of field burning was reviewed.

Briefly, the study concluded that the existing air quality data show no recent violations of the national primary ambient air quality standards for TSP in the Eugene/Springfield area which could be largely attributed to field burning. However, the secondary standards are more significantly impacted by field burning emissions due to the more restrictive nature of these secondary standards.

Copies of the complete "Technical Support Document on the Phase Down of Oregon Field Burning" are available for review at the EPA Public Information Reference Unit in Washington, D.C. and the EPA Region X Office in Seattle, Washington. The addresses are listed at the beginning of this notice.

In response to EPA's August 24, 1976 request for public comment, over 1,300 responses were received. Approximately one-half of these responses were in the form of signatures collected on petitions. Of the 1,300 responses, approximately 1,000 urged EPA to reject the proposed phase down program and retain the total ban on field burning. Approximately 25 respondents urged that EPA approve the adopted phase down program as it now exists in the State. Other respondents urged various courses of action, including:

1. EPA should approve a phase down program with a total ban on open field burning after 1978.

2. Unlimited burning should be allowed without any regulations whatsoever.

3. An unlimited number of acres should be allowed to be burned in con-

junction with the State's existing smoke management program.

4. EPA should not make any decision until after the 1977 session of the Oregon Legislature meets, since it is likely they will make further changes to the field burning program.

5. EPA should disapprove the proposed administrative regulation on procedural grounds.

The Administrator considered all of the above comments. None of the first three were considered viable alternatives because EPA's approval or disapproval of an implementation plan revision is constrained by the requirements of the Clean Air Act. As stated previously, the Act requires the Administrator to approve any revision to an implementation plan if the revision meets certain requirements, the most significant being that the revision must not interfere with the attainment of the national ambient air quality standards. The study conducted by EPA showed that, on the basis of meeting the national standards, the phase down program was approvable.

The comment that EPA should not take any action on the proposed revisions until after the 1977 session of the Oregon Legislature was considered but rejected because EPA's analysis indicates that the phase down program is presently an important part of Oregon's overall plan to meet the secondary TSP standards by May 1978. Therefore it is appropriate to approve the phase down regulation. This action also is an indication to the State that their existing regulation is fully satisfactory in terms of meeting applicable Clean Air Act requirements.

Two respondents suggested that EPA should disapprove the administrative regulation submitted by the State because the procedures followed by the State in adopting the regulation do not meet the requirements of 40 CFR Part 51. This comment was investigated by EPA and it was concluded that the Oregon procedural requirements followed during enactment of the open field burning regulation meet the applicable federal requirements.

The Administrator finds good cause for making this rulemaking effective immediately since the revisions being approved by the Administrator are currently in effect as a matter of State law and the approval will not result in any additional requirements on the parties affected.

(Sec. 110(a) of the Clean Air Act, as amended. (42 U.S.C. 1857c-5(a)).)

Dated: April 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

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

1. In § 52.1970, paragraph (c) is amended by adding subparagraphs (23), (24) and (25) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(23) Oregon Revised Statutes §§ 468.-450 through 468.485 submitted on August 1, 1975 by the Department of Environmental Quality.

(24) Oregon Administrative Rules (OAR) Chapter 340, §§ 26-005 through 26-025, submitted on February 17, 1976 by the Department of Environmental Quality.

(25) Request for an extension to May 31, 1978 of the attainment date for particulate matter national secondary ambient air quality standards in the Eugene/Springfield Air Quality Maintenance Area.

§ 52.1973 [Amended]

2. In § 52.1973, a footnote "d" is added to the May 1975 attainment date for particulate matter secondary standards in the Portland Interstate Air Quality Control Region and footnote "d" is added beneath the table to read as follows:

d. May 1978 for the Eugene/Springfield Air Quality Maintenance Area.

[FR Doc.77-11186 Filed 4-15-77;8:45 am]

[FRL 711-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking approves revisions to the North Carolina State Implementation Plan that the State has adopted. These are miscellaneous changes consistent with the Clean Air Act in attaining and maintaining ambient standards.

EFFECTIVE DATE: April 18, 1977.

ADDRESSES: Copies of the information submitted by North Carolina may be examined by the public during normal business hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30308.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

North Carolina Department of Natural and Economic Resources, 216 West Jones Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT:

Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30308. 404/881-3286.

SUPPLEMENTARY INFORMATION: On December 21, 1976, (41 FR 55561), the Agency announced as proposed rulemaking those implementation plan changes which the State submitted (June 24, 1976) for EPA's approval after notice and public hearing (April 6 and May 10, 1976). Copies of materials submitted by North Carolina were made available for public inspection, and written comments on the proposed plan revisions were solicited. No comments were received, however.

This rule approves revisions to the North Carolina State Implementation Plan that the State has adopted. These include: (1) Adoption of Federal New Source Performance Standards (40 CFR Part 60) by reference (15 NCAC 2D .0524); (2) Revised Air Contaminants—Monitoring, Reporting Regulations (15 NCAC 2D .0600) that would bring present monitoring and reporting requirements in line with Emission Monitoring of Stationary Sources (40 CFR Part 51, October 6, 1975); (3) Extension of Visible Emission Standards for existing sources from July 1, 1976 to April 1, 1977.

With respect to item (3) above, in the previously approved regulation (15 NCAC 2D .0521), installations existing as of July 1, 1971 were to meet a visible emissions standard of Ringelmann No. 2 or equivalent opacity, and were to be in compliance with a visible emissions standard of Ringelmann No. 1, or equivalent opacity, by July 1, 1976. These installations must now be in compliance with the more restrictive visible emissions standard by April 1, 1977.

Accordingly, 40 CFR Part 52 is amended as follows:

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (16) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(16) Regulations extending visible emissions standard, adopting EPA's New Source Performance Standards (40 CFR Part 60) and revising emission monitoring of stationary sources (40 CFR Part 51.19), submitted June 24, 1976, by North Carolina Department of Natural and Economic Resources.

(Sec. 110 of the Clean Air Act (42 U.S.C. 1857c-5).)

Dated: April 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-11199 Filed 4-15-77;8:45 am]

[FRL 711-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking approves revisions to the North Carolina State Implementation Plan that the State has adopted. These are miscellaneous changes consistent with the Clean Air Act in attaining and maintaining ambient standards.

EFFECTIVE DATE: April 18, 1977.

ADDRESSES: Copies of the information submitted by North Carolina may be ex-

amined by the public during normal business hours at the following locations: Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30308. Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. North Carolina Department of Natural and Economic Resources, Division of Environmental Management, 216 West Jones Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT:

Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30308, 404–881–3286.

SUPPLEMENTARY INFORMATION: On January 24, 1977 (41 FR 4135), the Agency announced as proposed rulemaking a number of implementation plan changes which the State of North Carolina had adopted (October 21, 1976) and submitted November 1, 1976) for EPA's approval after notice and public hearing (August 24, 1976). Copies of materials submitted by North Carolina were made available for public inspection, and written comments on the proposed plan revisions were solicited. No comments were received, however.

This rulemaking approves revisions to the North Carolina State Implementation Plan that the State has adopted. They include: (1) Copies of Referenced Federal Regulations (two new regulations, one in Emission Control Standards Section, one in Air Contaminants: Monitoring, Reporting Section) (15 NCAC 2D .0103, .0607); (2) Amendments to Episode Criteria (15 NCAC 2D .0302); (3) Series of Minor Amendments to Air Pollution Control Requirements Subchapter with exception of Emission Control Standards Section; (4) Amendments to Particulates from Miscellaneous Industrial Processes (15 NCAC 2D .0515); (5) Amendments to (Permit) Applications (15 NCAC 2D .0603); (6) (Post Attainment Policy) Extensions, Modifications (15 NCAC 2D .0707); (7) Amendments to Control and Prohibition of Open Burning (15 NCAC 2D .0520).

Item (1) gives notice where referenced sections of the Code of Federal Regulations are available for public inspection.

Item (2) changes oxidant emergency levels to conform with the Environmental Protection Agency (EPA) regulatory requirements and North Carolina legislative changes. These levels are: 200 μg/m3 (0.1 ppm), 1-hour average (alert); 800 μg/m3 (0.4 ppm), 1-hour average (warning); and 1000 μg/m3 (0.5 ppm), 1-hour average (emergency).

Item (3) are corrections and clarifications and are not policy or procedural changes in the Emission Control Standard Section.

Item (4) slightly modifies the applicable sources and clarifies other aspects of particulates from Miscellaneous Industrial Processes Emission Control Standards.

Item (5) subjects to public comment permit applications and ambient effect analyses for sources on EPA's list to be reviewed for Prevention of Significant Deterioration, as a minimum.

Item (6) sets forth requirements and procedures for extensions and modifications in extraordinary cases.

Item (7) clarifies the exception for fire-fighting instruction and training from Control and Prohibition of Open Burning Emission Control Standards.

Accordingly, 40 CFR Part 52 is amended as follows:

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (17) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(17) Miscellaneous plan revisions, submitted on November 1, 1976, by the North Carolina Department of Natural and Economic Resources.

(Sec. 110 of the Clean Air Act (42 U.S.C. 1857c-5).)

Dated: April 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-11200 Filed 4-15-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Editorial Amendment Concerning Requests for Copies of Materials Available for Public Inspection

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment increases the amount that the Downtown Copy Center charges to the public for 8½" × 11" copies of Commission records. The Commission has renewed its contract with the Downtown Copy Center, and the amount reflects a change in the contract.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Administrative Rules and Procedure Division, Office of General Counsel, 1919 M Street NW., Washington, D.C., Room 604 (202–632–6444).

SUPPLEMENTARY INFORMATION:

Adopted: April 1, 1977.

Released: April 5, 1977.

1. The Commission has extended its contract with the Downtown Copy Center under which copies of Commission documents are furnished to the public for a fee. Under the contract, as extended, the fee for furnishing copies of 8½"×11" pages has been increased from 8½ to 9 cents a page. The fee for furnishing 8½" ×14" pages remains at 9 cents. It is appropriate for Section 0.465(a) of the Rules to be amended to reflect this change.

2. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r) and in § 0.231 (d) of the Rules and Regulations, 47 CFR 0.231(d). Because the amendment is editorial and informational in nature, the prior notice and effective date provisions of 5 U.S.C. 553 do not apply.

3. Accordingly, it is ordered, effective April 18, 1977, that Section 0.465(a) is amended as set out below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.465(a) is revised to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lower cost to the public. The charges are 9¢ a page. Currently, the contractor is Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tel. 202–452–1422). Except as provided in paragraphs (b), (c) and (d) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455 and those made available for inspection under § 0.461, should be directed to the contractor.

* * * * *

[FR Doc.77-11135 Filed 4-15-77;8:45 am]

[Docket No. 21011; FCC 77-181]

PART 76—CABLE TELEVISION SERVICES

Requirement of Notice of Operator Name, Mail Address, and Status Changes Be Furnished to the Commission

AGENCY: Federal Communications Commission.

ACTION: Final Rule (Report and Order).

SUMMARY: The FCC is requiring cable television operators to notify the Commission within 30 days of any change in operator name, mail address, or operational status, in order to reduce administrative problems.

EFFECTIVE DATE: May 16, 1977.

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

FOR FURTHER INFORMATION CONTACT:

A. M. Rutkowski, Cable Television Bureau, 202–632–9727.

SUPPLEMENTARY INFORMATION:

1. On November 30, 1976, the Commission issued a Notice of Proposed Rule

Making, 76-1109, 41 Fed. Reg. 54778 (December 15, 1976), wherein it set forth a requirement that cable television operators furnish notice to the Commission when the operational status of a system community changes or when the name or mailing address of the operator itself changes.

2. The only comments in this matter were received from Citizens for Cable Awareness in Pennsylvania Legislative Committee, Philadelphia Community Cable Coalition (Citizens) and from Gateway Communications, Incorporated (Gateway). Citizens notes that this action "is not tantamount to requesting or receiving Commission approval for ownership changes," and urges the Commission hasten its deliberations in the proper forum for that subject, i.e. Docket No. 20023. Citizens further urged that the information which would be furnished to the Commission under the proposed requirement also be furnished to local municipalities. Gateway suggested that whatever notice is furnished to the Commission be available for public inspection at the operator's local business office.

3. The concerns of both Citizens and Gateway relative to this proceeding are satisfied by our existing rule which provides that "(a) copy of * * * all correspondence between the (operator) and the Commission pertaining to reports after they have been filed * * *" shall be maintained for public inspection. See § 76.305(a)(4). The notice furnished to the Commission under our proposed rule fall, within the ambit of that public inspection requirement.

4. The Commission has heretofore had no requirement that cable television operators automatically notify the Commission of changes to, name, mail address, or system operational status. This has often resulted in considerable administrative difficulties. Documents are frequently returned through the mail as undeliverable or information is applied to the wrong record. The resulting confusion, of course, benefits neither the Commission nor the cable operators. As the number of system communities increases, this problem is aggravated.

5. Also, because our new computer data management program involves the solicitation of information by mail, it is necessary that we know the current operator legal name, mail address, and operational status for each system community as identified by its FCC assigned "code," e.g., CA0001. We are therefore adding requirements to inform the Commission of changes in this critical data within 30 days of their occurrence. Such update requirements presently exist for nearly every other communications service regulated by the Commission. It should be noted that submission of data concerning changes in cable operators is not tantamount to requesting or receiving Commission approval for ownership changes. The proper role of the Commission in these transfer matters is under study in Docket 20023.

6. As we indicated in the Notice of Proposed Rule Making, supra, our proposed change notice is purely administrative and long overdue. Its burden on cable operators should be minor. The information which we seek should be in letter form (one copy only), to the Commission as follows: Federal Communications Commission, Cable Television Bureau, Room 6218, Washington, D.C. 20554. It should contain one or more of the following statements:

a. (full legal name of the new operator) is the business entity which now offers for sale, services of a cable television system in the following system communities and should be reflected as the operator in the Commission's records: (community ident, e.g., CA0001) and name of community).

b. (full legal name of the operator) has a new mailing address for purposes of Commission communications: (mailing address with zip code).

This address change applies to the following system communities: (community ident, e.g., CAOOO1) and (name of community).

c. The following system's operational status has changed from (non-operational to, operational, non-operational to less-than-50-subscribers, less than 50 subscribers to 50-or-more-subscribers, less than 500 subscribers to more than 500 subscribers, gone out of business, etc.) effective (year) (month): (community ident, e.g. CAOOO1) and (name of community).

These communications must be signed by an individual having the authority to make such a representation to the Commission.

7. Therefore, *it is ordered*, That Part 76 of the Commission's Rules and Regulations is amended, effective May 16, 1977, as set forth below. Authority for the amendments to the rules adopted below is contained in sections 1, 2, 301, 303, 307 and 403 of the Communications Act, as amended.

(Secs. 1, 2, 301, 303, 307, 48 Stat., as amended, 1064, 1081, 1082, 1083; 47 U.S.C. 151, 152, 301, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended in the following manner:

2. A new section 76.400 is added as follows:

§ 76.400 Operator, mail address, and operational status changes.

Within 30 days following a change of Cable Television System Operator, and/or change of the operator's mail address, and/or change in the operational status of a cable television system, the Operator shall inform the Commission in writing of the following, as appropriate:

(a) The legal name of the operator and whether the operator is an individual, private association, partnership or corporation. See § 76.5(11). If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in each community;

(c) The new mail address, including zip code, to which all communications are to be directed;

(d) The nature of the operational status change (e.g., became operational on (year) (month), exceeded 49 subscribers, exceeded 499 subscribers, operation terminated temporarily, operation terminated permanently);

(e) The names and FCC identifiers (e.g., CA0001) of the system communities affected.

NOTE.—FCC system community identifiers are routinely assigned during pre-operational certification. They have been assigned to all reported system communities based on previous Form 325 data. If a system community in operation prior to March 31, 1972, has not previously been assigned a system community identifier, the operator shall provide the following information in lieu of the identifier: Community Name, Community Type (i.e., incorporated town, unincorporated settlement, etc.) County Name, State, Operator Legal Name, Operator Assumed Name for Doing Business in the community, Operator Mail Address, and Year and Month service was first provided by the physical system.

[FR Doc.77-11173 Filed 4-15-77;8:45 am]

[Docket 20561]

PART 76—CABLE TELEVISION SERVICES

Definition of a Cable Television System and the Creation of Classes of Cable Systems

Correction

AGENCY: Federal Communications Commission.

ACTION: Change of effective date.

SUMMARY: In an order that appeared on page 19329 of the FEDERAL REGISTER of April 13, 1977 (FR Doc. 77-10776), the Commission established a new class of "small" cable television systems. The small systems are exempt from the Certificate of Compliance requirements. This document changes the effective date of that exemption to April 18, 1977.

EFFECTIVE DATE: Effective April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. James A. Hudgens, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 76 of the Commission's rules and regulations with respect to the definition of a cable television system and the creation of classes of cable systems.

1. In the First Report and Order in Docket 20561, FCC 77-205, ____ FCC 2d ____ (released April 6, 1977) the Commission announced the establishment of a new class of "small" cable television

systems (limited to systems with 50–499 subscribers, calculated on a headend basis) to which only limited regulation would apply, including exemption from the Certificate of Compliance requirement. The effective date contained in that Report and Order is May 16, 1977 which would technically apply the small system exemption only after the May 2, 1977, date for uncertified systems to file for certificates, had already past. This was not intended, and this Order is accordingly being issued to make it clear that "small" systems as defined in the Report and Order in Docket 20561, are not required to adhere to the May 2, 1977 date and need not file certificate applications by that date.

2. Because this action relieves a restriction where time is of the essence, the 30-day advance public notice provision of Section 4 of the Administrative Procedures Act, Section 553(d), does not apply.

Accordingly, *it is ordered*, That Sections 76.11(a) and 76.11(b) as amended in the First Report and Order in Docket 20561, FCC 77–205, are, to the extent they exempt cable television systems from the Certificate of Compliance filing requirement, effective April 18, 1977.

FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS,
Secretary.

[FR Doc.77–11341 Filed 4–15–77;8:45 am]

[Docket No. 20886; RM–2472; RM–2476; FCC 77–242]

PART 81—STATIONS ON LAND OR ON SHIPBOARD IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Permission of the Operation of an Automated Very High Frequency (VHF) Radiocommunication Public Correspondence System To Serve Vessels on the Great Lakes

AGENCY: Federal Communications Commission.

ACTION: Final Order amending Parts 81 and 83 of the rules.

SUMMARY: As a result of a petition by Lorain Electronics Corporation, the FCC is amending its rules to permit the operation of a communication system of interconnected stations on the Great Lakes to provide VHF public correspondence radiocommunication services to vessels. The amendments will also permit for the first time new facilities to include facsimile and teleprinter services.

EFFECTIVE DATE: May 16, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Sherman Pratt, Aviation and Marine Division, Safety and Special Radio Services Bureau (202–632–7197).

SUPPLEMENTARY INFORMATION:

Adopted: March 29, 1977.

Released: April 7, 1977.

In the matter of amendment of Parts 81 and 83 of the rules to permit the operation of a communications system on the Great Lakes to provide very high frequency (VHF) regional, and other, public correspondence radiocommunication service to vessels.

1. On August 12, 1976, we released a Notice of Proposed Rule Making (NPRM) in this Docket (FCC 76–755 and 41 FR 34790, August 17, 1976), to amend Parts 81 and 83 of the rules to permit the operation of an automated very high frequency (VHF) radiocommunication public correspondence system to serve vessels on the Great Lakes.

THE PROPOSAL

2. A detailed description of the system and its historical development by the Lorain Electronics Corporation (Lorain) was included in our NPRM. Generally, the proposal contemplates the establishment of an automated VHF maritime radiocommunication system of interconnected and centrally controlled public coast stations to serve most or all of the navigable American waters of the Great Lakes. The system is to provide new services such as dial or automatic calling, teleprinter and facsimile communications on maritime VHF channels 84, 86 and 87 (161.825, 161.925 and 161.975 MHz) respectively for coast station transmission with a paired channel for ship station transmission.

3. To permit the establishment of the system, changes in our rules are necessary with respect to the emissions permissible on these channels, and concerning the allowable overlap of station coverage areas so that applications for stations in the system could be filed without regard to whether a station of this class already is authorized to serve a particular locality.

COMMENTS

4. The time for filing comments and reply comments to our notice has passed. Commenters and the substance of their comments are as follows:

(a) Lake Carriers Association (LCA), Great Lakes Towing Company, American Waterways Operators, Inc. (AWO), Carleton H. Gray, consultant, Alden Electronic and Impulse Recording Equipment Company, Inc., and the Communications Workers of America, these commenters support the proposed rule changes without equivocation. LCA states that most boats using the new system will be commercial vessels, and have mostly used medium and high frequencies for their shore communications; that the new system will operate in the VHF band and therefore will not remove any significant amount of traffic from existing VHF stations, or be a serious detriment to existing stations which depend mostly on yacht traffic. AWO, which has a proposal pending with us for establishment of a similar VHF system on the Mississippi River, did not want the proposal limited at this time to the Great Lakes area.

(b) American Telephone and Telegraph Company (AT&T), (1) does not object generally to the regular operation of the new system with the understanding that it will serve primarily large commercial vessels owned by LCA, and that existing manual stations will continue to serve primarily non-participating commercial vessels and small craft; (2) urges that proposed § 81.303 (d) concerning permissible coverage area overlap, be expanded so that the restrictions on permissible overlap will not apply, not only to Lorain system stations, but also to any other stations insofar as such stations overlap with Lorain system stations; (3) supports IBT position (infra) concerning the continued use of channel 84 at IBT's Waukegan, Illinois Station and (4) stresses that since authorization of the Lorain system will exhaust the supply of VHF public correspondence channels on the Great Lakes leaving no reserve to provide for the assignment of additional channels to existing stations based on specified traffic criteria, the Commission should consider allocating additional channels in the Great Lakes area for public correspondence uses.

(c) WJG, Inc. (WJG), licensee of Public Coast station WJG at Memphis, Tennessee, (1) generally supports the concept of system operation of stations as proposed, but objects to the establishment of a new class of stations for detailed reasons; (2) believes it could result in discriminatory service, a sacrifice in service to the public and high service charges; and (3) wants the Commission to encourage arrangements with existing stations when establishing systems of stations such as is proposed. WJG also expressed concern, inferentially, that action taken by us on this proposal may constitute undesirable precedents for decisions on other similar proposals for different geographical areas.

(d) Central Radio Telegraph Company, (Central Radio) licensee of Public Coast Station WLC at Rogers City, Michigan operating on medium and high frequencies and VHF, and licensee of three VHF stations at other locations on the Great Lakes, (1) asserts that the operation of the Lorain system will have a significant adverse economic impact on its operations; (2) states that if it loses VHF business it must close its MF and HF operations and the total communications service on the Great Lakes will be less than is now available; (3) argues that the VHF radio needs of small vessels will be ignored by the Lorain stations;

and (4) requests a hearing to determine whether the Lorain proposal is in the public interest.

(e) Illinois Bell Telephone Company (IBT) opposes the discontinuation of operations on channel 84 by its coast station at Waukegan, Illinois, which would be necessary if a system station at Ft. Washington, Illinois were to operate on that frequency, because owners of non-participating vessels and small craft would have to convert their ship station equipment, at their expense to whatever replacement channel would be assigned to IBT's Waukegan station.

REPLY COMMENTS BY LORAIN

5. Lorain has filed reply comments to the above described comments as follows. With respect to the opposition of AT&T and IBT to the discontinuation of operations on channel 84 by the IBT station at Waukegan, Lorain states, in essence, that while its proposed system could be operated with difficulty by using a frequency other than channel 84 at its Ft. Washington station, it greatly prefers not to do so. Lorain asserts that the use of another, or fourth, channel in its system, in addition to the three proposed in our NPRM, would degrade the system because of "ducting" which would cause electrical interference, illogical channel assignment, the burdensome requirement that the subscribers equip their vessels with an additional channel, and for other stated detailed reasons. Lorain also disagreed that a requirement for IBT's customers in the Waukegan area to change channels would constitute a significant inconvenience or economic burden on the public because the expenditure would be relatively insignificant as compared to the greatly improved Lakes communication services that would be provided by its proposed system.

6. Concerning the comments that Lorain's proposed system will impact adversely on existing VHF public coast stations, Lorain denies this and reiterates that its system is designed mainly to serve the needs of the larger commercial vessels, and not the small commercial or recreational vessels that are now the principle customers of the existing VHF stations. It further asserts that while it will serve anyone upon request, it will not attempt to "promote" its services to operators of vessels other than the large commercial vessels that are subscribers to its system. Lorain also states that its tariffs for manually placed calls will be substantially higher than the ordinary rate now charged by non-system stations and, therefore, the smaller vessel operator that usually places calls in this manner will be more likely, for economic and competitive reasons, to place calls with non-system stations whenever feasible.

DISCUSSION

7. Notwithstanding the comments filed in opposition, in part, we are going to amend our rules substantially as proposed in our NPRM so that Lorain will have the opportunity of introducing into the Maritime Mobile Services some needed kinds of services that have long existed in other radiocommunications services, or in other bands of the Maritime Service. We think this is a necessary and desirable step forward in the field of maritime radiocommunications and will have distinct benefits for the maritime public. While there may be some adverse economic impact by the new system on existing VHF public coast stations on the Great Lakes, we are not persuaded that the asserted impact will be so substantial or crucial as to undermine the economic viability of any existing station. We consider more persuasive the probable overall and long range advantages of the new services to be provided. If future developments indicate the contrary to be true, we can always reexamine the matter when those contingencies occur and are brought to our attention.

8. In reaching a decision in this matter that will best serve the public interest, a particularly troublesome question is the action to be taken concerning the disagreement between Lorain and IBT as to whether the IBT station at Waukegan, Illinois should change its working channel from channel 84 to another channel not used by Lorain in its new system. We are persuaded that the Lorain system would be more efficient, and the system's implementation and operational problems minimized, if channel 84 were released by the Waukegan station for use in the system as proposed by us in our NPRM. On the other hand, we are reluctant, in view of the representations made by IBT, and considering all aspects of the matter, to undertake to compel a change of channels against the will of that licensee.[1] We will, therefore, specify another channel for use in that area by the new system since Lorain has not stated that it could not operate the system with another channel but only that it would be more difficult. We believe channel 85 (161.875 MHz) would best serve this purpose since it is not now assigned on Lake Michigan and there are no international restrictions on its use at Ft. Washington. We will show the frequency in our rules as generally available for use in the Great Lakes system under the conditions specified, although as a practical matter it cannot be assigned elsewhere on other Lakes without the concurrence of Canada because of an understanding with that country to that effect. If, after a reasonable period of time of not less than, say, a full boating season, the use of other than channel 84 in the Waukegan-Ft. Washington area proves to be substantially disadvantageous to the extent that it threatens the feasibility and effective workability of the system, we will, upon request, review the matter to determine if relief can be provided. Any new authorization granted to IBT will be for less than the normal five year period to permit later review and a channel change if necessary.

9. With respect to the comments concerning the need for additional public correspondence working channels, we are aware of this need and we will continue to address ourselves to the challenge of finding a solution to the problem. The problem, however, is not peculiar to only this band, or to this service, or to the Great Lakes navigational area. We call attention, as we have in Docket No. 20838, to the broad reallocation of spectrum being considered in preparation for the ITU 1979 General World Administrative Radio Conference (Docket No. 20271). In that regard, the needs for the maritime mobile service are being expressed through Special Committee 69 of the Radio Technical Commission for Marine Services (RTCM) and we will, of course, consider those needs together with the needs expressed by other radio services. In the meantime, we do not conclude that the public interest would be served by denying now this otherwise worthwhile proposal for a Great Lakes VHF system on grounds that it is to use frequencies that someday may be needed by existing stations for future growth.

10. With respect to the comments expressing apprehension that our action here may constitute undesirable precedents for acting on future requests of this nature, and that we should encourage working arrangements with existing stations when establishing future systems of this kind, we agree with both these positions. We do not agree with AWO's position that our action herein should not be limited to the Great Lakes region. In considering applications for authority to establish similar systems elsewhere, we do not intend to be bound, as an inflexible precedent, to follow the action we are here taking, although we will give appropriate weight to any beneficial experiences gained as a result of the study, development and authorization of the Great Lakes system. For the most part, other navigational areas of the country are unique and different in geographical, commercial, existing service and other respects from the Great Lakes region and each must be considered individually on the basis of the locally applicable facts and circumstances. Moreover, new technological developments and standards are being considered and adopted nationally and internationally and new automated systems must be compatible with this criteria. Concerning the matter of encouraging applicants for systems of this kind to work with existing station licensees or others to resolve any differences of opinion as to whether or how a system should be established, we concur fully in this concept. In the case of the Great Lakes system it was our understanding that overtures of this kind were made by Lorain at the earliest stages of the planning and development of the system and there was a general lack of interest in participating in the system by existing station licensees on the Lakes. We note, too, that no comments were filed in this

[1] The station authorization for class III-B Public Coast station KTD-564 at Waukegan, Illinois, licensed to IBT, expired on January 20, 1977. A timely application for renewal is on file.

proceeding by coast station licensees on the Lakes complaining that they have been denied an opportunity to so participate in the system. The only other proposal of this nature before us at this time is by AWO for the establishment of a system on the Mississippi River. That proposal is still under study and on August 18, 1975, our staff did in fact write to WATERCOM and asked for information as to whether consideration was being given to including existing stations in that proposed system. We understand that WATERCOM has adopted this inferential suggestion, has consulted with the licensees of those stations, and that progress in that direction is being made.

11. Finally, with respect to the AT&T comment concerning the application of our new rule for station coverage area overlaps, we will adopt that suggestion, as shown in the new rule 81.303(d), so that the stated exemption applies not only to system stations, but to other stations insofar as their coverage areas overlap with that of system stations. In theory this will permit the establishment of new stations at or near the location of system stations and could benefit the nonsystem participating public by providing a manual placed call service at a rate less than Lorain intends to charge for calls through its stations. We stress however, that this result may be more apparent than real. Even if no new system stations were authorized and placed into operation, the lack of unused assignable frequencies, and the number of existing stations on the Lakes now covering most if not all of the navigable waters, would most likely preclude the authorization of any new stations under coverage area criteria contained in Section 81.303 (b) or the new (d) of our rules.

12. We will not grant Central Radio's request for a hearing on this matter. We do not ordinarily schedule hearings in rule making proceedings of this nature and we do not know what public interest would be served that is already not provided for in our rule making procedures that fully permit all interested parties to be heard by the filing of comments, reply comments, and applications for reconsiderations or reviews.

ORDER

13. *It is ordered*, That the request of Central Radio for a hearing is denied.

14. *It is further ordered*, That pursuant to Section 4(i) and 303 (a) through (h) and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the rules are amended as set forth below, effective May 16, 1977.

15. *It is further ordered*, That the proceeding in this Docket No. 20886, is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 81.106, paragraph (e)(2) is amended by adding a sentence to read as follows:

§ 81.106 Operating controls.

* * * * *

(e) * * *

(2) Discontinuing all emission within 5 seconds after emission is no longer required or after the necessity arises for emission to cease. The equipment of an unattended station in an automated multi-station system, as defined in Section 81.303(d), at which restoration to standby is automatic on conclusion of a call, shall be designed so that all emission will be discontinued within 3 seconds of the disconnect signal or, if disconnect signal is not received, within 20 seconds following reception of the final carrier transmission from a ship station.

* * * * *

2. Section 81.132(a)(2)(iii) is amended as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(2) * * *

(iii) For frequencies in the band 156 to 162 MHz:

161.825, 161.875, 161.925, and 161.975 MHz.	F3, and when assigned to stations in an automated multistation system, F2 and F4. The authorized bandwidth for F2 and F4 emissions will be the same as for F3 as specified in § 81.133.
All other frequencies.	F3.

* * * * *

3. In § 81.303 a new paragraph (d) is added as follows:

§ 81.303 Duplication of service.

* * * * *

(d) The restrictions concerning impermissible overlap of coverage areas contained in paragraph (b) above, do not apply to stations operated as part of an automated multi-station system serving the Great Lakes, or to other stations not a part of the system for overlap with system stations. The term automated multi-station system, as used in this part, refers to a system of contiguous-service-area, automated, coast stations, manually or automatically operated, capable of directly-dialed connection between ship station and land telephones, the operations of which are coordinated to provide the same services and service procedures to ships throughout the entire service area of the system's component stations, with assistance or other functions requiring human action provided by operators at a central location.

4. In § 81.304(a) a new condition of use designator 62 is added for the frequencies 161.825, 161.875, 161.925 and 161.975 MHz, and in subparagraph (b) a new subparagraph (63) is added as follows:

§ 81.304 Frequencies available.

* * * * *

(b) * * *

* * * * *

(63) When this frequency is assigned to stations in an automated multi-station system, the emissions F2 and F4 may be used as provided in § 81.132(a)(2)(iii). The provisions of paragraph (b)(22) above concerning a showing of channel occupancy do not apply for the assignment of a second channel to be used primarily for F2 and F4 emissions.

* * * * *

5. In § 81.314 a new paragraph (a)(14) is added to read as follows:

§ 81.314 Station records.

(a) * * *

* * * * *

(14) The required entries in the logs of an unattended public coast station in an automated multi-station system, as defined in § 81.303(d), may be made automatically, or manually by an operator at a central control point, in addition to or in lieu of entries recorded in the manner herein prescribed, provided the entries are readily available for inspection upon reasonable request by Commission representatives.

Section 83.132(a)(2)(iii) is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

* * * * *

(2) * * *

(iii) For the frequencies in the band 156 to 162 MHz:

157.225, 157.275, 157.325, and 157.375 MHz.	F3, and when exchanging communications with coast stations in an automated multi-station system, F2 and F4. The authorized bandwidth for F2 and F4 emissions will be the same as for F3 emissions as specified in § 83.133.
All other frequencies.	F3.

* * * * *

[FR Doc.77-11178 Filed 4-15-77;8:45 am]

PART 87—AVIATION SERVICES

Editorial Amendments Clarifying the Term "Brief Keyed RF Signals"

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: In response to a request from the FAA, the FCC is clarifying its regulation on use of brief keyed RF signals for the control of airport lighting systems from aircraft. This amendment is made to preserve the integrity of air/ground communications.

EFFECTIVE DATE: April 22, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Bruce Franca, Aviation and Marine Division, Safety and Special Radio Services Bureau (202) 632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: April 7, 1977.

Released: April 11, 1977.

In the matter of editorial amendment of § 87.1833 to clarify the term "brief keyed RF signals".

1. The Federal Aviation Administration (FAA) has requested the Commission to take action to prohibit the indiscriminate use of voice and audio tones for the control of airport lighting systems. FAA is concerned about the likely proliferation of audio and voice radio control lighting systems. They feel that the curtailment of radio voice and audio tone control of airport lighting systems is a safety precaution needed to preserve the integrity of air/ground communications.

2. Section 87.183 of the Commission's rules provides for the radio control of airport lighting systems from aircraft by the use of "brief keyed RF signals". It was intended by this rule and has been interpreted by the Commission that the use of these signals be without accompanying audio or voice tones. That is, the radio control is accomplished by keying the transmitter by momentarily depressing the microphone "push-to-talk" button. (Light intensity is varied by the number of times the microphone is keyed.) Since there appears to be some confusion on the meaning of the term "brief keyed RF signals", § 87.183 has been amended to more clearly indicate that the radio control of airport lights shall be without voice or audio tone transmissions.

3. Authority for this amendment appears in sections 4(i) and 303 (b), (f), and (r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is editorial in nature, intended only to clarify an existing rule, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

4. In accordance with the above, *it is ordered*, that § 87.183 of the rules is amended in accordance with the attached text, effective April 22, 1977.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 87.183, paragraph (cc) is amended to read as follows:

§ 87.183 Frequencies available.

* * * * *

(cc) Provided no harmful interference is caused to authorized voice communications, brief keyed RF signals without voice or audio tone transmissions (keying the transmitter by momentarily depressing the microphone "push-to-talk" button), for the control of airport lights from aircraft, may be transmitted on: * * *.

* * * * *

[FR Doc.77-11177 Filed 4-15-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

Corrective and Minor Amendments to Chapter

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: This rule makes corrective and minor amendments to the Commission's regulations "Conduct of Employees," "Standards for Protection Against Radiation," and "Licensing of Production and Utilization Facilities."

EFFECTIVE DATE: April 18, 1977

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C., 301-492-7211.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's regulations 10 CFR Parts 0, 20 and 50.

The amendment of Part 0 makes a minor correction in § 0.735-3(h), correcting the reference therein to "The Solicitor" to read "The General Counsel."

The amendments of Part 20 amend § 20.405(a), Reports of overexposures and excessive levels and concentrations, to provide that such reports shall be made to the Director of the appropriate NRC Regional Office listed in Appendix D of Part 20 with a copy to the Director of Inspection and Enforcement.

The amendments of Part 20 also correct a printing error in footnote 3 to § 20.103(a). "Multiple" is corrected to read "Multiply".

In paragraph 2. of Appendix F, 10 CFR Part 50, the sentence "NRC will take title to the radioactive waste material upon transfer to a Federal Repository". is corrected to read "The Energy Research and Development Administration will take title to the radioactive waste material upon transfer to a Federal Repository.". At the time of implementation of the Energy Reorganization Act of 1974, the above referenced sentence was amended as part of an overall revision of the regulations changing references to "AEC" to read "NRC". In the case of this sentence, however, the reference to AEC should have been changed to the Energy Research and Development Administration as the cognizant Federal Agency.

The amendment of § 50.59(a)(2)(i) corrects the words "accident of malfunction of equipment" to read "accident or malfunction of equipment". The amendment to footnote 2 of Appendix I, 10 CFR Part 50 changes the reference to "Section 50.36a(2)" to read "Section 50.36a(a)(2)."

Because these amendments relate solely to corrections and minor amendments, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 0, 20 and 50, are published as a document subject to codification.

PART 0—CONDUCT OF EMPLOYEES

§ 0.735-3 [Amended]

1. Paragraph 0.735-3(h) of 10 CFR Part 0 is amended by deleting "The Solicitor" and inserting in lieu thereof "The General Counsel".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

§ 20.103 [Amended]

2. Footnote 3 to § 20.103(a)(1) of 10 CFR Part 20 is amended by deleting "Multiple" and substituting in lieu thereof "Multiply".

3. In § 20.405, the prefatory language of paragraph (a) is amended to read as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

(a) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the appropriate NRC Regional Office listed in Appendix D with a copy to the Director of Inspection and Enforcement.

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of: * * *

* * * * *

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

§ 50.59 [Amended]

4. Paragraph (a)(2)(i) of § 50.59 of 10 CFR Part 50 is amended by deleting the words "accident of malfunction of equipment" and substituting therefor "accident or malfunction of equipment".

5. In paragraph 2. of Appendix F of 10 CFR Part 50, the sentence reading "NRC will take title to the radioactive waste material upon transfer to a Federal Repository", is amended by deleting "NRC" and substituting therefor "The Energy Research and Development Administration".

6. Footnote 2 of Appendix I, 10 CFR Part 50, is amended by deleting "§ 50.36a (2)" and substituting therefor "§ 50.36a (a)(2)".

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

Dated at Bethesda, Maryland, this 28th day of March 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-11304 Filed 4-15-77;8:45 am]

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations "Financial Protection Requirements and Indemnity Agreements," to increase the level of the primary layer of financial protection required of certain indemnified licensees, and make certain other minor changes in indemnity agreement forms and in the facility form of nuclear liability insurance policy furnished as financial protection. The Commission is amending its regulations at the present time to coincide, as statutorily required, with the increase in the level of the primary layer of insurance provided by private nuclear liability insurance pools.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ira Dinitz, Antitrust and Indemnity Group, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6961.

SUPPLEMENTARY INFORMATION: The provisions of section 170 of the Atomic Energy Act, as amended, (the Act) require production and utilization facility licensees to have and maintain financial protection to cover public liability claims resulting from a nuclear incident. The Commission has exercised its discretionary authority to require persons licensed to possess plutonium in the amount of 5 kilograms or more and persons licensed to process plutonium in the amount of 1 kilogram or more for use in plutonium processing and fuel fabrication plants to also maintain financial protection at the maximum amount available from private sources. Section 170 of the Act, in conjunction with section 201 of the Energy Reorganization Act of 1974, as amended, requires the Nuclear Regulatory Commission to indemnify the licensee and other persons indemnified, up to the statutory limitation on liability, against public liability claims in excess of the amount of financial protection required. Subsection 170b. of the Act requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection [1] required shall be the maximum amount available from private sources. For other licensees, the Commission may require lesser amounts of financial protection. Primary financial protection may be in the form of private insurance, private contractual indemnities, self-insurance or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are exempted by statute from the financial protection requirements.

The insurers who provide the nuclear liability insurance, Nuclear Energy Liability-Property Insurance Association (NEL-PIA) and Mutual Atomic Energy Liability Underwriters (MAELU), have advised the Commission that effective January 1, 1977, the maximum amount of private nuclear energy liability insurance available was increased from $125 million to $140 million. Pursuant to the provisions of subsection 170b. of the Act, the amount of primary financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to $140 million, effective May 1, 1977. In accordance with recent amendments to 10 CFR Part 140 (42 FR 46, January 3, 1977), licensees of plutonium processing and fuel fabrication plants required to maintain the maximum amount of financial protection will have to comply with this requirement on August 1, 1977. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," reflect this requirement.

Other changes to Part 140 to implement Pub. L. 94-197 relate to the extension of indemnity protection to (1) indemnified shipments of new or spent fuel while outside of the United States and any other nation during transit from one NRC licensee to another and (2) stationary nuclear facilities, such as floating nuclear power plants, licensed by the NRC and located in international waters. There is one slight difference between the endorsement to the facility form of nuclear liability insurance policy submitted by NEL-PIA and the amendments to the Commission indemnity agreement form implementing this change. The endorsement, unlike the indemnity amendments, will not extend coverage at this time to nuclear material being transported to or from a floating nuclear power plant. This coverage would be extended, however, before such a plant would be licensed.

Pub. L. 94-197 also provided that in the event of an "extraordinary nuclear occurrence" the Commission could enforce provisions in an insurance policy furnished as proof of financial protection and incorporated in indemnity agreements, requiring a licensee to waive any defense based upon a statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew or reasonably could have known of his injury or damage, but in no event more than 20 years after the date of the nuclear incident. Before the enactment of Pub. L. 94-197., the extension of the time for initiating of a suit for damages was only 10 years after the date of the nuclear incident. Both the endorsement to the facility form and the indemnity agreement forms implement this change as set forth below.

Apart from the change discussed above, there is one additional nonsubstantive modification in the present waiver of defenses endorsement submitted by NEL-PIA that differs from the waiver of defenses endorsement now contained in § 140.91. The existing endorsement was amended by addition of a new paragraph 6 published in the FEDERAL REGISTER on November 11, 1971 (36 FR 21580). That new paragraph basically provided that a licensee's workers employed at an indemnified site exclusively in connection with the construction of a nuclear reactor for which no operating license had been issued would be permitted to take advantage of the waiver of defenses provisions of the facility form. The nuclear liability insurance pools intended that this paragraph be published as a separate endorsement and not as a part of the general waiver endorsement. Hence, this paragraph is now being retained as a separate endorsement.

This rule does not contain any provisions implementing (or interpreting)

[1] Public Law 94-197 does not by its precise language require maintenance of a "primary" (i.e., nuclear liability insurance) layer and a "secondary" (i.e., retrospective premium) layer of financial protection but merely considers the combination of these two layers as "financial protection." However, the recently published amendments (42 FR 46, Jan. 3, 1977) to 10 CFR Part 140 implementing part of Public Law 94-197, distinguish between primary and secondary layer of financial protection on the basis of their different insurance characteristics. The amendments in this rule relate solely to increases in the primary layer of financial protection.

the amendments to H.R. 8631 introduced by Senator Hathaway, agreed to by the Senate and contained in Pub. L. 94–197 regarding exclusion of the costs of investigating and settling claims from funds used for the payment of claims.

Since the amendments set out below conform the Commission's regulations to a statutory requirement, the Commission has found that good cause exists for omitting public notice of proposed rule making and public procedure theron as 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 amendments to Title 10, Chapter I, Part 140, Code of Federal Regulations, are published as a document subject to codification.

§ 140.11 [Amended]

1. The present § 140.11(a)(4) is amended by deleting "$125,000,000" and substituting therefor "$140,000,000." Section 140.11(a)(4) which becomes effective on August 1, 1977 is also amended by deleting "$125,000,000" and substituting "$140,000,000" therefor.

§ 140.13a [Amended]

2. Section 140.13a(a) is amended by deleting the term "$125 million" and substituting "$140,000,000" therefor.

§ 140.91 [Amended]

3. In § 140.91, Appendix A, Condition 4 is amended by revising the footnote to read as follows:

For policies issued by Nuclear Energy Liability-Property Insurance Association the amount will be "$108,500,000"; for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be "$31,500,000."

4. In § 140.91, Appendix A, paragraph III of the "Optional Amendatory Endorsement" is amended by revising the footnote to read as follows:

For policies issued by Nuclear Energy Liability-Property Insurance Association the amount will be "$108,500,000;" for policies issued by Mutual Atomic Energy Liability Underwriters the amount will be "$31,500,000."

5. In § 140.91, Appendix A, the "Waiver of Defenses Endorsement" is amended by deleting paragraph 6.

6. Section 140.91, Appendix A, is amended by adding the following endorsements:

NUCLEAR ENERGY LIABILITY POLICY
(FACILITY FORM)

WAIVER OF DEFENSE ENDORSEMENT

(EXTRAORDINARY NUCLEAR OCCURRENCE)

The named insured, acting for himself and every other insured under the policy, and the members of _____ agree as follows:

1. With respect to any extraordinary nuclear occurrence to which the policy applies as proof of financial protection and which

(a) Arises out of or results from or occurs in the course the construction, possession, or operation of the facility, or

(b) Arises out of or results from or occurs in the course of the transportation of nuclear material to or from the facility,

the insureds and the companies agree to waive.

(1) Any issue or defense as to the conduct of the claimant or the fault of the insureds, including but not limited to:

(i) Negligence,

(ii) Contributory negligence,

(iii) Assumption of risk, and

(iv) Unforeseeable intervening causes, whether involving the conduct of a third person, or an act of God,

(2) Any issue or defense as to charitable or governmental immunity, and

(3) Any issue or defense based on any statute of limitations if suit is instituted within three (3) years from the date on which the claimant first knew, or reasonably could have known, of his bodily injury or property damage and the cause thereof, but in no event more than twenty (20) years after the date of the nuclear incident.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action.

2. The waivers set forth in paragraph 1. above do not apply to

(a) Bodily injury or property damage which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant;

(b) Bodily injury sustained by any claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law;

(c) Any claim for punitive or exemplary damages, provided, with respect to any claim for wrongful death under any State law which provides for damages only punitive in nature, this exclusion does not apply to the extent that the claimant has sustained actual damages, measured by the pecuniary injuries resulting from such death but not to exceed the maximum amount otherwise recoverable under such law.

3. The waivers set forth in paragraph 1. above shall be effective only with respect to bodily injury or property damage to which the policy applies under its terms other than this endorsement; provided, however, that with respect to bodily injury or property damage resulting from an extraordinary nuclear occurrence, Insuring Agreement IV, "Application of Policy," shall not operate to bar coverage for bodily injury or property damage (a) which is caused during the policy period by the nuclear energy hazard and (b) which is discovered and for which written claim is made against the insured not later than twenty (20) years after the date of the extraordinary nuclear occurrence.

Such waivers shall not apply to, or prejudice the prosecution or defense of any claim or portion of claim which is not within the protection afforded under

(a) The provisions of the policy applicable to the financial protection required of the named insured;

(b) The agreement of indemnification between the named insured and the Nuclear Regulatory Commission made pursuant to Section 170 of the Atomic Energy Act of 1954, as amended; and

(c) The limit of liability provisions of Subsection 170e. of the Atomic Energy Act of 1954, as amended.

Such waivers shall not preclude a defense based upon the failure of the claimant to take reasonable steps to mitigate damages.

4. Subject to all of the limitations stated in this endorsement and in the Atomic Energy Act of 1954, as amended, the waivers set forth in paragraph 1. above shall be judicially enforceable in accordance with their terms against any insured in an action to recover damages because of bodily injury or property damage to which the policy applies as proof of financial protection.

5. As used herein:

"Extraordinary nuclear occurrence" means an event which the Nuclear Regulatory Commission has determined to be an extraordinary nuclear occurrence as defined in the Atomic Energy Act of 1954, as amended.

"Financial protection" and "nuclear incident" have the meanings given them in the Atomic Energy Act of 1954, as amended.

"Claimant" means the person or organization actually sustaining the bodily injury or property damage and also includes his assignees, legal representatives and other persons or organizations entitled to bring an action for damages on account of such injury or damage.

Effective date of this endorsement _____ to form a part of policy 12:01 A.M. Standard Time

No. _____
Issued to _____
Date of issue _____
Endorsement No. _____
For the subscribing companies:
By _____,
General Manager
Countersigned by _____

SUPPLEMENTARY ENDORSEMENT
WAIVER OF DEFENSES

REACTOR CONSTRUCTION AT THE FACILITY

It is agreed that in construing the application of paragraph 2.(b) of the Waiver of Defenses Endorsement (NE–33a) with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Nuclear Regulatory Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the Nuclear Regulatory Commission with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

Effective date of this endorsement _____ to form a part of policy 12:01 A.M. Standard Time

No. _____
Issued to _____
Date of issue _____
Endorsement No. _____
For the subscribing companies:
By _____,
General Manager
Countersigned by _____

NUCLEAR ENERGY LIABILITY POLICY
(FACILITY FORM)

AMENDMENT OF DEFINITION OF "NUCLEAR ENERGY HAZARD" (INDEMNIFIED NUCLEAR FACILITY)

It is agreed that: 1. Solely with respect to an "insured shipment" to which the policy applies as proof of financial protec-

tion required by the Nuclear Regulatory Commission, subdivision (2) of the definition of "nuclear energy hazard" is amended to read:

(2) The nuclear material is in an insured shipment which is away from any other nuclear facility and is in the course of transportation, including handling and temporary storage incidental thereto, within

(a) The territorial limits of the United States of America, its territories or possessions, Puerto Rico or the Canal Zone; or

(b) International waters or airspace, provided that the nuclear material is in the course of transportation between two points located within the territorial limits described in (a) above and there are no deviations in the course of the transportation for the purpose of going to any other country, state or nation, except a deviation in the course of said transportation for the purpose of going to or returning from a port or place of refuge as the result of an emergency.

2. As used herein, "financial protection" has the meaning given it in the Atomic Energy Act of 1954, as amended.

INSTRUCTIONS.—This form is to be used to modify all Nuclear Energy Liability Facility Forms in force on January 1, 1977 which were issued to become effective prior to January 1, 1977 and which are offered by the named insured as proof of financial protection being maintained as required by the Atomic Energy Act of 1954, as amended.

Effective date of this Endorsement ..... To form a part of
12:01 A.M. Standard Time
policy No. .....
Issued to .....
Date of issue .....
Endorsement No. .....
For the subscribing companies:
By .....,
General Manager
Countersigned by .....

NUCLEAR ENERGY LIABILITY POLICY
(FACILITY FORM)

AMENDMENT OF DEFINITIONS OF "NUCLEAR ENERGY HAZARD" AND "INSURED SHIPMENT" (INDEMNIFIED NUCLEAR FACILITY)

It is agreed that: I. In Insuring Agreement III, "DEFINITIONS"

A. Solely with respect to an "insured shipment" to which this policy applies as proof of financial protection required by the Nuclear Regulatory Commission, Subdivision (2) of the definition of "nuclear energy hazard" is amended to read:

(2) The nuclear material is in an insured shipment which is away from any other nuclear facility and is in the course of transportation, including the handling and temporary storage incidental thereto, within

(a) The territorial limits of the United States of America, its territories or possessions, Puerto Rico or the Canal Zone; or

(b) International waters or airspace, provided that the nuclear material is in the course of transportation between two points located within the territorial limits described in (a) above and there are no deviations in the course of the transportation for the purpose of going to any other country, state or nation, except for a deviation in the course of said transportation for the purpose of going to or returning frm a port or place of refuge as the result of an emergency.

B. The definition of "insured shipment" is replaced with the following:

"Insured shipment" means a shipment of source material, special nuclear material, spent fuel or waste, herein called "material", (1) to the facility from any location except an indemnified nuclear facility, but only if the transportation of the material is not by predetermination to be interrupted by removal of the material from a transporting conveyance for any purpose other than the continuation of its transportation, or (2) from the facility to any other location, but only until the material is removed from a transporting conveyance for any purpose other than the continuation of its transportation.

II. As used herein, "financial protection" has the meaning given it in the Atomic Energy Act of 1954, as amended.

INSTRUCTIONS.—This form is to be used to modify all Nuclear Energy Liability Facility Forms which are issued to become effective on or after January 1, 1977 and which are offered by the named insured as proof of financial protection being maintained as required by the Atomic Energy Act of 1954, as amended.

Effective date of this endorsement ..... To form a part of
12:01 a.m. standard time
policy No. .....
Issued to .....
Date of issue .....
Endorsement No. .....
For the subscribing companies:
By .....,
General Manager.
Countersigned by .....

§ 140.92 [Amended]

7. Section 140.92, Appendix B, Article I, the prefatory language of paragraph 5, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

8. Section 140.92, Appendix B, Article II, paragraph 4(c) is amended by changing "ten years" to "20 years."

9. Section 140.92, Appendix B, Article II, paragraph 8(a), is amended by deleting the amount "$96,875,000" wherever it appears and substituting therefor "$108,500,000."

10. Section 140.92, Appendix B, Article II, paragraph 8(b), is amended by deleting the amount "$28,125,000" wherever it appears and substituting therefor "$31,500,000."

11. Section 140.92, Appendix B, Article II, paragraph 8(c), is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

12. Section 140.92, Appendix B, Article III, paragraph 4(b)(2), is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.93 [Amended]

13. Section 140.93, Appendix C, Article I, the prefatory language of paragraph 5 is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

14. Section 140.93, Appendix C, Article II, paragraph 4(c), is amended by changing "10 years" to "20 years."

15. Section 140.93, Appendix C, Article II, paragraph 8, is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

16. Section 140.93, Appendix C, Article III, paragraph 4(b)(2), is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.94 [Amended]

17. Section 140.94, Appendix D, Article I, the prefatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

18. Section 140.94, Appendix D, Article II, paragraph 4(c), is amended by changing "10 years" to "20 years."

19. Section 140.94, Appendix D, Article II, paragraph 6, is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.95 [Amended]

20. Section 140.95, Appendix E, Article I, the prefatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

21. Section 140.95, Appendix E, Article II, paragraph 2(c), is amended by changing "10 years" to "20 years."

22. Section 140.95, Appendix E, Article III, paragraph 4(b)(2), is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.107 [Amended]

23. Section 140.107, Appendix G, Article I, the prefatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

24. Section 140.107, Appendix G, Article II, paragraph 6(a), is amended by deleting the amount "$96,875,000" wherever it appears and substituting therefor "$108,500,000."

25. Section 140.107, Appendix G, Artiticle II, paragraph 6(b), is amended by deleting the amount "$28,125,000" wherever it appears and substituting therefor "$31,500,000."

26. Section 140.107, Appendix G, Article II, paragraph 6(c), is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

27. Section 140.107, Appendix G, Article III, paragraph 4(b), is amended by changing the amount $125,000,000" to "$140,000,000."

§ 140.108 [Amended]

28. Section 140.108, Appendix H, Article I, the prfeatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

29. Section 140.108, Appendix H, Article II, paragraph 6(a), is amended by deleting the amount "$96,875,000" wherever it appears and substituting therefor "$108,500,000."

30. Section 140.108, Appendix H, Article II, paragraph 6(b), is amended by deleting the amount "$28,125,000" wherever it appears and substituting therefor "$31,500,000."

31. Section 140.108, Appendix H, Article II, paragraph 6(c), is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

32. Section 140.108, Appendix H, Article III, paragraph 4(b), is amended by changing the amount "$125,000,000" to "$140,000,000."

Effective date: The foregoing amendments become effective on May 1, 1977.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 170, Pub. Law 85-256, 71 Stat. 576, Pub. Law 94-197, 89 Stat. 1111 (42 U.S.C. 2210); sec. 201, Pub. Law 93-438, as amended, 88 Stat. 1242, 89 Stat. 415 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 14th day of April 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-11340 Filed 4-15-77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Notice of Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would establish the quantity of cranberries to be marketed from the 1977 crop. The Cranberry Marketing Committee submitted the proposal based on its evaluation of the demand for cranberries in 1977 and to provide an adequate carryover to the 1978 crop. The proposed action is designed to assure adequate supplies of cranberries and provide orderly marketing.

DATE: Comments must be received on or before April 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).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Secretary of Agriculture is considering the issuance of a regulation, hereinafter set forth, designed to promote orderly marketing of cranberries grown in the production area.

The proposal was recommended by the Cranberry Marketing Committee. This committee is established pursuant to marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929). This program regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The committee recommended a marketable quantity of 248,604,800 pounds of cranberries for the 1977-78 crop year. This quantity represents estimated sales of cranberries from the 1977-78 crop and provides for an adequate carryover into the 1978-79 crop year. Under the proposal, each producer would have an allotment equal to 95 percent of his base quantity as proivded in § 929.49. The proposal is designed to assure adequate supplies of cranberries and promote orderly marketing of the crop.

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)).

The proposal is as follows:

§ 929.304 Marketable quantity and allotment percentage during the crop year beginning September 1, 1977.

(a) The marketable quantity during the crop year beginning September 1, 1977, shall be 248,604,800 pounds.

(b) As provided in § 929.49, the allotment percentage shall be 95 percent.

(c) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: April 13, 1977.

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

[FR Doc.77-11167 Filed 4-15-77;8:45 am]

[7 CFR Part 1006]

[Docket No. A0-356-A15]

MILK IN THE UPPER FLORIDA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Upper Florida Federal milk order. Dairy farmer cooperatives will be polled to determine whether producers favor issuance of the proposed amended order.

The proposed amendment would provide regulated status for a milk plant located in the marketing area, which is operated by a cooperative association as a balancing plant for the market if during the month at least 50 percent of the producer milk of members of the cooperative association is delivered from farms to pool distributing plants or is transferred to such plants from the cooperative association's balancing plant(s).

The order change proposed in this decision would facilitate the efficient handling of the market's day-to-day milk supply needs.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-7311).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued February 3, 1977; published February 8, 1977 (42 FR 7962).

Notice of Recommended Decision—Issued March 17, 1977; published March 22, 1977 (42 FR 15417).

PRELIMINARY STATEMENT

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Upper Florida marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Orlando, Florida, on February 17, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Program Operations, on March 17, 1977, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to whether the order should accord pool status to cooperative association balancing plants.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Cooperative association balancing plants. The order should provide for the pooling of any non-distributing plant located in the marketing area and operated by a cooperative association as a balancing plant for the regulated market if during the month at least 50 percent of the producer milk of members of the cooperative association is delivered from the farms to pool distributing plants or is transferred to such plants from the cooperative association's balancing plant(s). Such pool status should be limited to plants approved by a duly con-

stituted health authority to handle milk for fluid consumption. The plant should not be accorded pool balancing plant status if it meets the pooling standards for a supply plant under any Federal order.

The proposal for pooling a cooperative association balancing plant was made by the major cooperative association in the market. The requirements adopted herein are essentially those proposed by the association, and there was no opposition testimony presented at the hearing.

A spokesman for the cooperative testified that the association, since its formation, has assumed the responsibility of furnishing most of the fluid milk requirements of handlers regulated by the Upper Florida milk order. Also, the association handles practically all of the milk in excess of the fluid handlers' requirements.

The witness stated that as handlers have reduced the number of bottling days, the demand pattern for fluid milk has changed. Currently, one fluid handler bottles six days a week, six handlers bottle five days a week, and three handlers bottle four days a week. This development has tended to concentrate the number of days in the week that the association is called upon to dispose of reserve supplies not needed for fluid use. As there are no butter-nonfat dry milk or cheese plants located in Florida, a large proportion of the milk in excess of fluid requirements must be shipped out of State. About 67 percent of such milk was shipped out of State in 1976.

What has occurred, however, is that the reserve milk that must be handled by proponent association is heaviest on weekends, precisely when relatively nearby manufacturing plants in Tennessee and Louisiana are running at near capacity. Milk must then be hauled greater distances and, on occasion, has had to be taken to Minnesota for disposition. To improve this situation, the association is building a milk receiving and balancing station which is expected to be operative in May 1977.

The operation of a cooperative association balancing plant in the Upper Florida market will provide an efficient means whereby a cooperative association can assemble milk not needed at pool distributing plants. Such milk would be assembled for storage and subsequent disposition to manufacturing outlets, or transferred to pool distributing plants as needed. This method of operation will provide an efficient means whereby handlers buying milk from the cooperative may adjust their receipts from day to day to fit their bottling needs and at the same time have assurance through arrangements with the cooperative association that milk will always be available for fluid use as needed. Milk not needed for fluid use can then be disposed of by the association in an orderly and efficient manner.

To achieve this objective the order should provide for the pooling of any cooperative association balancing plant located in the marketing area if during the month at least 50 percent of the producer milk of members of the cooperative association is delivered from the farms to pool distributing plants or is transferred to such plants from the cooperative association's balancing plant(s). This is the same qualifying percentage that now applies to supply plants.

Without the in-area requirement for a cooperative association balancing plant, there would always be the threat that a multi-market cooperative could use the balancing plant provisions as a means of pooling unneeded milk supplies under the order by requesting the pooling of a plant basically associated with another market. This could be to the detriment of nonmember producers and other cooperatives associated with the Upper Florida market. To maintain the integrity of regulation, it is necessary to insure that only milk which by location or performance is reasonably a part of the market's milk supply be pooled under the Upper Florida order.

There is always the potential that a balancing plant could meet the shipping requirements for pooling either in this market or another Federal order market. In such event, it is intended that the plant be qualified as a pool supply plant under the appropriate order rather than as a pool balancing plant under this order. Testimony of proponent indicated that the balancing plant being constructed for the market will be used primarily for the disposition of milk not needed at pool distributing plants. There would be few if any shipments of milk from the balancing plant to pool distributing plants. If, in fact, the balancing plant should begin functioning as a supply plant it would be reasonable to expect the plant to qualify for pooling under the supply plant provisions already provided in the order.

As a further condition for pooling status, a cooperative balancing plant must be approved by a duly constituted health authority to handle milk for fluid consumption. Such a provision is necessary to assure that the plant can be depended upon for supplemental milk supplies when needed by distributors. Since the provision adopted herein would not require a minimum shipment to the market from a cooperative balancing plant, it is conceivable that the plant could neglect to maintain its health approval, in which case it would be inappropriate to pool the milk supply since it could not be made available to distributing plants for Class I use. Under such circumstances there would be no justification for such milk to share in the pool proceeds.

As a further requirement for pooling a cooperative balancing plant, the cooperative must make a request of the market administrator for pooling status. Only by this means can the cooperative's intention be known to the market administrator. Under certain circumstances, a cooperative might find it feasible not to pool a plant in this market, notwithstanding the fact that the plant was eligible for pooling. If the plant does not meet the shipping requirements for a pool supply plant, there is no necessity that it be pooled against the cooperative's wishes.

Rulings on Proposed Findings and Conclusions

An interested party filed a brief and proposed findings and conclusions. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

No exceptions were received.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Upper Florida marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL

REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

January 1977 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Upper Florida marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on April 12, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

Order[1] Amending the Order, Regulating the Handling of Milk in the Upper Florida Marketing Area

FINDINGS AND DETERMINATIONS

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Florida marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Upper Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Program Operations, on March 17, 1977, and published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15417), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. In § 1006.7, the introductory text is revised by changing the reference to paragraph (c) to paragraph (d), paragraph (c) is redesignated as paragraph (d), paragraph (b) is amended by replacing the period with a semicolon and adding the word "or," and a new paragraph (c) is added to read as follows:

§ 1006.7 Pool plant.

* * * * *

(c) A plant, other than a distributing plant, that is located in the marketing area and is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and 50 percent or more of the producer milk of members of the cooperative association is received at pool distributing plants either directly from farms or by transfer from plants of the cooperative association for which pool plant status under this paragraph has been requested, subject to the following conditions:

(1) The plant is approved by a duly constituted health authority for the disposition of Grade A milk in the marketing area; and

(2) The plant does not qualify as a pool plant under paragraph (b) of this section or under the provisions of another Federal order applicable to a supply plant.

* * * * *

[FR Doc.77-11140 Filed 4-15-77;8:45 am]

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

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 9]

PUBLIC RECORDS

Waiver or Reduction of Fees for Searching and Reproduction of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period on proposed rule.

SUMMARY: This notice extends the comment period on a proposed rule "Waiver or Reduction of Fees for Searching and Reproduction of Records" which was published in the FEDERAL REGISTER on March 31, 1977.

DATE: Comments must be received by May 23, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, 301 492-7211.

SUPPLEMENTARY INFORMATION: On March 31, 1977 the Nuclear Regulatory Commission published in the FEDERAL REGISTER a notice proposing amendment of the Commission's regulations "Public Records," 10 CFR Part 9, by adding a new § 9.14a, "Waiver or Reduction of Fees."

Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments by May 2, 1977. In response to a request from the Union of Concerned Scientists, the Nuclear Regulatory Commission has extended the comment period to May 23, 1977.

Dated at Washington, D.C. this 14th day of April, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-11289 Filed 4-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-WE-8-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9, -10, -20, -30, -40, -50 Series and VC-9C(DC-9-32) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposed to add an Airworthiness Directive that would require repetitive inspections, and/or rework or modification of the engine pylon front spar structure and attach-

ments on McDonnell Douglas Model DC-9, -10, -20, -30, -40, -50, and VC-9C (DC-9-32) airplanes, to preclude possible failure of the front spar that could result in detrimental structural damage to the pylon and adjacent fuselage structure.

DATE: Comments must be received on or before May 20, 1977.

ADDRESS: Send comments on proposal to: Department of Transportation, Federal Aviation Administration, Office of the Regional Counsel, Attention: A.D. Rules Docket, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board Federal Aviation Administration P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, 213-536-6351. Richard G. Wittry, attorney, Office of the Regional Counsel, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, 213-536-6274.

SUPPLEMENTARY INFORMATION: There have been reported instances of fatigue cracks and failures of the engine pylon front spar attachments (fasteners) and/or the front spar upper cap. The upper cap structure is made of two angles, P/N's 9958161-5 and -61, and two straps, P/N 9958161-7 and -63. The -61 angle is nested inside the other angle. The cap is installed in an inverted "L" position so that one set of nested angle legs are horizontal and extending to the rear; the other set of legs is in a vertical position (hanging downward). The two horizontal legs of the angles and the -63 strap are bolted together with the strap positioned against the underside of the horizontal leg of the inner nested angle. The vertical set of legs and the -7 strap are bolted to a bulkhead (wall) with the strap positioned against the rear facing surface of the vertical leg of the inner nested angle. As a result of the "nested-angle" type of cap construction, and the method of installation of the pylon/spar, the vertical leg of the -61 (outer) angle is sandwiched between the bulkhead (wall) and the vertical leg of the inner nested angle, making it extremely difficult, to see if the vertical leg has any cracks or otherwise been damaged. In addition, the lavatory forward wall is butted up against the rear facing side of the spar, making it difficult to even see the spar itself. If the angle and attachment cracks or failures are allowed to go undetected and no preventive measures are taken to remedy this problem, the spar cap, spar, pylon and/or fuselage structure could suffer serious damage. The manufacturer has issued All Operators Letter (AOL) 9-835, and Service Bulletin 54-30, to operators of Model DC-9 and Military VC-9C airplanes, outlining procedures for radiographic and ultrasonic inspections, and instructions for rework and modification of the pylon front spar structure and attachments. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetive inspections and/or rework or modification of the pylon front spare per the instructions in Service Bulletin 54-30.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested.

Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before May 20, 1977, will be considered by the Administrator before taking action upon the proposed rule.

The proposals contained in this notice may be changed in the light of comments received.

All comments will be available both before and after the closing date for comments, in the Rule Docket for examination by interested persons.

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

McDONNELL DOUGLAS: Applies to Model DC-9, -10, -20, -30, -40, -50 series and VC-9C(DC-9-32) airplanes, excepting those cargo and cargo/passenger models with cutback bulkhead.

Compliance required as indicated unless already accomplished.

To detect fatigue cracks and/or failure of the engine pylon front spar attachments and upper cap, accomplish the following:

(a) Within the next 1600 flight hours after the effective date of this A.D., or before accumulating 9600 total flight hours, whichever occurs later, unless already accomplished within the last 1600 flight hours, and thereafter at intervals not to exceed 3200 flight hours from the last inspection, accomplish radiographic and ultrasonic inspections in accordance with the instructions in Douglas Service Bulletin 54-30, dated January 19, 1977, or later FAA approved revision.

For those operators who have conducted only the radiographic inspections per Douglas All Operators Letter, AOL 9-835, dated October 30, 1974, perform the ultrasonic inspection, and thereafter, the radiographic and ultrasonic inspection per the requirements of this A.D., as applicable.

(b) If cracks or failures are found, before further flight, accomplish the modification described in Condition II in Douglas Service Bulletin 54-30 in accordance with the instructions in Douglas Service Bulletin 54-30, dated January 19, 1977, or later FAA approved revision.

(c) If no cracks or failures are found, the inspections required by paragmph (a) may be discontinued for that plyon(s) upon accomplishment of either or both modifications (Condition I; Condition II) specified in Douglas Service Bulletin 54-30, dated January 19, 1977 or later FAA approved revision.

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

(e) Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this A.D.

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

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

Issued in Los Angeles, California on April 1, 1977.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.77-11081 Filed 4-15-77;8:45 am]

[14 CFR Part 39]

[Docket No. 77-WE-7-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to add an Airworthiness Directive that would require modifications to flight spoiler actuation and control system on certain McDonnell Douglas Model DC-9 Series airplanes to preclude the possibility of a spoiler segment failing to retract during go-around or takeoff conditions. Failure of a spoiler segment to retract could cause a hazardous amount of unwanted lateral roll during certain critical phases of flight.

DATE: Comments must be received on or before: May 20, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, 213-536-6351, or Richard G. Wittry, Attorney, Office of the Regional Counsel, P.O. Box 92007, FAA Western Region, 213-536-6274.

SUPPLEMENTARY INFORMATION: Several instances have been reported of a spoiler segment failing to retract and, in those instances occurring in flight, an

unwanted lateral roll condition was created. Such a condition occurring during certain critical phases of flight could be hazardous to the continued safe operation of the aircraft. Investigation of the prior incidents and the spoiler actuator mechanism has determined five potential causes of a spoiler segment remaining deployed. These causes are failure of a leaf spring, improper clamp-up of bushings, cable drum bearing seizure due to lubricant evaporation and/or washout, improper lockwire installation causing restricted operation, and spoiler control cable broken due to corrosion and wear.

The manufacturer has issued DC-9 Service Bulletins 27-96 and 27-157 containing modifications to the spoiler control system to eliminate the above failure causes. Since this condition is likely to exist or develop in aircraft of the same type design, the proposed Airworthiness Directive would require incorporation of the spoiler control system modifications in Service Bulletins 27-96 and 27-157.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of the adoption of the proposed rule is also requested. Communications should identify the airworthiness docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received before May 20, 1977, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in the notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rule Docket for examination by interested persons.

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

McDONNELL DOUGLAS: Applies to certain Model DC-9, -10, -20, -30, -40, and C-9A and C-9B(DC-9-32F) Series airplanes, certificated in all categories, as indicated below.

Compliance required as indicated, unless already accomplished.

To prevent inadvertent spoiler non-retraction, accomplish the following:

(a) On Model DC -9, -10, -30, and -40 Series airplanes, prior to Fuselage Number 321.

Within the next 1,500 hours time in service after the effective date of this A.D., modify all four DC-9 flight spoiler actuator assemblies in accordance with the provisions of McDonnell Douglas DC-9 Service Bulletin 27-96, Revision 1, dated June 6, 1968, or later FAA approved revision.

(b) On Model DC -9, -10, -20, -30, -40, and C-9A and C-9B (DC-9-32F) Series airplanes, prior to fuselage Number 757.

Within the next 1,500 hours time in service after the effective date of this A.D., modify and reidentify all four spoiler control drum assemblies by installation of grease fittings and modified upper and lower bearings in accordance with McDonnell Douglas Service Bulletin 27-157, dated June 7, 1974, or later FAA approved revision.

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

(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)).)

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

Issued in Los Angeles, California on April 4, 1977.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.77-11111 Filed 4-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No.77-CE-11]

CONTROL ZONE AND TRANSITION AREA AT COLUMBUS, NEBRASKA

Proposed Alteration

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This Notice proposes to alter the Columbus, Nebraska, control zone and transition area due to relocation of the Columbus, Nebraska Very High Frequency Omni Directional Range (VOR) and in order to simplify these airspace desginations. The proposal is necessary to establish controlled airspace to contain the flight of aircraft executing instrument approach procedures at or above 700 feet Above Ground Level (AGL) based on the relocated VOR.

DATES: Comments must be received on or before May 21, 1977.

ADDRESSES: Send comments on the proposal to: FAA, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 77-CE-11, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alden E. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the FAA, Office of the Regional Counsel, Central Region, Attention: Rules Docket Clerk, Docket No. 77-CE-11, 601 East 12th Street Kansas City, Missouri 64106. All comments received on or before May 21, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independent 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 amendments to Subpart F, Section 71.171 and Subpart G, § 71.181 (14 CFR 71.171 and 14 CFR 71.181 respectively) to alter the Columbus, Nebraska, control zone and transition area due to relocation of the Columbus, Nebraska VOR and in order to simplify these airspace designations. The VOR is being relocated in connection with the approved airport development at the Columbus, Nebraska, Municipal Airport. Relocation of the VOR requires adjustment of the instrument flight procedures based on that navigational aid. Alteration of controlled airspace is therefore necessary to compensate for the adjustment of the instrument approach procedures so that aircraft will be afforded continuous airspace protection at or above 700 feet AGL in which to execute the adjusted instrument approaches. Subpart F, § 71.171 pertaining to the Columbus, Nebraska control zone and Subpart G, § 71.181 pertaining to the Columbus, Nebraska transition area were republished on January 3, 1977 (42 FR 371 and 42 FR 475, respectively). Accordingly, the Federal Aviation Administration proposes to amend Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. By amending § 71.171 (42 FR 371) so as to alter the following control zone to read:

COLUMBUS, NEBRASKA

Within a five mile radius of the Columbus Municipal Airport (latitude 41°26'49" N, longitude 97°20'31" W), and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the five mile radius zone to 11 miles northwest of the airport, and within three miles each side of the 157° radial of the Columbus VOR extending from the five mile radius zone to 8.5 miles southeast of the VOR. This Control Zone shall be effective during the times es-

tablished by a notice to airman or as published in the Airman's Information Manual.

2. By amending § 71.181 (42 FR 475) so as to alter the following transition area to read:

COLUMBUS, NEBRASKA

The airspace extending upward from 700'' above the surface within a 6.5 mile radius of the Columbus Municipal Airport (latitude 41°26'49'' N, longitude 97°20'31'' W); and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the 6.5 miles radius area to 11.5 miles northwest of the Airport.

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

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

Issued in Kansas City, Missouri, on March 31, 1977.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.77-11110 Filed 4-15-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

CERTAIN PREPARATIONS CONTAINING IRON

Proposed Amendment to Child-Resistant Packaging Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed Rule.

SUMMARY: In this document, the Consumer Product Safety Commission proposes a rule that would amend the regulations under the Poison Prevention Packaging Act of 1970 to require special (child-resistant) packaging for certain animal and human drugs and dietary supplements that provide an equivalent 250 milligrams (mg) or more elemental iron per package. The Washington State Technical Advisory Committee on Poison Prevention Packaging petitioned the Commission to take this action. The Commission granted the petition and it believes the rule will protect children under 5 from serious illness or injury from handling, using, or ingesting these products.

DATES: Comments concerning this proposal should be received by May 18, 1977. The proposed effective date is 180 days after publication in the FEDERAL REGISTER of any final regulation.

ADDRESS: Comments to:
Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washnigton, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6470).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Acute accidental poisoning from iron began to occur with greater frequency when iron became widely used as a therapeutic agent for the treatment of anemia in 1947. Since that time, as significant number of iron poisonings in children younger than 5 years of age has occurred.

Acute iron poisoning produces a corrosion of the gastrointestinal tract (primarily the stomach and the ileum). Death may occur from shock within 4 to 6 hours or from cardiovascular collapse within 1 to 3 days.

Data from the National Clearinghouse for Poison Control Centers on accidental ingestions of iron preparations by children under 5 years of age for the latest available period, 1969-1974, show 2,470 such ingestions of which 632 required hospitalizations. Of these victims, 322 exhibited symptoms such as coma, convulsions, lethargy, nausea, vomiting, juandice, diarrhea, abdominal pain, fever in excess of 101° F. hypotension and blood in vomit and stools. Data from the death certificates for the latest available period, 1969-1974, show 54 deaths of children younger than 5 years of age from the accidental ingestion of these products. These data do not specify the exact amounts ingested by the children, nor does the medical literature in the field recognize any precise lethal or toxic dose. Evidence does establish, however, that a 3-gram dose of ferrous sulfate (the most common iron salt) is fatal for a human being. On the basis of this evidence, it has been estimated that a dose of 600 milligrams of elemental iron could produce death in a child younger than 5 years of age. This figure, however, does not leave room for variability in body weight of children under 5 years of age or for variable susceptibility in children of the same size.

Data from the National Electronic Injury Surveillance System (NEISS) indicate that for the latest available period, FY 1975, there were 29 ingestions resulting in 9 hospitalizations of children under 5 years of age as a result of ingesting preparations containing iron. From FY 1973-75 NEISS indicates 3 deaths of children under 5 years of age as a result of iron ingestion.

The Poison Prevention Packaging Act of 1970 (PPPA) (Pub. L. 91-601, 15 U.S.C. 1471-1475) authorizes the Consumer Product Safety Commission (as delegated to the Commission by section 30 (a) of the Consumer Product Safety Act, 15 U.S.C. 2079(a)) to issue standards for the special packaging of any household substance, as defined in the act, if it finds that the degree or nature of the hazard to children in the availability of such substance by reason of its packaging is such that special packaging is required to protect children from serious injury or serious illness resulting from handling, using, or ingesting such substance.

In the FEDERAL REGISTER of June 2, 1976 (41 FR 22261), the Commission issued regulations requiring child-protection packaging for certain drugs and dietary preparations containing 500 mg or more elemental iron per package (16 CFR 1700.1(a)(3) and 1700.14 (a)(12), (13)). These regulations are to become effective June 2, 1977. During the comment period leading to the issuance of the above regulations, a petition was received from the Washington State Technical Advisory Committee on Poison Prevention Packaging requesting the Commission to lower the level of coverage to 250 mg per package. In the preamble to the final regulations issued on June 2, 1976, the Commission observed that the comments received requesting lowering of the level (including, by inference, the Washington petition) tended to support the need to lower the level but that none provided data adequate to establish a precise level lower than 500 mg per package. Further, the Commission stated that it would collect and review all relevant information which might enable it to positively establish the existence of such a need, and, if so, what the level should be. At that time, the Commission specifically invited interested persons to submit documentation to assist it in making the determination.

SUMMARY OF SUPPORTIVE DATA

(1) *Introduction.* Attempts to determine the precise lethal or toxic dosage of a hazardous substance are complicated by the known biological variability in sensitivity to such substances. One may, at best, predict or characterize that dosage or dosage range which is likely to prove harmful or fatal for the majority of the population segment at risk. Because ingestions among children are likely to go undetected until symptoms appear, the level to be arrived at for regulatory purposes must take into consideration the fact that delayed medical treatment may seriously affect the outcome of an iron intoxication in a young child.

(2) *Lethality.* Many estimates exist in the medical literature as to the potential lethal dose of iron in children. Goodman and Gillman[1] report that 2 to 4 grams of soluble ferrous salts (ferrous sulfate is most commonly used in drugs and dietary supplements) are likely to be fatal in children in 50 percent of cases. This would be equivalent to dosages of elemental iron of between 400 and 800 mg. According to McEnery,[2] this estimate reflects only the reporting of deaths and survival of severely poisoned children

[1] Goodman, L.S. and Gillman, A., The Pharmacological Basis of Therapeutics, Third Edition, Macmillan Company, New York (1965).

[2] McEnery, J.T., Hospital Management of Acute Iron Ingestion, Clinical Toxicology, 4(4): 603-613; December, 1971.

before physicians were aware of the toxicity of ingested iron products.

Green [3] states that the average human lethal dose of ferrous sulfate is thought to be between 200 and 250 mg/kg (equivalent to 40–50 mg elemental iron per kg). He further notes that as little as 2 grams (400 mg elemental iron) may cause death in a young child if untreated.

Covey [4] reports that in a series of 42 iron ingestions in children (recorded during the years 1947–1956), one-half were fatal. In this series of cases, the smallest dose producing death to a child was 600 mg elemental iron while a child ingesting as much as 3,000 mg survived. (Note: Mortality from iron ingestions has been significantly reduced in recent years. This probably reflects improved medical treatment, specifically the introduction of deferoxamine—a specific iron chelating agent.)

The medical and scientific literature reviewed tend to support a conclusion that the lethal dosage of elemental iron in a young child may lie between 500 and 600 mg if treatment is significantly delayed. Larger doses significantly increase the hazard. It is also apparent that dosages of 400 mg and above must be considered as potentially lethal if untreated.

(3) *Toxicity.* It is generally agreed that iron is toxic to man only when its plasma level exceeds the binding capacity of transferrin (the iron binding protein in the blood). This maximum capacity is generally regarded as between 300 and 400 micrograms percent (mcg percent); however, McEnery [5] states that it may be as high as 500 mcg percent. This value represents the number of micrograms of iron per 100 ml of serum. Transferrin is normally only one-third saturated; thus a certain amount of buffering capacity and protection exists against intoxication as a result of accidental overdosage.

In a series of cases involving 474 patients with acute iron intoxication (469 of whom were less than eight years of age), serious symptoms of shock and coma were present in six percent of the patients who had serum iron levels of less than 500 mcg percent, and in 20 percent of those with serum iron levels between 500 and 1,000 mcg percent. Sixty-two percent of those with serum iron levels in excess of 1,000 mcg percent were in shock and coma. Unfortunately, according to Westlin,[6] estimates of the amount of elemental iron ingested in these cases were unreliable.

In his work Green [3] has included data on 29 iron ingestions in children under five. While the exact amount of iron ingested was not known in all cases (or was estimated with some uncertainty), the data do indicate that initial blood levels in excess of 500 mcg percent generally were associated with ingestions of greater than 900 mg of elemental iron; however, in one case, the amount may have been as low as 600 mg.

While there may not be a precise correlation between serum iron levels and clinical evidence of toxicity, especially at the lower levels of serum iron, McEnery [5] reports that the ingestion of 600 mg elemental iron is sufficient to raise the serum iron to 500 mcg percent in children. Given the symptoms of coma and shock which can occur when the serum blood level of iron is elevated to 500 mcg percent, this level of iron clearly has the potential to produce serious injury or illness to children.

Additional information available to the Commission supports the conclusion that levels of iron less than 600 mg can raise the blood serum level to percentages approaching 500 mcg percent and also are sufficiently toxic to produce serious injury or illness. Viets, Bilodeau, and Longstaff [8] in their work have reported on two cases of iron ingestion by young children, both involving the sharing of iron-containing vitamin tablets by siblings. In one case involving two and four year old siblings, a total of 960 mg of elemental iron were shared. Both children had serum iron levels of approximately 320 mcg percent, and, according to the James classification of mild, moderate, and severe iron poisoning, were classified as "moderately" intoxicated. While the serum level in this case was less than 500 mcg percent the symptomatology indicates that these children experienced significant toxic effects.

In another case reported by Green [3] the ingestion by a two and one-half year old male of approximately 300 mg elemental iron resulted in a blood level of 462 mcg percent, a percentage very close to that level which has been shown to cause serious injury.

Finally, in another case reported by Viets, Bilodeau, and Longstaff,[8] a total of 504 mg elemental iron was shared by two children, ages two and three. The two-year-old had a blood level of 425 mcg percent while the three-year-old's blood level was 383 mcg percent. Both children were classified as "moderately" intoxicated. It should be noted that to attain these levels, either both children ingested 250 mg of iron, or one child exhibited an unusually high serum level after ingestion of less than 250 mg.

These data, although limited, further support the conclusion that serious iron-intoxication in young children is likely to occur following ingestions of 250 mg or more elemental iron.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the potential environmental impact of these amendments to 16 CFR 1700.14(a) (12) and (13) requiring the use of child-resistant closures for certain preparations containing iron has been made. The Commission concludes that there are no potentially significant environmental impacts associated with the amendments, and, therefore, there is no need for an environmental impact statement. A copy of the environmental assessment is on file at the Commission and may be inspected at the Office of the Secretary.

CONCLUSION AND PROPOSAL

The Commission has considered the data contained in the record previously compiled in finalizing 16 CFR 1700.14(a) (12) and (13), the data collected and received as a result of the Commission's continued study alluded to above, including written comments received from several prominent pediatricians supporting a substantial lowering of the existing allowable level, and has consulted (pursuant to section 3 of the PPPA) with the Technical Advisory Committee. As a result and pursuant to section 3(a)(1) of the act, the Commission preliminarily finds that the degree and nature of the hazard to children in the availability of any non-injectionable animal and human drug (except animal feed used as a vehicle for the administration of these drugs), and any dietary supplement as defined in 16 CFR 1700.1(a)(3), that provides an equivalent of 250 mg or more of elemental iron per package in concentrations of .025 percent or more on a weight to volume basis for liquids and .05 percent or more on a weight to weight basis for non-liquids is such that special packaging is required to protect children from serious personal injury or illness resulting from handling, using, or ingesting such substance.

On the basis of contact with a number of packaging manufacturers during the comment period prior to issuing the existing § 1700.14(a) (12), (13) setting the level at 500 mg and again in September and October 1976, and pursuant to section 3(a)(2) of the PPPA, the Commission preliminarily finds that the special packaging requirements proposed herein are technically feasible, practicable, and appropriate.

The Commission preliminarily finds that the special packaging for purposes of the amendments proposed below is technically feasible on the basis of the fact that, as of June 1976, 23 firms had submitted summaries of data from tests conducted in accordance with 16 CFR 1700.20 indicating that one or more designs of special packaging suitable for use with iron preparations meet or exceed the effectiveness specifications of 16 CFR 1700.15(b). These designs include those adaptable to glass and plastic containers, and strip and blister packaging. Further, a survey of 11 manufacturers of child-resistant closures and capping equipment conducted by the Commission in September and October 1976, showed that no problems in producing the necessary additional equipment and closures were anticipated. Likewise, the manufacturers of the regulated products do not expect any major

[3] Green, V.A., Iron Ingestions—The Children's Mercy Hospital, Clinical Toxicology, 4(2): 245–252; June; 1971.

[4] Covey, T.J., Ferrous Sulfate Poisoning, Journal of Pediatrics, 64(2): 218–225; February, 1964.

[5] Westlin, W.F., Deferoxamine as a Chelating Agent, Clinical Toxicology, 4(4): 597–602; December, 1971.

[8] Viets, C.A., Bilodeau, N., and Longstaff, M.J., Children's Chewable Vitamins With Iron: Their Potential Danger, Canadian Family Physician, January, 1974.

problems in incorporating the child-resistant features.

The above preliminary finding as to practicability is based on the fact that the special packaging proposed below readily lends itself to modern mass production and assembly line techniques. Those designs used on many plastic or glass containers are adaptable to capping and filling equipment already being produced and used in the drug packaging industry, while filling and forming equipment presently exists to produce products packaged in child-resistant strip and blister designs.

The basis for the above preliminary finding as to appropriateness is that the special packaging available will not interfere with the storage or use of iron containing preparations and is not detrimental to their integrity. Of the designs mentioned above, many utilize or can utilize the same packaging materials which come in contact with iron containing preparations in their present packages, and are capable of maintaining the stability of iron preparations.

The Commission observes that packagers were put on notice as early as January, 1975 that special packaging may be required for certain preparations containing iron and suggested in the proposed regulation of January 16, 1975 that they begin to place orders for such packaging. The matter was settled by the Commission's issuance of the final regulations, section 1700.14(a) (12), (13) on June 2, 1976 and the setting of an effective date of June 2, 1977 for special packaging for certain preparations containing 500 mg or more elemental iron per package. The research available at that time indicated that a standard at 500 mg or more would cover a large majority on the preparations containing iron. Consequently, this proposed amendment should have minimal impact on the packaging practices of the industry.

It is the Commission's opinion that the above facts, coupled with the serious danger posed by these iron preparations, necessitate that the regulations proposed below, if adopted, become effective 180 days after publication of any final regulation in the FEDERAL REGISTER and invites comments on this proposed effective date.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72 (15 U.S.C. 1471(4), 1472, 1474)) 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)), the Commission proposes that 16 CFR 1700.14 (a) (12) and (a) (13) be amended as follows:

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* * * * (1) * * *

(12) *Iron containing drugs.* With the exception of animal feeds used as vehicles for the administration of drugs, non-injectable animal and human drugs providing iron for therapeutic or prophylactic purposes, and containing a total amount of elemental iron, from any source, in a single package, equivalent to 250 mg or more elemental iron in a concentration of 0.025 percent or more on a weight to volume basis for liquids and 0.05 percent or more on a weight to weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

(13) *Dietary supplements containing iron.* With the exception of those preparations in which iron is present solely as a colorant, dietary supplements, as defined in § 1700.1(a)(3), that contain an equivalent of 250 mg or more of elemental iron, from any source, in a single package in concentrations of 0.025 percent or more on a weight to volume basis for liquids, and 0.05 percent or more on a weight to weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

* * * * *

In publishing this proposal, the Commission, pursuant to section 3(b) of the PPPA, has considered the following: (1) The reasonableness of the proposed amendment; (2) available scientific, medical, and engineering data concerning both special packaging and childhood accidental ingestions, illness and injury caused by certain animal and human drugs and dietary supplements that provide an equivalent of 250 mg or more elemental iron per package; (3) the manufacturing practices of the affected industries, and; (4) the nature and use of the products affected by this proposal.

Interested persons are invited to submit, on or before May 18, 1977, written comments regarding this proposal. Comments received after this date will be considered to the extent practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, during working hours Monday through Friday.

Dated: April 11 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-11230 Filed 4-15-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

GENERAL TAX CREDIT

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the general tax credit. Changes to the applicable tax law were made by the Revenue Adjustment Act of 1975 and the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with those Acts.

DATE: Written comments and requests for a public hearing must be delivered or mailed by June 2, 1977. The amendments are proposed to be effective for taxable years ending after December 31, 1975, and before January 1, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

William E. Mantle 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, 202-566-3734.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 42 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 3 of the Revenue Adjustment Act of 1975 (89 Stat. 972) and to section 401(a) of the Tax Reform Act of 1976 (90 Stat. 1555). The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

IN GENERAL

Section 42 of the Internal Revenue Code of 1954 provides for a general tax credit to reduce the income tax imposed by chapter 1 for the taxable year. This credit equals the greater of: (1) 2 percent of an individual's taxable income up to $9,000 (or $4,500 in the case of married individuals filing separate tax returns), or (2) $35 multiplied by the total number of deductions for personal exemptions an individual is entitled to claim for himself, his spouse, and dependents.

SPECIAL RULES

These proposed regulations contain a special rule for married individuals filing separate tax returns. Both married individuals may claim the general tax credit on their separate tax returns using either of the methods described in the preceding paragraph. However, in order for either married individual to claim a credit equal to $35 multiplied by the number of deductions for personal exemptions that the individual is entitled to claim, both married individuals must claim the credit in this manner on their separate tax returns.

In general, the credit may not be claimed by an estate, trust, or nonresident alien individual. However, under the proposed regulation the credit is available to a decedent on a final return, to estates of certain persons under disabilities, and to alien individuals who are residents of the United States during part of the taxable year. Rules are also provided for computing the credit when the taxpayer's return covers a period of less than 12 months.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was William E. Mantle of the Legislation and Regulations Division of the Office of 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.

Proposed amendments to the regulations. The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.42 [Deleted]

Paragraph 1. Section 1.42 and the historical note are deleted.

Paragraph 2. Section 1.42–1 is amended by revising the heading to read as follows:

§ 1.42–1 Tax credit for personal exemptions for taxable years ending in 1975.

* * * * *

Paragraph 3. The following new section is added immediately after § 1.42–1.

§ 1.42A–1 General tax credit for taxable years ending after December 31, 1975, and before January 1, 1978.

(a) *Allowance of credit.* Subject to the special rules of paragraphs (b), (c) and (d) and the limitation of paragraph (e) of this section, in the case of an individual, there shall be allowed as a credit against the tax imposed by chapter 1 for the taxable year, an amount equal to the greater of—

(1) 2 percent of so much of the individual's taxable income as does not exceed $9,000, or

(2) $35 multiplied by the total number of deductions for personal exemptions to which the individual is entitled for the taxable year under section 151 (b) and (e) and the regulations thereunder (relating to allowance of deductions for personal exemptions with respect to the individual, his spouse, and dependents).

For purposes of applying subparagraph (2) of this paragraph, the total number of deductions for personal exemptions shall not include any additional exemptions to which the individual or his spouse may be entitled based upon age of 65 or more or blindness under section 151 (c) or (d) and the regulations thereunder.

(b) *Married individuals filing separate returns*—(1) *In general.* In the case of a married individual who files a separate return for the taxable year, there shall be allowed as a credit against the tax imposed by chapter 1 for the taxable year an amount equal to either—

(i) 2 percent of so much of the individual's taxable income as does not exceed $4,500, or

(ii) $35 multiplied by the total number of deductions for personal exemptions to which the individual is entitled for the taxable year under section 151 (b) and (e) and the regulations thereunder, but only if both the individual and the individual's spouse elect to have the credit determined in the manner described in this subdivision (ii) for their corresponding taxable years. The elections shall be made by each separately calculating and claiming the credit in the manner and amount described in this subdivision (ii) on their separate returns for their corresponding taxable years. The rules of section 142(a) and the regulations thereunder (relating to individuals not eligible for the standard deduction) shall apply to determine whether the taxable years of the individual and the individual's spouse correspond to each other. For purposes of applying this subdivision (ii), the total number of deductions for personal exemptions shall not include any additional exemptions to which the individual may be entitled based upon age of 65 or more or blindness under section 151 (c) or (d) and the regulations thereunder.

(2) *Determination of marital status.* For purposes of this paragraph, the determination of marital status shall be made as provided by section 143 and the regulations thereunder (relating to the determination of marital status).

(c) *Return for short period on change of annual accounting period.* In computing the credit provided by section 42 and this section for a period of less than 12 months (hereinafter referred to as a "short period"), where income is to be annualized under section 443(b)(1) in order to determine the tax—

(1) The credit allowed by section 42 (a)(1) and paragraph (a)(1) of this section shall be computed based upon the amount of the taxable income annualized under the rules of section 443(b)(1) and § 1.443–1(b)(1), or

(2) The credit allowed by section 42 (a)(2) and paragraph (a)(2) of this section shall be computed based upon the total number of deductions for personal exemptions to which the individual is entitled for the short period under section 151 (b) and (e) and the regulations thereunder (relating to allowance of deductions for personal exemptions with respect to the individual, his spouse, and dependents).

As so computed, the credit allowed by section 42 and this section shall be allowed against the tax computed on the basis of the annualized taxable income. See § 1.443–1(b)(1)(vi).

(d) *Certain persons not eligible*—(1) *Estates and trusts.* The credit provided by section 42 and this section shall not be allowed in the case of any estate or trust. Thus, the credit shall not be allowed to an estate of an individual in bankruptcy or to an estate of a deceased individual. However, in the case of a deceased individual, the credit shall be allowed on the decedent's final return filed by his executor or other representative. Also, the credit provided by section 42 and this section shall be allowed in the case of a return filed by an estate of an infant, incompetent, or an individual under a disability.

(2) *Nonresident alien individuals.* The credit provided by section 42 and this section shall not be allowed in the case of any nonresident alien individual. As used in this subparagraph, the term "nonresident alien individual" has the meaning provided by § 1.871–2. See, however, section 6013(g) for election to treat nonresident alien individual as resident of the United States. The credit shall be allowed to an alien individual who is a resident of the United States for part of the taxable year. See § 1.871–2(b) for rules relating to the determination of residence of an alien individual. For purposes of paragraph (a)(1) of this section, the credit allowed shall be computed by taking into account only that portion of the individual's taxable income which is attributable to the period of his residence in the United States. For purposes of paragraph (a)(2) of this section, the credit allowed shall be computed by taking into account only the total number of deductions for personal exemptions to which the individual is entitled under section 151 (b) and (e) for the period of his residence in the United States. See § 1.871–13 for rules relating to changes of residence status during a taxable year.

(e) *Limitation.* The credit allowed by section 42 and this section shall not exceed the amount of tax imposed by chapter 1 for the taxable year. In the case of an alien individual who is a resident of the United States for a part of the taxable year, the credit allowed by section 42 and this section shall not exceed the amount of tax imposed by chapter 1 for that portion of the taxable year during which the alien individual was a resident of the United States. See § 1.871–13.

(f) *Application with other credits.* In determining the credits allowed under—

(1) Section 33 (relating to foreign tax credit),

(2) Section 37 (relating to credit for the elderly),

(3) Section 38 (relating to investment in certain depreciable property),

(4) Section 40 (relating to expenses of work incentive programs), and

(5) Section 41 (relating to contributions to candidates for public office),

the tax imposed by chapter 1 for the taxable year shall first be reduced (before any other reduction) by the credit allowed by section 42 and this section for the taxable year.

(g) Effective dates: The credit allowed by section 42 and this section shall apply only for taxable years ending after December 31, 1975, and before January 1, 1978.

WM. E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc.77-11231 Filed 4-15-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21197]

FM BROADCAST STATION IN PRESQUE ISLE, MAINE

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making and Order to Show Cause.

SUMMARY: A Notice of Proposed Rule Making is given proposing the assignment of Channel 269A to Presque Isle, Maine as a fourth FM assignment to the community. On Order to Show Cause is issued to Station WUPI in Presque Isle regarding a change of its channel from 216 to Channel 212 to avoid an IF interference problem with the proposed Channel 269A assignment.

DATES: Comments must be received on or before May 23, 1977, and Reply Comments on or before June 13, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Victor D. Ines, Legal Branch, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Presque Isle, Maine), Docket No. 21197.

Adopted: April 7, 1977.

Released: April 14, 1977.

1. *Proposal:* (a) The Commission, on its own motion, gives Notice of Proposed Rule Making concerning amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) as concerns Presque Isle, Maine, by proposing the assignment of Channel 269A as a fourth FM assignment.

(b) In a Notice of Proposed Rule Making (Docket No. 20498, 40 FR 24753), released June 6, 1975, proposing a Channel *291 assignment, the Commission noted that Presque Isle was assigned Channels 237A, 241, and 245. The Notice proposed the deletion of Channel 237A and the addition of Channel *291 as a reserved educational assignment.

(c) On March 10, 1976, a Report and Order (41 FR 11516) was released assigning Channel *291 to Presque Isle as a reserved educational assignment. Additionally, since Channel 237A then assigned to Presque Isle was "unoccupied and unapplied for," the Order deleted Channel 237A to avoid a potentially undesirable intermixture situation. Subsequently, the Commission became aware that Mr. Jack F. Sieber was interested in filing for the Class A assignment. Mr. Sieber, who had not participated in the rule making proceeding, then filed an application for the Presque Isle educational channel, requesting its use as a commercial channel. Although Mr. Sieber's application for a commercial station is not acceptable for filing because the channel in question is reserved for noncommercial educational use, because of Mr. Sieber's continued interest in a Class A assignment to Presque Isle, the Commission feels that the public interest would be served by again looking into the possibility of a Class A assignment to the community.

2. *Demographic Data:* (a) *Location and population:* Presque Isle (pop. 11,452) [1] is situated in Aroostook County (pop. 92,463) approximately 18 kilometers (11 miles) west of the Canadian-United States border and approximately 207 kilometers (135 miles) northeast of Bangor.

(b) *Present aural service:* Local service is provided by 2 unlimited-time AM stations and two commercial FM stations (Channels 241 and 245).

3. *Preclusion considerations:* It appears that Channel ? may be assigned to Presque Isle without creating any significant preclusion. The old channel (237A) cannot be assigned because it would involve an IF interference problem with Channel 291. In order to assign Channel 269A it would be necessary to change the channel of Station WUPI (licensed to the University of Maine) because of an IF problem with its present channel assignment. It is now operating as a Class D station (10 watts) on Channel 216. However, the station could operate on Channel 212 instead.[2] Additionally, any Channel 269A transmitter site must be chosen so as to meet the 193 kilometers (120 miles) spacing requirement to CJBR-FM, Rimouski, Quebec, on Channel 268 and the allocation to Chatham, New Brunswick, on Channel 270.

4. *Additional Comments:* (a) Ordinarily we would not intermix classes of channels in a community, but as we have observed on several occasions, there can be an exception to permit the assignment of a Class A channel even though Class B or C channels already are assigned. Additional service would be provided and Mr. Sieber appears ready to accept the risks posed by this intermixed situation. However, Mr. Sieber should still file appropriate comments reaffirming his intention to apply for the channel if assigned and to withdraw his application for the Presque Isle educational channel.

(b) As also indicated above, since Station WUPI will be required to change frequencies if the proposed assignment is made, it must be given the opportunity to indicate whether it consents to or is opposed to a change to its frequency and this Order to Show Cause is adopted for that purpose.[3] Its general comments on the appropriateness of the proposal are also invited.

PROPOSED AMENDMENT TO THE FM TABLE OF ASSIGNMENTS

5. In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with regard to the community below as follows:

City	Channel No.	
	Present	Proposed
Presque Isle, Maine	241, 245, *291	241, 245, 269A, *291

6. *It is ordered,* That pursuant to section 316(a) of the Communications Act of 1934, as amended, the licensee of Station WUPI (The University of Maine), Presque Isle, Maine, shall show cause why its license should not be modified to specify operation on Channel 212 if the Commission determines that the public interest would best be served by adopting the proposed assignment.

7. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WUPI, Presque Isle, Maine, may, not later than May 23, 1977, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, WUPI may, not later than May 23, 1977, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. In this case, the Commission may call on WUPI to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing

[1] Both population figures are from the 1970 U.S. Census.

[2] As the petitioner in the Channel *291 proceeding cited previously, the University of Maine had applied (File No. BPED-1742) for a change of frequency from Channel 216 to Channel 212 to avoid the IF interference problem otherwise posed by a Channel 269A assignment. When the Order did not make the 269A assignment to replace the deleted Channel 237A, the University of Maine withdrew its change of frequency request.

[3] The permittee of Channel 269A would be expected to provide reimbursement of the costs of the channel change.

is waived and no written statement is filed by the date referred to above, WUPI will be deemed to consent to modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

8. *Authority:* The Commission's authority to institute rule making proceedings, showings require, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

9. *Comments and Replies:* Interested persons and parties may file comments on or before May 23, 1977, and reply comments on or before June 13, 1977.

10. *It is further ordered,* That the Secretary of the Commission shall send a copy of this Order by certified mail, return receipt requested, to The University of Maine, Station WUPI, Marriman Main Street, Presque Isle, Maine, 04769, the party to whom the Order to Show Cause is directed.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-11237 Filed 4-15-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21192; RM-2819]

FM BROADCAST STATION IN MACOMB, ILLINOIS

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a second Class A FM channel to Macomb, Illinois. The petitioner, Ralph Trieger, asserts that a second FM station is needed to serve the growing population with additional broadcast service.

DATES: Comments due May 19, 1977, and reply comments due June 8, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION:

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Macomb, Illinois), Docket No. 21192, RM-2819.

Adopted: April 4, 1977.

Released: April 11, 1977.

1. *Petitioner, Proposal and Comments:* (a) Petition for rule making [1] filed December 27, 1976, by Ralph Trieger ("petitioner"), proposing the assignment of Channel 276A to Macomb, Illinois, as its second Class A FM assignment.

(b) The channel may be assigned without affecting any existing FM assignments in the Table. There were no oppositions to the proposal.

(c) Petitioner states that he is prepared to file an application for a construction permit if the proposed assignment is granted.

2. *Community Data:* (a) *Location:* Macomb, seat of McDonough County, is located 147 kilometers (92 miles) southwest of Peoria, Illinois.

(b) *Population:* Macomb—19,643; McDonough County—36,653.[2]

(c) *Present Aural Services:* Macomb presently receives local service from AM Station WKAI (daytime-only) and Station WKAI-FM (Channel 261A), both licensed to William H. Rudolph.

(d) *Economic Considerations:* Petitioner states the Macomb has had a population increase of 21 percent between 1970 and 1975. We are told that Macomb is a major trading center for the entire area of McDonough County. Petitioner adds that several large firms have considerable operations in the community employing large numbers of area residents and that additional industry is expected to settle in Macomb in view of the excellent industrial sites which have recently become available. Petitioner asserts that the spendable income of Macomb and McDonough County has increased 100% over the past six years while retail sales have climbed more than 50%.

3. *Preclusion Studies:* Petitioner's engineering study showed that preclusion would occur on Channels 274, 275, 276A and 277. Six communities with populations greater than 1,000 are located in the precluded area.[3] Of the six communities, Carthage and Canton, Illinois, and Mount Pleasant, Iowa, each have an AM station and a Class A FM assignment; Canton, Missouri, has a Class A FM assignment; and Bushnell and Rushville, Illinois, have no local aural broadcast service. Petitioner should identify in its comments alternate channels that may be used in Bushnell and Rushville.

4. *Additional Considerations:* Petitioner's Roanoke Rapids showing indicates that the proposed assignment would provide a first FM service to 949 persons and a second FM service to 26,980 persons. However, no information was provided as to the size of the area in which this number of persons is said to reside. This information should be submitted. Petitioner should also submit a showing as to the extent of first and second nighttime aural services that would be provided by the proposed as-

---

[1] Public Notice of the filing of the petition was given on January 18, 1977 (Report No. 1026).

[2] Both population figures are taken from the 1970 U.S. Census.

[3] *Illinois:* Bushnell (pop. 3,703); Canton (14,184); Carthage (3,350); Rushville (3,300); Iowa: Mount Pleasant (7,007; Missouri: Canton (2,680).

signment. Anamosa-Iowa City, Ia., 40 F.C.C. 2d 250 (1974).

5. Petitioner asserts that, in a city with solid growth as that manifested by Macomb and its surrounding area, a second FM station is needed to serve the growing population with additional broadcasting service. We agree that this matter is worth pursuing.

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Macomb, Illinois, as follows:

City	Channel No.	
	Present	Proposed
Macomb, Ill.	261A	261A, 276A

7. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

8. Interested parties may file comments on or before May 19, 1977, and reply comments on or before June 8, 1977.

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-11238 Filed 4-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 218]

[Docket No. RSOR-3, Notice 7]

BLUE SIGNAL PROTECTION OF WORKMEN

Railroad Operating Rules

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: In an earlier proceeding in relation to blue signal protection of railroad workmen working on, under or between rolling equipment, a commenter raised an issue concerning the alleged redundant protection resulting from a requirement for both the use of an effective locking device and the display of a blue signal at each manually operated switch providing access to a track on which such workmen are located. The Federal Railroad Administration (FRA) did not directly address this issue in the final rule since it was beyond the scope of the notice of proposed rule making issued in that proceeding. The purpose of this notice is to solicit views and comments from the public regarding the advisability of revising the regulation concerning blue signal protection of railroad workmen so as to eliminate this alleged redundancy.

DATES: Written comments must be received on or before May 30, 1977. Comments received after that date will be considered to the extent practicable.

A public hearing will be held at 10 a.m. on May 19, 1977.

Any person who desires to make an oral statement at the public hearing should notify the Docket Clerk before May 18, 1977.

ADDRESSES: Written comments should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

All written comments received will be available for examination, both before and after the closing date for written comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

The public hearing will be held in Room 6200, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. (202-426-8820).

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: John A. McNally (202-426-9178); Principal Lawyer: Anne-Marie Hyland (202-426-8836).

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

On March 15, 1976, the Federal Railroad Administration (FRA) published a final rule concerning blue signal protection for railroad workmen engaged in inspection, testing, repair and servicing of rolling equipment whose activities require them to work on, under or between such equipment (41 FR 10904). That rule generally required the display of a blue signal at the entrance to the track on which workmen were performing the activities covered by the rule, and the lining of each manually operated switch against movement to that track.

On July 8, 1976, the President signed the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348) which included a provision requiring the Secretary of Transportation to issue rules within 180 days which would provide that the manually operated switch at each entrance to the track on which workmen were performing the activities covered by the rule must be both lined against movement to that track and locked in that position with an effective locking device. In keeping with that statutory mandate, the FRA issued a notice of proposed rulemaking (NPRM, 41 FR 48126) proposing an amendment to part 218 that would require manually operated switches to be lined against movement to an occupied track, locked with an effective locking device and marked with a blue signal.

In the comments submitted in response to the notice of proposed rulemaking, one commenter complained about the redundant protection provided by the requirement of both the lock and the display of the blue signal at each manually operated switch. This commenter expressed the opinion that the requirement that the switch be locked will assure that the intent of the statute is accomplished; that is, that the workmen are protected against the movement of additional equipment onto a track on which they are working on, under or between other rolling equipment. This commenter expressed the opinion that "several warnings about the same hazard tend to detract from each other," thereby reducing rather than enhancing safety.

In the final rule published on January 11, 1977 (42 FR 2320), the FRA recognized that this commenter had identified an issue, but took the position that the issue of the redundancy of the locking and blue signal provisions had not been addressed in the NPRM so as to assure adequate public comment by all interested parties. The preamble to that final rule stated that a further proceeding would be initiated to address this issue directly. This notice is being published to provide all interested parties an opportunity to express their views and comments concerning the alleged redundancy of the requirement of an effective locking device and the display of a blue signal on each manually operated switch providing access to the track on which railroad workmen are working on, under or between rolling equipment.

If the present rule is amended as recommended by this commenter, part 218 of Title 49 of the Code of Federal Regulations would be revised as follows:

1. By revising paragraph (d) of section 218.23 to read as follows:

§ 218.23 Blue signal display.

* * * * *

(d) Whenever one switch of a crossover is located beneath rolling equipment which is under blue signal protection as provided in § 218.25 or § 218.27, the next switch on the crossover providing access to the track must be lined and locked against movement to that crossover.

2. By revising section 218.25 to read as follows:

§ 218.25 Workmen on a track other than a hump-yard track.

(a) When workmen are on, under, or between rolling equipment on a track other than a hump-yard track, each manually operated switch providing access to the track on which such equipment is located must be lined against movement to that track and secured by an effective locking device which may not be removed except by the class or craft of workmen performing the work.

(b) A derail capable of restricting access to that portion of a track on which such equipment is located will fulfill the requirements of a manually operated switch in compliance with this section when positioned at least 150 feet from the end of the rolling equipment to be protected and when locked with an effective locking device in a derailing position.

* * * * *

(e) Workmen may work, on, under, or between a locomotive on designated locomotive servicing area tracks under the exclusive control of mechanical forces after—

(1) The manually operated switches providing entrance to and departure from the designated locomotive servicing area are lined for movement to another track and secured by an effective locking device; and

(2) A blue signal has been attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

(f) A locomotive may not be moved onto or off of a designated locomotive servicing area track under the exclusive control of mechanical forces unless—

(1) The locomotive moved onto the track is stopped short of coupling to another locomotive; or

(2) The blue signal is first removed from the controlling locomotive to be moved before the locomotive is removed from the track.

* * * * *

3. By revising section 218.27 to read as follows:

§ 218.27 Workmen on hump-yard track.

(a) Workmen may not work on, under, or between rolling equipment on a hump-yard track unless—

(1) Each manually operated switch, including crossover switches providing access to that track is lined against movement to that track and secured by an effective locking device; or

(2) A derail capable of restricting access to that portion of a track on which such equipment is located will fulfill the requirements of a manually operated switch in compliance with this section when positioned at least 150 feet from the end of the rolling equipment to be protected and when locked with an effective locking device in a derailing position.

(3) The person in charge of the workmen has notified the operator of the remotely-controlled switches of the work to be performed, and has been informed by the operator that each remotely-controlled switch providing access to the track has been lined against movement to that track and locked as prescribed by § 218.29(a).

ECONOMIC IMPACT STATEMENT

The FRA has reviewed this notice in accordance with the requirements of Executive Order 11821, Office of Management and Budget Circular A-107, and DOT Order 2050.4 and determined that this action does not constitute a "major proposal" for purposes of the economic impact evaluation required therein. In addition, it has been determined that this amendment would not constitute a "major Federal action" and, therefore, is not subject to the environmental impact evaluation required by the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).

DEPARTMENTAL REGULATORY REFORM POLICY

It has also been determined that the regulatory impact of this amendment would be minimal and that an evaluation pursuant to the policy statement published by the Secretary of Transportation (41 FR 16200) is not required.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the regulatory docket number, 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 May 31, 1977, will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

In addition, FRA will conduct a public hearing on May 19, 1977, in Room 6200, 400 Seventh Street SW., Washington, D.C. at 10 a.m. The hearing will be informal, and not a judicial or evidentiary hearing. There will be no cross examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have the opportunity to present their oral statements. At the completion of all initial oral statments, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statments. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Any person who wishes to make an oral presentation at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590 before May 13, 1977, stating the amount of time required for the initial statement.

(Sec. 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 April 12, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.77-11175 Filed 4-15-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 651]

ATLANTIC FISHERIES: ATLANTIC GROUNDFISH PLAN

Publication and Request for Comments

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Request for Comments on Proposed Regulations.

SUMMARY: The Secretary of Commerce wishes to clarify for the public that the March 14, 1977, publication of the Atlantic Groundfish (haddock, cod, and yellowtail flounder) Fishery Management Plan (FMP) and emergency implementing regulations (which are to remain in effect up to 45 days unless repromulgated) also constituted publication of the FMP and proposed permanent regulations as required by section 305(a) of the Fishery Conservation and Management Act of 1976 (FCMA). Therefore, the 45 day public comment period for the FMP and proposed permanent regulations also started on March 14, 1977.

DATES: Comments due April 29, 1977.

ADDRESSES: Comments to Director; National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert J. Ayers (202–634–7218).

SUPPLEMENTARY INFORMATION: On Monday, March 14, 1977, notice was published (at 42 FR 13998) that pursuant to the Fishery Conservation and Management Act of 1976 (FCMA) the Secretary of Commerce (Secretary) had approved a fishery management plan (FMP) for Atlantic Groundfish (haddock, cod, and yellowtail flounder) prepared and submitted by the New England Fishery Management Council, in consultation with the Mid-Atlantic Fishery Management Council. The FMP as published by the Secretary was accompanied by emergency implementing regulations (authorized by section 305(e) of the FCMA) which became effective at 12:01 a.m., March 15, 1977, and are to continue in effect for 45 days thereafter unless sooner amended, repealed, or extended by appropriate public notice.

This notice of request for comments does not alter the legal effect or duration of the FMP or its emergency regulations. However, the Secretary wishes to clarify for the benefit of the public that the March 14, 1977 publication of the FMP and emergency regulations also constituted the notice of publication for the approved Atlantic Groundfish Plan and its proposed permanent regulations as required by section 305(a) of the FCMA.

Accordingly, any written data, views and comments concerning the Atlantic Groundfish Plan and permanent regulations proposed to implement that FMP (i.e., the same regulations which are now in effect on a emergency basis) should be submitted during this time by interested members of the public. The Secretary will consider all such data, views, and comments submitted on or prior to April 29, 1977, before final action is taken with respect to the Atlantic Groundfish Plan and implementing regulations pursuant to section 305(c) of the FCMA.

Dated: April 11, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-11156 Filed 4-15-77;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2608]

ALLOCATION OF ASSETS

Supplemental Notice of Proposed Rulemaking Benefits Covered by Insurance Commitments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed Rule.

SUMMARY: The pension plan termination insurance provisions of the Employee Retirement Income Security Act of 1974 require that plan assets be allocated to cover plan benefit liabilities when a defined benefit pension plan terminates. The proposed amendments preclude the allocation of plan assets to certain benefits and identify certain requirements for plans that own insurance contracts. The proposed amendments are necessary to harmonize the proposed rules for allocating a terminating pension plan's assets with the proposed rules for valuing insurance contracts owned by such a pension plan. The effect is to prevent a terminating plan from allocating its assets to pay for benefits that an insurance company is already irrevocably committed to pay, and to alert pension plan administrators to potential statutory violations associated with insurance contracts.

COMMENT DATE: June 2, 1977.

ADDRESSES: Comments should be sent to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K. Street NW., Washington, D.C. 20006. Copies of written comments will be available for public inspection in the PBGC's Office of Communications, at the same address, between 9 a.m. and 4 p.m. Each person submitting comments should include his or her name and address, identify this notice and give reasons for any recommendations.

FOR FURTHER INFORMATION CONTACT:

Judith F. Mazo, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street NW., Washington, D.C. 20006, 202–254–4868.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") published in the FEDERAL REGISTER (41 FR 48492), proposed regulation governing allocation of the assets of terminating pension plans subject to Title IV of the Employee Retirement Income Security Act of 1974 (the "Act"). Today the PBGC is publishing in the FEDERAL REGISTER (42 FR 20158) proposed amendments to its regulation on the valuation of plan assets, 29 CFR Part 2611, which identify insurance contracts that are plan assets for purposes of Title IV of the Act and set forth rules for determining the asset value of insurance contracts. To accommodate the approach embodied in those proposed amendments, certain adjustments in the rules for allocating assets are necessary. The allocation amendments proposed today do not relate directly to the substantive changes proposed on November 3, 1976. As the comment period on the November proposal has expired, the PBGC does not intend to defer adoption of a final rule on allocation of assets because of today's supplemental proposal, which will be considered separately. Therefore, notice is hereby given that the PBGC proposes to amend Part 2608 of Chapter XXVI of Title 29 Code of Federal Regulations, as described below.

BENEFITS COVERED BY AN IRREVOCABLE COMMITMENT

Under the proposed amendment to the asset-valuation regulation, the value of an insurance company's irrevocable commitment to pay benefits to a named participant is not included in the value of a plan's assets, because that commitment cannot be used to satisfy outstanding plan benefit obligations. At the same time, it is unnecessary to allocate plan assets to cover benefits for which the plan has already made provision by purchasing an insurer's irrevocable commitment. For that reason, the proposed amendment to § 2608.3(a) excludes benefits payable by an insurer under an irrevocable commitment from the allocation process, by specifying that such benefits are not "benefits provided by the plan" for allocation purposes.

Benefits are excluded from the allocation only to the extent the benefits are covered by an irrevocable commitment, as in some cases the insurer might not be contractually obligated to continue paying the full benefit to which a participant is entitled under the plan. The concept of an "irrevocable commitment" is more fully examined in the preamble to the proposed amendments to Part 2611 of this chapter.

The proposed amendment to § 2608.9 makes it clear that, when a plan has satisfied part of a participant's basic type benefit before plan termination by buying an insurer's irrevocable commitment or by paying a lump sum to the participant in lieu of a basic type benefit, the benefits that have thus been satisfied are deducted from any remaining benefit the participant may have under the plan that would be eligible for PBGC's guarantee. The procedures described in Part 2609 of this chapter, "Limitation on Guaranteed Benefits,"

are to be used to determine the amount of benefit that was satisfied prior to plan termination. This proposed amendment is necessary to make sure that pre-termination distributions are not used to evade the guarantee limitations set forth in section 4022 of the Act. Depending on the amount of the benefit that was satisfied before plan termination, any additional benefits to which a participant is entitled under the plan might not be guaranteed, although they would be included in the allocation as either vested or accrued benefits.

Although benefits payable under an insurer's irrevocable commitment are, in most respects, disregarded in allocating a plan's assets under Title IV of the Act, in many cases those benefits are guaranteed by the PBGC if the insurer for some reason stops making the required payments.

VIOLATIONS

Present § 2608.5 warns that an allocation of plan assets that does not conform to section 4044 of the Act and Part 2608 of this chapter is a statutory violation. The amendments to Part 2611 of this chapter being proposed today, and proposed Part 2615 of this chapter, "Determination of Sufficiency" (41 FR 48504, November 3, 1976), highlight certain responsibilities of the administrator of a terminating plan under section 4044 of the Act. However, the language of many insurance contracts might not adequately enable the plan administrator to discharge his or her responsibilities under section 4044 of the Act and the implementing regulations. For this reason, the proposed amendments to this part explain that it would be inconsistent with the statute to comply, at plan termination, with insurance contracts that do not contain certain provisions necessary for full compliance with Title IV of the Act, and to distribute contracts without those provisions to participants at any time prior to plan termination.

The PBGC recognizes that, since September 2, 1974, some plans covered under Title IV of the Act might have acted in good faith in conflict with the standards now proposed. Because plan administrators would not have had notice that their acts would contravene Title IV and its implementing regulations, the PBGC will take no action under proposed § 2608.5(c) with respect to the distribution or discontinuance of insurance contracts prior to publication of these proposed amendments.

a. *Cancellation of participation rights.* As more fully explained in connection with the proposed amendments to Part 2611 of this chapter, a plan might have the right under an insurance contract to receive a stream of future earnings from the insurer. (This is called a "participation right" in the proposed amendments.) In most cases insurers are willing to cancel participation rights when a plan terminates, and give the plan credit for the surrender of its rights in the form of a cash refund or the insurer's irrevocable commitment to pay participants' benefits.

Under proposed Part 2615 of this chapter, the administrator of a sufficient plan is required to distribute plan assets unless participants elect otherwise. Such a distribution would be impossible if the plan's assets could not be liquidated. In addition, without a contractual basis for cancellation of participation rights it might not be possible to determine their fair value as plan assets, as required for sections 4041, 4044 and 4062 of the Act. Therefore, the proposed amendments to § 2608.5 point out that the administrator of a terminating plan cannot, consistent with Title IV of the Act, comply with the discontinuance provisions of an insurance contract that does not provide for cancellation of participation rights. Similarly, any participation rights a plan may have under an individual contract that is distributed to a participant must be cancellable at plan termination.

b. *Preservation of settlement options.* Under the proposed amendments to Part 2611 of this chapter, the asset value of an insurance contract as of the plan termination date depends in part on the value that can be realized under the various options that the contract offers for converting the contract to cash. Often the options are only available for a limited time after a contract is discontinued. Section 4041(a) of the Act prohibits a plan from making payments under its termination provisions until the PBGC has determined whether the plan's assets, after allocation, are sufficient to satisfy guaranteed benefits. Section 4044 of the Act prescribes the priority sequence in which the assets of a terminating plan must be allocated. If the settlement options under an insurance contract are allowed to expire before the PBGC and the plan administrator have had a reasonable opportunity to discharge their statutory responsibilities, the effect could be an expenditure of plan assets after termination that is not permitted by sections 4041 and 4044 of the Act.

The proposed amendment to § 2608.5 requires the plan administrator to make sure that all settlement options are preserved for at least 180 days from the date the PBGC receives a Notice of Intent to Terminate the plan. Settlement options need not be preserved unless the insurance contract is being discontinued in connection with plan termination.

DEFINITIONS

The proposed amendments to Part 2608 add definitions of a number of terms used to describe the treatment of insurance contracts under the substantive provisions of the proposed amendments. Those definitions parallel the definitions given in proposed § 2611.6 of this chapter, and the principal terms are explained in the preamble to the proposed amendments to Part 2611.

In consideration of the foregoing, it is proposed to amend Part 2608 of Chapter XXVI of Title 29, Code of Federal Regulations by:

1. Amending § 2608.2 to add the following definitions:

§ 2608.2 Definitions.

* * * * *

"Insurance contract" means a valid written agreement pursuant to which an insurer agrees to perform services including the payment of specified benefits in return for the payment of premiums or similar consideration.

"Insurer" means a company authorized to do business as an insurance carrier under the laws of a State or the District of Columbia.

"Irrevocable commitment" means an obligation by an insurer to pay benefits or their equivalent to a named plan participant or surviving beneficiary, which cannot be cancelled under the terms of the insurance contract (except for fraud or mistake) without the consent of the participant or beneficiary and which is legally enforceable by the participant or beneficiary.

"Participation right" means a plan's right under an insurance contract to receive dividends, rate credits, interest, experience credits or other earnings from an insurer.

"Settlement options" means the alternatives available to the owner of an insurance contract under the express terms of the insurance contract with respect to the disposition of funds credited to the insurance contract upon contract discontinuance.

* * * * *

2. Revising § 2608.3(a) as follows:

§ 2608.3 General rule.

(a) Upon the termination of a plan to which this part applies, the assets of such plan shall be allocated to benefits provided by the plan in the manner prescribed by this part. For purposes of this part, a benefit payable by an insurer pursuant to an irrevocable commitment that is legally enforceable on the date of the plan asset allocation is not a benefit provided by the plan.

3. Revising § 2608.5 as follows:

§ 2608.5 Violations.

(a) It shall be a violation of the Act to allocate plan assets other than as prescribed in section 4044 of the Act and this part, except as may be required under section 4044(b)(4) of the Act.

(b) *Distributions in contemplation of termination.* A distribution, transfer or allocation of assets made to a participant in contemplation of plan termination shall be treated as an allocation of plan assets upon termination of the plan.

(c) *Insurance contracts.* The following are violations as described in paragraph (a) of this section:

(1) Compliance at plan termination with the discontinuance provisions of an insurance contract owned by a plan if the contract does not provide:

(i) For cancellation of all participation rights under the contract upon termination of the plan, and

(ii) That all settlement options may be exercised for a period of no less than 180 days from the date a Notice of Intent to Terminate the plan is filed with the

PBGC pursuant to section 4041 of the Act, if the insurance contract is discontinued in connection with plan termination.

(2) Distribution to a participant of an insurance contract purchased with funds contributed to or under a plan if that contract does not provide for cancellation of the plan's participation rights under the contract upon termination of the plan.

4. Revising § 2608.9 as follows:

§ 2608.9 Priority category 4 benefits.

(a) *Definition.* Except as provided in paragraph (b) of this section, the benefits in priority category 4 consist of all basic type benefits that do not exceed the limitations on the guarantee of benefits set forth in sections 4022(b)(1), 4022(b)(2), 4022(b)(3), 4022(b)(4), 4022(b)(7) and 4022(b)(8) of the Act as implemented by Part 2609 of this chapter, other than basic type benefits assigned to priority categories 2 or 3.

(b) *Benefits previously satisfied.* If, before termination, a plan has provided for an insurer's irrevocable commitment to pay a participant's basic type benefit, or if a participant has received a lump sum in lieu of a basic type benefit, the benefits described in paragraph (a) of this section shall be reduced (to no less than zero) by the amount of the basic type benefit that has been satisfied thereby. The amount of benefit that has been satisfied shall be determined in the manner prescribed by §§ 2609.4 and 2609.5 of this chapter.

(c) *Valuation.* The value of each participant's or beneficiary's benefit described in paragraph (a) of this section shall be computed separately with respect to each participant as follows:

(1) First, determine with respect to each participant the value of all of the participant's basic type benefits that do not exceed the limitations on the guarantee of benefits enumerated in paragraph (a) of this section and that have been reduced as described in paragraph (b) of this section, using the valuation factors established by the Pension Benefit Guaranty Corporation applicable as of the date of plan termination.

* * * * *

(Sec. 4004(b)(3), 4041, 4044, Pub. L. 93-406; 88 Stat.1004, 1020-21,1025-27, (29 U.S.C. 1302(b)(3), 1341(b), 1344.)

Issued in Washington, D.C. this 8th day of April 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Supplemental Notice of Proposed Rulemaking.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.77-11225 Filed 4-15-77:8:45 am]

[29 CFR Part 2611]

VALUATION OF PLAN ASSETS

Proposed Amendments—Insurance Contracts

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The proposed amendments create special rules for identifying insurance contracts or contract rights that are assets of terminating pension plans and for determining their asset value. These special rules are needed because the pension plan termination insurance provisions of the Employee Retirement Income Security Act of 1974 require that the assets of a covered pension plan be valued at plan termination, and the value of insurance contracts is not readily established. The basic effect of the proposed amendment is first, to provide that the value of an irrevocable promise made by an insurance company directly to a pension plan participant is not counted in the value of the pension plan's assets, and second, to provide that an insurance contract is worth the benefits it can be used to provide.

DATE: Comments due by June 2, 1977.

ADDRESS: Comments should be sent to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Copies of written comments will be available for public inspection in the PBGC's Office of Communications, at the same address, between 9 a.m. and 4 p.m. Each person submitting comments should include his or her name and address, identify this notice and give reasons for any recommendations.

FOR FURTHER INFORMATION CONTACT:

Judith F. Mazo, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4868.

SUPPLEMENTARY INFORMATION: On May 7, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") published a regulation (41 FR 18992, codified at 29 CFR Part 2611) that prescribes standards for valuing the assets of a pension plan covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") when the plan terminates. Under the regulation plan assets are valued at their fair market value. The preamble to the regulation noted that special valuation considerations apply to insurance contracts held as plan assets, and that PBGC would provide guidance on that issue in the future. Because an insurance contract has a unique value to a plan that is not freely transferable, traditional fair market value concepts cannot measure such a contract's value appropriately. Therefore the PBGC proposes to amend its asset-valuation regulation to provide special rules for computing the value of insurance contracts for Title IV purposes.

Several essentially technical amendments that do not affect existing substantive rules are proposed. They would restructure the present regulation and revise the language of two of its sections. Those amendments are necessary to accommodate the new rules, contained in proposed Subpart C of this part, for valuing insurance contracts. Because proposed Subpart C represents the only substantively significant aspect of the proposed amendments, the remainder of this preamble discusses that proposed Subpart exclusively.

GENERAL APPROACH

1. *Introduction.* A pension plan that owns an insurance contract owns the right to enforce the promises that the insurer has made in the contract. The plan's asset is the insurance contract, rather than the premiums paid to purchase the insurer's contractual obligations. Proposed Subpart C of this part ("Subpart C") measures an insurance contract's value by the value of the benefits that the contract can be used to provide, either directly or after liquidation of the contract for cash.

Subpart C covers individual and group insurance contracts issued by any company authorized to do business as an insurance carrier under State (or District of Columbia) law. Within this broad spectrum, contracts use widely varying language to define similar legal relationships. In addition, Title IV of the Act sometimes expresses uniquely statutory ideas in words that have a different connotation when used in private insurance contracts. To avoid misleading the public and the insurance industry, Subpart C uses its own uniform terms to describe certain fundamental concepts. Those terms and the related concepts are discussed in greater detail below.

2. *What Must Be Valued.* A terminating plan's assets are primarily relevant under Title IV of the Act to the extent they can be used to meet outstanding plan liabilities. Thus § 4044(a) of the Act requires allocation of those assets that are "available to provide benefits," and employer liability under § 4062(b) of the Act is based, in part, on the "current value of the plan's assets allocable to [guaranteed] benefits * * *" For this reason, only those contractual promises that offer a means of satisfying the plan's future benefit payment obligations are included among the plan assets to be valued under Subpart C.

A plan that has distributed an insurance contract to a participant before plan termination does not own that contract on the termination date. A plan that has arranged, under a group insurance contract, for an insurer to make an irrevocable commitment to pay benefits to a specific participant has in effect distributed that commitment to the participant. In either case, the plan cannot

alter the insurer's direct commitment to the participant, or use the value of the commitment to provide benefits for other participants. Therefore, the value of a distributed contract or of an insurer's irrevocable commitment to a participant is not part of the value of a plan's assets under Subpart C. (If, under § 4045 of the Act, a trustee recaptures part of a distribution that was made to a participant in the form of an insurance contract or commitment, the net amount recaptured would be a plan asset. It would not, however, be part of the asset value of the plan's insurance contracts.)

The PBGC is publishing in the FEDERAL REGISTER today (42 FR 20156) proposed amendments to Part 2608 of this chapter, "Allocation of Plan Assets," to make sure that a terminating plan does not allocate its assets to benefits that are or will be paid under an insurer's irrevocable commitment.

One type of promise made to a plan by an insurer has value as a plan asset, even if its value is not part of the asset value of an insurance contract owned by the plan. In connection with the purchase of benefits or services a plan might purchase the right to receive future interest, dividends or similar payments from the insurer. Those payments can be used to provide benefits, and the right to receive that future income (called a "participation right") is a plan asset to be valued under Subpart C.

3. *Valuation Rules.* In many cases an insurance contract owned by a terminating pension plan can be used to provide benefits in two ways: the plan can either direct that the funds credited to the contract be used to buy the insurer's irrevocable commitment to pay participants' benefits, or it can cash the contract in and provide benefits with the proceeds. Under Subpart C, the value of an insurance contract is the greater of the present value of the irrevocable benefit commitments that can be purchased under the contract or the contract's liquidation value. Because insurance contracts do not invariably offer a choice between the purchase of benefit commitments or cancellation for cash, an insurance contract's asset value depends on the alternatives expressly available under the contract as of the valuation date.

Upon termination, a plan covered under Title IV of the Act must allocate its assets to provide benefits in the order prescribed by § 4044 of the Act. Therefore, for valuation purposes, the purchase of irrevocable commitments under a contract must follow the statutory order of priorities, whether or not the particular contract so provides. The cost of those irrevocable commitments is set by the contract. Under Subpart C, the present value of the benefits that can be provided through those irrevocable commitments is determined according to PBGC's rules for valuing plan benefits, which are contained in Part 2610 of this chapter.

In most cases the value of a plan's participation rights will be reflected in the asset value of an insurance contract owned by the plan. Under Subpart C, participation rights that must be valued separately are worth the value of the amount realizable by the plan, in cash or in the form of additional irrevocable benefit commitments, upon cancellation of the participation rights.

As a general rule, under Subpart C each insurance contract is valued separately, and the benefits that it can provide are determined by applying § 4044 of the Act as if the contract were the plan's only asset. If the plan owns two or more contracts that provide for the coordinated purchase of irrevocable commitments in accordance with the statutory allocation requirements, the benefits that the contracts can provide will be determined under that contractual formula. In addition, the plan administrator may elect an optional procedure by which benefits could be provided under separate contracts in any order, as long as a combined allocation of all of the plan's assets complies with the statutory priority scheme. This option is not available unless it would yield benefits worth at least as much as the plan's assets could otherwise provide and, for insufficient plans, unless it had been arranged with the insurer before the plan termination date. To take advantage of the optional valuation procedure the plan administrator must demonstrate exactly how the combined allocation will meet Subpart C's requirements.

BASIC CONCEPTS

1. *Irrevocable Commitment.* Whether a particular commitment made by an insurer is irrevocable depends on the specific contract language. For example, a retired participant may be "eligible" to receive benefits from an insurer but not contractually "entitled" to continue receiving them, because the contract requires an additional premium payment before the entitlement arises. A contract provision limiting the insurer's liability to those benefits for which the insurer actually receives payment could create a similiar problem, if by the plan termination date the funds held under the contract had dropped below the level necessary to cover the cost of annuities for participants who had begun receiving benefits from the insurer. If an insurer claims the right to cut back benefits to any participant in that situation, that would indicate that all similar benefit payment obligations of the insurer under that contract are fully revocable.

An insurance contract might specifically identify a portion of the insurer's commitment as irrevocable. For example, some deposit administration group annuity contracts contain "post-funding riders," which authorize the insurer to pay full benefits to a retired participant while the participant's irrevocable annuity from the insurer is being purchased in installments after the participant's retirement. Under Subpart C, only that portion of the retiree's annuity that had been purchased from the insurer before the plan terminated would be treated as covered by an irrevocable commitment. Similarly, the insurance contract might state that annuity commitments made to certain plan participants are subject to reduction if required by the Internal Revenue Service to prevent prohibited discrimination on plan termination. Unless the benefit cut-back is in fact required, the full annuity commitment would be irrevocable.

An insurer's commitment is considered irrevocable under Subpart C even though it can be cancelled with the participant's consent, as in the case of a commitment that offers the participant an option to receive a lump sum in lieu of future benefit payments. Similarly, an insurer's commitment is not considered revocable solely because it provides for assignment of future benefit payments as authorized or required by law.

2. *Contractholder.* The contractholder is the identifiable owner of an insurance contract purchased with funds contributed to or under a plan. Although plan participants may be third-party beneficiaries of such a contract, the contractholder is the party to whom all of the insurer's promises are made directly, regardless of how that party is designated in the contract. For example, an insurance contract might identify a named corporation as "the Employer," and then define the insurer's obligations in terms of duties owed to, or rights exercisable by, the Employer. The Employer is the owner of the contract, and thus the contractholder within the meaning of Subpart C.

As all insurance contracts that are plan assets need not be held in a trust fund (see, 403(b) of the Act), the holder of a plan's insurance contract is often not a plan trustee. Nevertheless, the contractholder represents the plan's interests with regard to the insurance contract, so Subpart C treats the rights of the plan and the rights of the contractholder interchangeably.

Because a contract that has been distributed to a participant is not considered a plan asset, a plan participant who has become the owner of a contract bought by the plan is not "the contractholder" for purposes of Subpart C.

3. *Contract Assets.* Under many of the insurance contracts in which pension plans invest, the insurer agrees to make a specified amount of money available in the future to support benefit payments. Ordinarily those amounts are based to some extent on the premiums paid by the plan, and are credited to the contract in some defined form, such as the cash surrender value of an individual contract. Group contracts often contain one or more accounts to which funds that will be used to cover future plan liabilities are credited. Subpart C uses the term "contract assets" to describe the funds credited to the plan's account that are available to meet outstanding plan benefit obligations.

Under Subpart C, funds are not treated as contract assets if they have been used to purchase an irrevocable commitment from the insurer prior to the date of plan termination, or if the

insurer has a contractual right to use those funds to pay for previously-issued irrevocable commitments. Money credited to the plan that must be used to pay pretermination plan debts (such as accrued but unpaid benefits to retirees who do not have an irrevocable commitment from the insurer) is also excluded from the contract assets, as are funds to which the insurer is contractually entitled in payment for administrative or other services performed on behalf of the plan. Subpart C makes clear that funds credited to the special accounts kept under some types of group contracts solely for determining the credits due under a plan's participation rights are not contract assets.

The proposed amendment includes as contract assets the additional funds that will be credited to the plan upon cancellation, as provided in the contract, of any outstanding participation rights owned by the plan under the contract. Subpart C values a plan's participation rights, to the extent they are not included in an insurance contract's asset value, at the amount realizable by the plan upon cancellation of those participation rights. An insurance contract might indicate the cancellation value of participation rights, or an insurer might be able to determine their value by comparing the cost of similar contracts issued on a non-participating basis. Nevertheless, the PBGC recognizes that in many cases it might be difficult for the contract-holder to assess the reasonableness of the insurer's determination of the cancellation value of participation rights. The PBGC therefore invites public suggestions on appropriate measures that the PBGC might take to assure that a reasonable value is attributed to a plan's participation rights when those rights must be cancelled at plan termination.

4. *Present Value of Benefits.* Under Subpart C, the value of the irrevocable benefit commitments that can be bought under a contract is to be determined in accordance with Part 2610 of this chapter, "Valuation of Plan Benefits" (at present, proposed Part 2610, 41 FR 48499, November 3, 1976). That part sets forth actuarial factors and assumptions, which are periodically revised, to be used to determine the present value of plan benefits. Proposed § 2610.3(c) contains a special valuation rule for determining plan sufficiency and allocating plan assets under proposed Part 2615 of this chapter, "Determination of Sufficiency" (41 FR 48504, November 3, 1976). Under proposed § 2611.8, propored § 2610.3(c) would apply to determine the asset value of an insurance contract for purposes of proposed Part 2615 as well.

This means that, for a plan that does not receive a Notice of Inability to Determine Sufficiency under proposed Part 2615, an insurance contract's value will be measured in part by the actual cost to the plan of purchasing in the private sector the benefits that the contract could provide. As that cost may have changed by the date that assets must be distributed under proposed § 2615.6(d), a revaluation for allocation purposes may be necessary. For all other plans, the value of the benefits that can be provided by an insurance contract will be determined at PBGC rates applicable for the valuation date, and the contract's value as of the plan termination date will be used for all purposes under Title IV of the Act.

Under customary contract terms, an individual insurance contract cannot be converted into an irrevocable commitment for the benefit of anyone other than the participant covered under the contract. Since each contract held by a plan is valued as if it were the plan's only asset, benefits under most individual contracts cannot be allocated in accordance with § 4044 of the Act. Contract liquidation would therefore be the only acceptable valuation alternative available, unless the plan administrator elects the optional valuation procedure.

5. *Cash Settlement Value.* The contractholder's choices with respect to disposition of contract assets upon discontinuance of an insurance contract are labelled "settlement options" in Subpart C. The value of an option that requires a cash payment by the insurer is its "cash settlement value." Under Subpart C, the greatest cash settlement value (expressly available under the contract as of the valuation date) is compared to the present value of benefits that can be provided under a contract to determine the contract's value as a plan asset.

Individual insurance contracts usually offer one option that entails a cash payment: the cancellation of the contract in return for its cash surrender value, less any outstanding policy loans. A group contract might include several options, depending on whether the cash is withdrawn immediately or in installments. Under the Subpart C, the value of a cash installment option is its fair market value, that is, the amount a willing buyer would pay a willing seller for the right to receive those future payments from the insurance company.

Insurance contracts frequently authorize the transfer of funds to an alternative funding agent, usually upon certification that the transfer will not impair the plan's tax qualification. A terminating plan might wish to exercise that right in order to purchase annuities from another insurer. If the PBGC has become trustee of a terminating plan, it might choose to have the funds transferred to a custodian bank. The cash settlement options to be considered in determining a contract's asset value under Subpart C include the option to have funds transferred to such alternative funding agents, as well as provisions for other types of cash payments.

Many insurance contracts give the insurer some discretion in calculating the cash amount available under settlement options. The PBGC anticipates that most insurers will be fair and reasonable in interpreting and implementing their contracts, and will not discriminate against small employers in discharging their contractual obligations. The PBGC invites suggestions from the public on the need for special safeguards, and the type of safeguards that PBGC might adopt, in this context.

In consideration of the foregoing, it is proposed to amend Part 2611 of Chapter XXVI of Title 29, Code of Federal Regulations by:

§ 2611.2–2611.5 [Redesignated]

1. Redesignating §§ 2611.2–2611.5 as follows:

Old § 2611.2—§ 2611.5.
Old § 2611.3—§ 2611.6.
Old § 2611.4—§ 2611.2.
Old § 2611.5—§ 2611.7.

2. Revising paragraph (a) of § 2611.1 as follows:

§ 2611.1 Purpose and scope.

(a) This part sets forth standards for valuing plan assets in connection with the determination of plan asset sufficiency under section 4041(b) of the Act, the allocation of plan assets under section 4044 of the Act and the determination of employer liability under § 4062 of the Act.

* * * * *

3. Revising § 2611.6 as follows:

§ 2611.6 Valuation of plan assets.

Except as provided in Subpart C of this part, plan assets shall be valued at their fair market value on the valuation date, based on the method of valuation that most accurately reflects such fair market value.

4. Designating §§ 2611.1 and 2611.2 as "Subpart A General;" designating §§ 2611.5–2611.7 as "Subpart B—Assets Other Than Insurance Contracts;" and adding a new Subpart C as follows:

Subpart C—Insurance Contracts

Sec.
2611.10 Definitions.
2611.11 Plan assets.
2611.12 Value of insurance contracts.
2611.13 Contract assets.
2611.14 Value of participation rights.

Appendix A—Examples: Valuation of insurance contracts.

AUTHORITY: Secs. 4002(b)(3), 4041, 4044, 4062(b)(1)(B), Pub. L. 93-406; 88 Stat. 1004, 1020-21, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(B)).

§ 2611.10 Definitions.

For purposes of this subpart, "Act" means the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 et seq.

"Cash settlement value" means the value of any settlement option that requires a cash payment by the insurer.

"Contractholder" means the owner of an insurance contract purchased with funds contributed to or under a plan. References in this subpart to a plan's interests, obligations or rights under an insurance contract include the interests, obligations or rights of the contractholder. A paricipant who has received an insurance contract from or under a plan is not a "contractholder" for purposes of this subpart.

"Insurance contract" or "contract" means a valid written agreement between an insurer and a contractholder

pursuant to which the insurer agrees to perform services including the payment of specified benefits or their equivalent in return for the payment of premiums or similar consideration. References in this subpart to "an insurance contract" include more than one contract, unless the plural is clearly inappropriate in this context.

"Insurer" means a company authorized to do business as an insurance carrier under the laws of a State or the District of Columbia.

"Irrevocable commitment" means an insurer's obligation to pay benefits or their equivalent to a named plan participant, which cannot be cancelled under the terms of the insurance contract without the consent of the participant (except for fraud or mistake) and which is legally enforceable by the participant. An otherwise irrevocable commitment that authorizes the assignment of benefit payments as permitted or required by law is an irrevocable commitment.

"Participation right" means a plan's right under an insurance contract to receive future dividends, rate credits, interest, experience credits or other earnings from the insurer.

"Participant" means a person who is or has been a participant as defined under the terms of a plan, and includes the beneficiary of a plan participant.

"PBGC" means Pension Benefit Guaranty Corporation.

"Plan" means a pension plan to which section 4021 of the Act applies.

"Plan termination date" means the termination date established under section 4048 of the Act.

"Present value of benefits" means the present value determined in accordance with Part 2610 of this chapter, as applicable for the valuation date.

"Settlement options" means the alternatives available to the contractholder under the express terms of an insurance contract, as of the valuation date, with respect to disposition of contract assets upon discontinuance of the insurance contract.

§ 2611.11 Plan Assets.

For purposes of this subpart, the following are plan assets on the date of plan termination:

(a) An insurance contract purchased with funds contributed to or under the plan, if on the date of plan termination the contract has not been distributed to a participant and the insurer's obligations under the contract have not been cancelled.

(b) Participation rights under any insurance contract purchased with funds contributed to or under the plan, to the extent the value of those participation rights is not included in the value of an insurance contract that is a plan asset.

§ 2611.12 Value of Insurance Contracts.

(a) *General.* The value of an insurance contract is the greater of:

(1) The contract's greatest cash settlement value, or

(2) The present value of the benefits that can be provided under the contract by application of the contract assets to the purchase of benefits in accordance with the order of priorities prescribed by section 4044 of the Act.

(b) *Exclusive plan asset test.* Except as provided in paragraph (d) of this section, the benefits that can be provided under the contract shall be determined as if each insurance contract that is a plan asset were the plan's only asset on the date of plan termination. If two or more insurance contracts owned by a plan expressly provide a basis for coordinated allocation of contract assets in conformance with § 4044 of the Act, the benefits that can be provided under the contracts shall be determined as prescribed by the contracts.

(c) *Cash settlement value.* (1) The value of a settlement option requiring an immediate, lump sum cash payment by the insurer is the dollar amount of the cash payment.

(2) The value of a settlement option requiring cash payments by the insurer in installments is the fair market value, determined in accordance with Subpart B of this part, of the right to receive that stream of future payments.

(d) *Optional valuation procedure.* (1) When an insurance contract is not a plan's only asset on the plan termination date, the plan administrator may value the contract by applying the contract assets to purchase benefits under the insurance contract without regard to the order of priorities prescribed by section 4044 of the Act, if the plan administrator demonstrates to the PBGC that:

(i) All of the plan's assets on the date of plan termination, taken together, can be allocated in a manner that complies with section 4044 of the Act;

(ii) Under the combined allocation, the plan's assets will provide benefits with a total present value that equals or exceeds the total present value of the benefits that could otherwise be provided by the plan's assets, and

(iii) In the case of a plan that receives a Notice of Inability to Determine Sufficiency under Part 2615 of this chapter, arrangements for a specific combined allocation that satisfies section 4044 of the Act were made prior to the plan termination date.

(2) A plan administrator who elects the valuation procedure described in paragraph (c)(1) of this section must furnish the PBGC with evidence, including supporting computations, that the optional valuation meets all of the requirements of that paragraph.

(3) When a plan administrator elects the valuation procedure described in paragraph (c)(1) of this section, the total value of the plan's assets is the total present value of the benefits that can be provided through the combined allocation of the plan's assets pursuant to that paragraph.

§ 2611.13 Contract assets.

(a) Contract assets are the funds credited to an insurance contract as of the plan termination date that are available to provide benefits, including funds that will become available to provide benefits upon the exercise of the contractholder's rights under the insurance contract to cancel any participation rights held by the plan under the insurance contract.

(b) Contract assets do not include:

(1) Funds that the insurer is entitled, under the insurance contract, to withdraw in payment for an irrevocable commitment made by the insurer prior to the date of plan termination;

(2) Funds that the insurer is entitled, under the insurance contract, to withdraw to satisfy liabilities of the plan that became due and owing prior to the date of plan termination;

(3) Funds that the insurer is entitled, under the insurance contract, to withdraw to pay for administrative or other services performed by the insurer; and

(4) Funds that have been paid to the insurer prior to the date of plan termination in return for benefits or services, which are credited to an account under the contract solely for the purpose of computing amounts payable pursuant to the plan's participation rights.

§ 2611.14 Value of participation rights.

The value of a participation right is the greater of:

(a) The dollar amount payable by the insurer upon cancellation of the participation right as of the plan termination date, or

(b) The present value of the additional benefits that the insurer offers to provide, pursuant to irrevocable commitments, upon cancellation of the participation right as of the plan termination date.

Appendix A—Examples: Valuation of Insurance Contracts

The following examples assume that no amounts are recapturable on behalf of the plan under 4045 of the Act.

(a) *Trusteed plan.* Contributions to the ABC plan are deposited in a trust fund, through which the plan's assets are invested in bonds and common stocks. From time to time the trustee uses plan funds to purchase an irrevocable commitment from an insurer for a participant who retires or leaves employment with vested rights under the plan. For purposes of this part, that irrevocable commitment is the property of the participant and is not a plan asset. If the plan has participation rights based on the purchase of that irrevocable commitment, they are plan assets to be valued under § 2611.14 of this part. The plan's other assets will be valued in accordance with Subpart B of this part.

(b) *Fully insured plan.* The trustees of the DEF Plan invest the plan's assets exclusively in individual insurance contracts, each covering a named participant. A portion of the annual premium paid to the insurer is credited to the cash surrender value of the contract, which accumulates cash value at a rate designed to amortize the cost of an annuity for the covered participant at retirement. The insurer makes no irrevocable commitment until an insurance contract is distributed to a participant, either directly or after conversion to an annuity. For purposes of this part, once an insurance contract is distributed to a participant it is no longer a plan asset, although any participation rights the plan may have in distributed contracts are plan assets.

The cash surrender values of the individual contracts held by the plan on its ter-

mination date are the contract assets. Although an individual contract may provide for conversion to an annuity at contractually-specified rates, each contract may only be used to purchase benefits for the participant named in the contract. As the application of the contract assets to purchase benefits through this contractual mechanism would not comply with § 4044 of the Act, under § 2611.12(a) the value of the contracts as plan assets is the sum of their individual cash surrender values on the date of plan termination. The plan administrator could elect the optional valuation procedure described in § 2611.12(d) if that would yield an equal or higher total value for the plan assets.

(c) *Split-funded plan.* (1) The trustee of the GHI Plan uses part of the plan's assets to purchase individual life insurance contracts covering each participant, and holds the remaining plan assets in a "side fund," which it invests in equity and fixed-income securities. When a participant with vested rights leaves employment before retirement age, the trustee gives the participant the insurance contract on his or her life plus a share of the side fund. For participants who retire, the trustee purchases irrevocable commitments from the insurer, using the cash value of the insurance contracts on their lives supplemented as needed by withdrawals from the side fund. The trustee is the contractholder, who owns the individual contracts of insurance on active participants. These contracts may be cancelled at the contractholder's option even though a covered participant has vested rights under the plan.

For purposes of this part, the assets of the GHI Plan consist of the side fund, the individual insurance contracts held by the trustee, and any participation rights held by the plan. As in paragraph (b) of this Appendix, the value of the individual life insurance contracts is the sum of their cash surrender values on the plan termination date. The assets in the side fund are valued in accordance with Subpart B of this part.

(2) The trustees of the JKL Plan pay all contributions received under the plan to an insurer, which issues individual life insurance contracts to the trustees and credits the remainder of the money received from the plan to a side fund managed by the insurer. As liquidation of the side fund is subject to contractual restraints, the side fund must be valued in accordance with § 2611.8 (a) and (c), rather than Subpart B of this part.

(d) *Deposit administration contract.* The sole asset of the MNO Plan is a group insurance contract of the deposit administration ("DA") type, which the employer purchases directly from the insurer with funds contributed under the plan. The insurer credits premiums (contributions) to an account maintained under the contract (the "active life fund") in which funds for the benefits of active participants accumulate. The insurer makes an irrevocable commitment when a participant retires, withdrawing the amount needed to purchase the promised benefits from the active life fund, pursuant to the contract, at that time.

The active life fund contains the bulk of the contract assets. Because the plan has participation rights based on previously purchased benefits, the insurer maintains an experience account under the contract to compute the earnings due the plan. Under paragraph (b)(4) of § 2611.13, the experience account would not contain contract assets, except for amounts owed to the plan that had not yet been credited to the active life fund.

Under § 2611.13(b)(2), the balance in the active life fund must be reduced to reflect outstanding claims against the fund (e.g., accrued benefits payable to retirees that are chargeable to the fund under the contract). The fund balance may also be increased, pursuant to § 2611.13(a), as the result of liquidation of any separate investment accounts maintained for the plan under the contract or cancellation of the plan's participation rights. The value of the participation rights is included in the contract assets even though the contract states that the earnings may be paid to the employer, because the employer is the contractholder.

Under § 2611.12, the contract is valued by:

(1) Determining the benefits that can be provided by applying the assets in the active life fund (adjusted as described above) to the purchase of irrevocable commitments from the insurer at rates specified in the contract, in accordance with the benefit priority categories established by § 4044 of the Act, and

(2) Comparing the present value of the benefits so purchased with the most valuable cash settlement option available on the date of plan termination.

(e) *Immediate participation guarantee ("IPG") contract.* The Board of Trustees of the PQR Plan has invested all contributions made to the plan in an IPG contract, which is a specialized form of DA contract that enables the contractholder (the Board of Trustees) to share directly in the insurer's experience gains and losses on the plan's retired and terminated-vested participants. Under the plan's IPG contract the insurer issues irrevocable commitments to participants as they retire or leave employment with vested rights under the plan. However, the insurer does not withdraw the cost of the benefits covered by the irrevocable commitments until the contract is discontinued. The insurer maintains an IPG account under the contract, which contains funds to support benefits currently payable to retired participants as well as active participants' future benefits.

Because the PQR Plan's insurance contract entitles the insurer to withdraw from the IPG account the amount necessary to pay for previously issued irrevocable commitments at the date of contract discontinuance, under paragraph (b)(2) of § 2611.13 those amounts are not included in the contract assets. Once the withdrawals are made the discontinued IPG contract operates like a conventional DA contract, and would be valued in the manner described in paragraph (d) of this Appendix.

(f) *Group deferred annuity contract.* The trustees of the RST Plan own a group deferred annuity contract, under which the premiums paid by the plan are used to purchase deferred annuities for active participants in increments as benefits accrue. Before the participants' rights to benefits become vested under the plan, the insurer's commitment to pay the annuities can be revoked. For purposes of this part, the contract assets under the RST Plan's group deferred annuity contract consist of: (1) the cash surrender values of the deferred annuity units purchased to cover benefits that are not vested on the earlier of the date of discontinuance of the contract or the plan termination date, and (2) any participation rights held by the plan.

(g) *Optional valuation procedure.* The XYZ Plan owns two DA contracts, No. 111 and No. 222, each issued by the same insurer and held by the employer as contractholder. In addition, a corporate trustee holds $100,000 worth of plan assets, invested in corporate bonds. Under § 2611.12 (a), (b) and (c), the value of Contract No. 111 is determined by computing the present value of the benefits that could be provided by applying the contract assets to the purchase of benefits in the priority sequence prescribed by § 4044 of the Act, beginning with the first priority category, and comparing that figure with the greatest amount realizable under a settlement option. The value of Contract No. 222 is determined in the same manner. So valued, each contract is worth $100,000.

However, because the rates for deferred annuities are different under the two contracts, benefits in the statutory fourth priority category may be purchased more cheaply from the insurer under Contract No. 222 than under Contract No. 111. If the plan administrator agrees to purchase additional benefits from the insurer with the funds held by the corporate trustee, the insurer is willing to allow the plan to use all of the contract assets under Contract No. 222 to purchase category four benefits, applying the Contract No. 111 contract assets plus the trust fund money to higher priority benefits. This arrangement will enable the plan assets to provide $400,000 worth of benefits.

The plan administrator may elect the optional valuation procedure described in § 2611.12(d), by demonstrating to the PBGC that the result would comply with 4044 of the Act and would equal or increase the total amount of benefits that the plan's assets can provide. If the plan's assets would still not be sufficient to satisfy all guaranteed benefits, in order to qualify for the optional valuation procedure the plan administrator must demonstrate to the PBGC that the arrangement with the insurer had been worked out prior to the date of plan termination.

Issued in Washington, D.C. this 8th day of April 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.77-11226 Filed 4-15-77;8:45 am]

Coast Guard

[46 CFR Part 401]

[CGD 77-045]

GREAT LAKES PILOTAGE RATES

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: The Coast Guard is proposing to increase the basic rates for Great Lakes Pilotage by 15 percent in Districts 1 and 3, by 19 percent in the Welland Canal, and by adding a dock/undock charge of $115 in the Welland Canal. This change in pilotage rates is proposed in order to increase U.S. pilot compensation which presently does not meet U.S. target pilot compensation levels.

DATES: Comments must be received on or before May 18, 1977.

ADDRESSES: Comments should be submitted to and are 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. Copies of data referenced in this document are available for examination at the above address. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 77-045), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. The proposal may be changed in light of comments received before final action is taken on this proposal. No public hearing is contemplated at this time. A public hearing may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person raising a genuine issue and desiring an opportunity to comment orally at a public hearing.

DISCUSSION OF THE PROPOSED RATE INCREASE

U.S. pilotage revenues for 1976 have been reviewed, pilotage revenue requirements for 1977 have been developed, and the number of vessels, their size, and route patterns have been analyzed and projected for 1977.

The amount of revenue available for distribution to U.S. pilots as pilot compensation is that amount of revenues remaining after all other costs of providing pilotage services have been paid. The guideline followed in the development of a pilot compensation figure is that the target compensation for U.S. pilots is to be comparable to the earnings of their licensed counterparts on U.S. Great Lakes vessels. With the exception of the U.S. pilots in District 2, U.S. pilots have not attained comparability with their licensed counterparts on U.S. Great Lakes vessels, necessitating this rate increase.

In District 2, the description of the points of origin and destination for which pilotage fees are charged in the designated waters is not easily understood. It is confusing and difficult to determine the appropriate basic rate that applies to a particular transit. For this reason, it is proposed to change the descriptions in the designated waters in District 2 to spell out clearly each specific trip with the corresponding basic rate associated with that trip.

The existing basic rates are in dollars and cents. For ease in computation of the appropriate total charge for any transit the basic rates are rounded off to the nearest whole dollar.

The basic rate for a 6-hour period in Lake Superior is currently $6.25 less than the basic rate for a 6-hour period in Lakes Huron and Michigan. All three age district (District 3) and the pilotage service provided in Lake Superior is comparable to the pilotage services provided in the other two Lakes. Therefore, it is proposed to make the basic rates the same for all three Lakes.

The proposed 15 percent rate increase is not applicable to District 2 for services described in § 401.405(b) (2) through (15). The proposed increase of basic rates of 15 percent for docking and undocking under § 401.410(a), cancellation, delay, and detention under § 401.420, and carrying beyond the normal change point under § 401.428 are applicable throughout the entire pilotage system. The 15 percent rate increase for these pilotage services includes District 2 because it is easier to administer these services when the rates are consistent for all three pilotage districts.

This rule has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200). The estimated cost of this U.S. regulatory proposal (as distinguished from a similar Canadian regulatory proposal) is $426,781. This cost figure is the amount of additional revenue the U.S. pilots should receive under this proposal. The benefit of this rule is the value of avoiding of minimizing costly delays and disruptions in shipping attributable to the failure to be able to retain qualified pilots and to attract new qualified pilots. The overall efficiency of the pilotage system is enhanced by having an appropriate number of pilots available to provide the required services. This estimated cost figure may be overstated because it is unlikely that this rule can be finalized until after the beginning of the 1977 shipping season.

DRAFTING INFORMATION

The principal project manager and lawyer involved in the drafting of this rulemaking are: John J. Hartke, III, Project Manager, and Stephen D. Jackson, Project Attorney.

In consideration of the foregoing, it is proposed to amend Part 401 of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under §401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300:

(a) District 1:

(1) For passage through the District, or any part thereof, $5 for each statute mile, plus $68 for each lock transited, but with a minimum basic rate of $151 and a maximum basic rate for a through trip of $664.

(2) For a movage in any harbor, $227.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $19 for each statute mile, plus $70 for each lock transited but with a minimum basic rate of $235 and a maximum basic rate for a through trip of $866. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7, $433.

(ii) Between Lock 7 and southerly limits, $433.

(iii) For each time the pilot docks or undocks a ship for the purpose of loading or unloading cargo, stores, or bunker, effecting repairs, correcting overdraft, or for inspection, $115.

(2) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, $335.

(3) Between points on Lake Erie west of Southeast Shoal, $198.

(4) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $584.

(5) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $335.

(6) Southeast Shoal to Detroit Pilot Boat, $243.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $676.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, $435.

(9) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $335.

(10) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $198.

(11) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $440.

(12) Detroit Pilot Boat to any point on the St. Clair River, $440.

(13) Detroit Pilot Boat to Port Huron Change Point, $341.

(14) Between points on the St. Clair River, $198.

(15) Port Huron Change Point to any point on the St. Clair River, $243.

(c) District 3:

(1) Between the southernly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario, $604.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, $506.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $227.

(4) For a movage in any harbor, $227.

2. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be:

In Lake Ontario, $121.

In Lake Erie, $158.

In Lakes Huron, Michigan and Superior, $121.

for each 6 hour period or part thereof that the U.S. pilot is on board, plus $115 for each time the U.S. pilot performs the docking or undocking of the ship.

* * * * *

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour during which each interruption lasts with a mixmum basic rate of $302.00 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of $302 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $114.

(2) If the cancellation is more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour, with a maximum basic rate of $302 for each 24 hour period.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place, the U.S. pilot shall be paid at the rate of $115 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a)).)

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

Dated: April 14, 1977.

O. W. SILVER,
Admiral U.S. Coast Guard,
Commandant.

[FR Doc.77-11358 Filed 4-15-77;10:04 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Texas Grain Inspection Point

Statement of considerations. Pursuant to sections 7(e)(1) and 7A(c)(1) of the U.S. Grain Standards Act of 1976 (7 U.S.C. 71 et seq.), hereinafter the "Act," the Federal Grain Inspection Service is required to provide official inspection and weighing services for all grains required or authorized to be inspected and weighed by the Act, at those export port locations where a state is not delegated to perform these official services (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

The Federal Grain Inspection Service will assume performance of official inspection and weighing services at such export port locations within 18 months of the November 20, 1976, effective date of the amended Act. Provided that, subject to meeting certain requirements of the Act, existing official agencies may continue to function during such transition period.

Houston Merchants Exchange, Houston, Texas, a designated official agency at Harris County, Texas, and Alvin, Texas, ceased providing official inspection services effective midnight, March 12, 1977, in accordance with prior notice to the Federal Grain Inspection Service.

Notice is hereby given that, effective March 13, 1977, the designation of Houston Merchants Exchange, Houston, Texas, as an official agency, has been canceled pursuant to the provisions of section 7(g)(2) of the Act (7 U.S.C. 79(g)(2)).

The Federal Grain Inspection Service, effective March 13, 1977, commenced providing official grain inspection and weighing at that portion of Harris County within the switching limits of Houston, and Alvin, Texas, at those locations where Houston Merchants Exchange previously performed inspection services, in accordance with sections 7(e)(1) and 7A(c)(1) of the Act (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

(Sec. 7, (Pub. L. 94-582), 90 Stat. 2870 (7 U.S.C. 79); Sec. 7A (Pub. L. 94-582), 90 Stat. 2875 (7 U.S.C. 79A).)

Effective date: This notice shall become effective April 18, 1977.

Done in Washington, D.C. on April 12, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-11166 Filed 4-15-77;8:45 am]

Forest Service

SOUTHEAST ALASKA AREA GUIDE

Availability of Draft Area Guide and Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service has prepared a draft area guide and environmental statement for Southeast Alaska, Tongass National Forest, USDA-FS-RIO-DES (Adm)-77-05.

The Guide and Statement proposes a natural resource allocation alternative for the Tongass National Forest through land use designations, describing the forest practice or coordination policies that need to be implemented, and concerns such areas as timber volume outputs, fish and wildlife habitat protection and improvement, wilderness areas, recreation areas.

This draft guide and statement was transmitted to CEQ on April 5, 1977.

Copies are available for inspection during regular working hours at the following locations:

U.S. Forest Service, South Agriculture Building, 12th St. and Independence Avenue SW., Washington, D.C. 20250.
U.S. Forest Service, Alaska Regional Office, Federal Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

A limited number of single copies are available upon request to the Regional Forester, U.S. Forest Service, Federal Building, Post Office Box 1628, Juneau, Alaska 99802.

Copies of this draft guide and statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been specifically requested.

Comments concerning the proposed action and requests for additional information should be addressed to John A. Sandor, Regional Forester, Alaska Region, Post Office Box 1628, Juneau, Alaska 99802. Comments must be received by June 10, 1977, in order to be considered in the preparation of the final area guide and environmental statement.

CARL W. SWANSON,
Environmental Coordinator,
Alaska Region.

APRIL 5, 1977.

[FR Doc.77-11157 Filed 4-15-77;8:45 am]

Office of the Secretary

FOOD SAFETY AND QUALITY SERVICE

Establishment of New Agency

Notice is hereby given that effective March 14, 1977, the Food Safety and Quality Service was established in the Department of Agriculture.

The new agency reporting to the Secretary through the Assistant Secretary for Food and Consumer Services is assigned:

(1) The functions formerly assigned to the Animal and Plant Health Inspection Service relating to meat and poultry inspection, including voluntary inspection programs under the Agricultural Marketing Act of 1946, as amended (except with respect to animal byproducts), and functions under the Humane Slaughter Act, and the present functions of the Agricultural Marketing Service relating to meat and poultry grading and standardization; and

(2) The functions formerly assigned to the Agricultural Marketing Service relating to inspection and grading of dairy products, standardization and inspection for fresh and processed fruit and vegetable products, and those functions authorized by the Egg Products Inspection Act and by Section 32 of the Act of August 24, 1935, as supplemented by the Act of June 28, 1937, and related legislation.

The delegations of authority appearing in 7 CFR Part 2 will be amended to reflect the above assignment.

Done at Washington, D.C., this 12th day of April, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-11165 Filed 4-15-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573, Agreement C.A.B. 26544, R-1 through R-8; Order 77-4-52]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Commodity Rates

Issued under delegated authority April 11, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the

Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

As set forth in the attachment, the agreement names eight additional specific commodity rates under existing specific commodity rate descriptions, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated March 30, 1977.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement C.A.B. 26544, R–1 through R–8, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

Attachment

Agreement	Specific commodity item No.	Description and rate [1]
CAB 26544:		
R–1	1951	Ostrich feathers, 350 c/kg,[3] minimum weight 100 kg. From Johannesburg to Miami/New York.
R–2	2102	Cloth, exclusively in bales, bolts, or pieces; not further processed or manufactured, 234 c/kg, minimum weight 100 kg. From Libreville to New York.
R–3	6109	Human blood, 153 c/kg[3] minimum weight 100 kg. From Zurich to New York.
R–4	0003	Foodstuffs, spices, and beverages, 141 c/kg, minimum weight 1,000 kg. From Los Angeles to Noumea.
R–5	9202	Toys, games, athletic, and sporting goods, 205 c/kg,[2] minimum weight 500 kg. From Bombay/Delhi to New York.
R–6	9518	Handicrafts, 276 c/kg, minimum weight 100 kg; 228 c/kg, minimum weight 500 kg. From Dacca to New York.
R–7	2199	Yarn, thread, fibers, textiles, textile manufactures, and wearing apparel, 185 c/kg, minimum weight 100 kg; 157 c/kg, minimum weight 200 kg; 132 c/kg, minimum weight 500 kg. From Sydney to Honolulu.
R–8	9906	Picture hanging kits and/or picture hooks, 189 c/kg, minimum weight 500 kg; 181 c/kg, minimum weight 1,000 kg. From Melbourne to Los Angeles.

See footnotes at end of table.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires June 30, 1978.
[3] Expires Mar. 31, 1978.

[FR Doc.77–11146 Filed 4–15–77;8:45 am]

[Docket 27573, Docket 29123, Agreement C.A.B. 26536, R–1 and R–2, Order 77–4–53]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

South Pacific Passenger Fares and Cargo Rates

Issued under delegated authority April 11, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would increase South Pacific passenger fares and cargo rates by various amounts to compensate for rising fuel prices. In general, all passenger fares would be increased by 1.5 percent of the currently applicable normal economy-class fare. With respect to Hawaii, the amount of increase for Honolulu would apply to all other Hawaiian points. With respect to all other points within TC1 (North and South America, Greenland, Bermuda, and the Caribbean), the amount of increase for Los Angeles would apply. In addition, South Pacific cargo rates would generally be increased by 1.5 percent of the 45-kilogram-and-over general cargo rate for Los Angeles and common-rated points to/from the point concerned within TC3 (Asia and the Pacific).

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and of comments from interested persons. In view of the fact that the Board recently acted on a new South Pacific passenger fare agreement, presently subject to petition for reconsideration, new information pertaining to the instant agreement is required. Furthermore, although the Board has not acted on any South Pacific cargo-rate agreement in the immediate past, we are concerned over the excess-earnings position of these operations reflected in past carrier justifications.

In its justification of the South Pacific fare agreement (Order 77–2–32), Pan American provided forecast data, under present fares, for the year ended March 31, 1978, which reflected fuel expenses of $16,233,000. In order to expeditiously evaluate and process the instant agreement, we would expect Pan American to submit revised data, annualizing the proposed cost and revenue increases, adequately documented to reflect changes in fuel costs and revenue impact, both with and without the proposed increases. These data should be based on the level of traffic stipulated to in Pan American's justification under present fares.

Similar data concerning the proposed increases in cargo rates should also be submitted, using the "space method" in assigning costs.

Accordingly, *It is ordered*, That: 1. Pan American World Airlines, Inc., the only United States air carrier member of the International Air Transport Association providing service within the area concerned by the agreement, shall file prior to April 25, 1977 full documentation and economic justification for the fares and rates embodied in the subject agreement;

2. Comments and objections from interested persons and parties shall be submitted prior to April 25, 1977;

3. Replies to submissions received in response to ordering paragraphs 1 and 2 above shall be submitted no later than May 5, 1977; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement should not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–11147 Filed 4–15–77;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER Thursday, March 17, 1977 (FR Doc. 77–7878) on page 14897 has been cancelled.

Dated at Washington, D.C., April 12, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11145 Filed 4-15-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BROOKHAVEN NATIONAL LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00517. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, New York 11973. Article: Electron Gun, Model 60 KW and accessories. Manufacturer: Kombinat VEG Kokomotivbau-Elektratechnische Werke, East Germany. Intended use of article: The article is intended to be used in research programs to investigate the properties of atom nuclei. In particular, a Tandem Van de Graaf accelerator will be used to produce swift beams of highly ionized atoms over the entire range of the periodic table. A set of experiments will be conducted to measure what happens when these beams collide with energetic beams of electrons. The data obtained will be of interest in the fields of basic atomic physics and the related areas of astrophysics and the magnetic fusion energy program of ERDA.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the Uinted States.

Reasons: The foreign article provides high current output of the gun (60 kilovolts), capability of operation without serious loss of power in a poor vacuum environment (10^{-5} torr), and the ability to focus as well as direct the electron beam. The National Bureau of Standards advises in its memorandum dated March 2, 1977 that (1) features described above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11179 Filed 4-15-77;8:45 am]

HARVARD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00064. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Massachusetts 02138. Article: Electron Microscope, Model EM-400 with High Tilt Goniometer and accessories. Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of microscopic samples of nervous tissue from experimental animals, including brain, spinal cord and peripheral nervous system; in particular the synapses, the sites of transmission of information between nerve cells. Experiments will be conducted with the objective of understanding the structural basis of nervous function in a sensory system, and the mechanisms of development.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 15, 1976).

Reasons: The foreign article is equipped with a high tilt eucentric goniometer stage (±60° tilt) and has a specified resolving power of Å. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 22, 1977 that the high tilt eucentric goniometer stage of the article is pertinent to the applicant's studies. HEW further advises that it knows of no domestic instrument which had scientifically equivalent eucentric goniometer stage at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11180 Filed 4-15-77;8:45 am]

NATIONAL BUREAU OF STANDARDS—D.C.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00077. Applicant: National Bureau of Standards, Bldg. 224, Rm. A365, Washington, D.C. 20234. Article: Zero-Span Short-Span Tensile Tester. Manufacturer: Pulmac Instruments Ltd., Canada. Intended use of article: The article is intended to be used to characterize pulps made from an unknown mixture of paper grades such as found in waste so that higher quality recycled paper can be manufactured from this grade of waste paper. The properties to be determined will be interfiber bond strength, fiber length distribution, the extensibility of the fibers and a measure of the average fiber strength.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to adjust the distance between the jaws of the tester precisely at very small distances (0.05 to 1.0 millimeters). The National Bureau of Standards (NBS) advises in its memorandum dated March 17, 1977 that the capability of the article described above is pertinent to the applicant's intended purpose. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11181 Filed 4-15-77;8:45 am]

PEORIA SCHOOL OF MEDICINE (UNIVERSITY OF ILLINOIS)

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230. Docket Number: 77-00050. Applicant: Peoria School of Medicine (University of Illinois), 123 S.W. Glendale Ave., Peoria, Ill. 61605. Article: Electron Microscope, Model JEM 100C (with associated power supply, pump, box, and compressor). Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of biological, both pathogenic and nonpathogenic, microorganisms (e.g., bacteria, fungus and animal viruses), mammalian tissues derived from experimental animals and of human origin to exhibit normal and pathologic structure. The experiments to be conducted include, (1) experiments to study localization and distribution of enzymes in both microbial and mammalian cell membrane; (2) experiments to elucidate the supramolecular architecture of biological membrane system; (3) experiments to study the physiologic and pathologic changes in cell ultrastructure; and (4) the study of molecular organization of cells and their changes in malignancy and other disease states for diagnosis. In addition, the article will be used in teaching undergraduate and graduate level courses with the objective of training both medical and graduate students to study cell ultrastructure and the application of the knowledge of cell fine structure and function in medical and nonmedical problems.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 23, 1976). Reasons: The foreign article provides a resolution of 3 Angstroms point to point and a magnification range of 90 to 800,000X without a pole piece change. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 21, 1977 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purposes and (2) that it knows of no domestic instrument or apparatus which provided the pertinent features at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11182 Filed 4-15-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Scientific and Statistical Committee of the Gulf of Mexico Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the west coast of Florida, Alabama, Louisiana, Mississippi and Texas. The Council's functions are, among other things, to prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meeting will be held Monday and Tuesday, May 9 and 10, 1977, in the Hilton Inn, Central Room, 901 Airline Highway, Kenner, Louisiana. The Committee meeting will convene at 9:00 a.m. on May 9, 1977, and adjourn at about 12:00 noon, May 10, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Briefing on Research Status.
2. Goals and Objectives of Management Plan.
3. Other Business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about May 1, 1977:

Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Committee meeting.

Dated: April 13, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-11214 Filed 4-15-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the states of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on May 11 and 12, 1977, from 9:00 a.m. to 5:00 p.m. and 8:30 a.m. to 4:00 p.m. respectively, at the Golden Eagle Inn, Beach and Philadelphia Avenues, Cape May, New Jersey.

PROPOSED AGENDA

1. Review of foreign fishing applications, if any.
2. Status of Surf Clam/Ocean Quahog draft management plan.
3. Status of Squid management plan.
4. Status of Mackerel management plan.
5. Other management business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of

the public should contact on or about 10 days before the meeting to receive information on changes in the agenda, if any:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Delaware 19901.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Bryson at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: April 13, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-11215 Filed 4-15-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Scientific and Statistical Committee on the Mid-Atlantic Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

This meeting of the Scientific and Statistical Committee will be held on May 9 and 10, 1977, from 9:30 a.m. to 4:00 p.m., and 9:00 a.m. to 3:00 p.m., respectively, at the Golden Eagle Inn, Beach and Philadelphia Avenues, Cape May, New Jersey.

PROPOSED AGENDA

1. Organization and Administration.
2. Mackerel Management Plan.
3. Other Business.

This meeting is open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact on or about 10 days before the meeting to receive information on changes in the agenda, if any:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Delaware 19901.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of committee business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Bryson at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the meeting.

Dated: April 13, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-11213 Filed 4-15-77;8:45 am]

THE COMMISSION OF FINE ARTS

FEDERAL ADVISORY COMMITTEES ACT

Request for Public Comment

Pursuant to Office of Management and Budget Circular A-63, Transmittal Memorandum No. 5, dated March 7, 1977, regarding review of Federal Advisory Committees, the Commission of Fine Arts is soliciting public comment on its continuation as a Federal Advisory Committee. Interested parties should address their views to Charles H. Atherton, Secretary, Commission of Fine Arts, 708 Jackson Place NW., Washington, D.C. 20006. The review period will be open until May 18, 1977.

Dated in Washington, D.C., April 13, 1977.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77-11155 Filed 4-15-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 18, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

This notice supersedes the notice of proposed addition of this service which was published in the FEDERAL REGISTER on December 27, 1976 (41 FR 56216).

It is proposed to add the following service to Procurement List 1977, November 18, 1976 (41 FR 50975):

SIC 7349

Janitorial/Elevator Operator Services, Federal Building, 201 Barick Street, New York, New York.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-11136 Filed 4-15-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed Additions to Procurement List

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 18, 1977

ADDRESS: Committee for Purchase from the Blind and Other Severly Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

This notice supersedes the notice of proposed addition of the first six items listed which was published in the FEDERAL REGISTER on December 10, 1976 (41 FR 54021).

It is proposed to add the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7220

Mat, Floor: 7220-00-457-6046; 7220-00-457-6054; 7220-00-457-6057; 7220-00-457-6063; 7220-00-477-3063; 7220-00-194-1609; 7220-00-151-6517; 7220-00-151-6518; 7220-00-151-6519.

Class 7530

Tape, Paper (GSA Regions 1, 4 (Savannah, Georgia supply distribution facility), 7, 8, 9 and 10 only): 7530-00-286-9052; 7530-00-222-3455; 7530-00-286-9053; 7530-00-286-9054; 7530-00-238-8352; 7530-00-222-3456; 7530-00-286-9055.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-11120 Filed 4-15-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1977 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 18, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severly Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following commodity from Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7920

Brush, Cleaning, 7920-00-281-7009.

PROPOSED ADDITIONS—AMENDMENT

In FR Doc. 77-10639 appearing on page 18883 in the FEDERAL REGISTER of Monday, April 11, 1977, the title under Class 6230 should read Light, Desk vice Desk Lamps.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-11137 Filed 4-15-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. 77-1]

CENTRAL TEXTILES, INC.

Notice of Prehearing Conference

On March 8, 1977, the Secretary of the Commission issued a Notice of Enforcement against Central Textiles, Inc., a corporation, and Clinton Butcher and Donald Schneider individually and as officers of Central Textiles, Inc., P.O. Box 314, North Webster, Indiana, 46555, in which the Bureau of Compliance charged Respondents with unlawful acts under Section 3 of the Flammable Fabrics Act. Specifically it is alleged that Respondents produced children's sleepwear which fails to conform to the Standard for Flammability of Children's Sleepwear, size 0-6X, and its rules and regulations, 16 CFR 1615 in that Respondents failed to conduct prototype or production testing, failed to establish garment production units, failed to sample at random for testing, failed to affix appropriate labeling and failed to maintain test records required by the Standard. The Notice also charged Respondents with falsely guaranteeing that their products meet the Standard.

These acts of Respondents are alleged to be unlawful under the Flammable Fabrics Act and to constitute unfair methods of competition and unfair and deceptive acts or practices in commerce under the Federal Trade Commission Act. Attached to the Notice is evidence alleged to constitute a prima facie case and a proposed order to cease and desist from further violations and to recall all products manufactured and sold in violation of the Act from distributors, retailers, and consumers.

On the 30th of March, 1977, Respondents filed an answer denying that the individuals charged were engaged in manufacturing, offering for sale or selling garments in interstate commerce. The corporate Respondent denies that it was selling garments which failed to meet the Standard for Flammability of Children's Sleepwear, sizes 0-6X. The Respondents admit certain technical violations of the Standard, but allege that adequate tests were conducted and that all garments passed the Standard. Respondents also allege affirmatively that they did not falsely guarantee the product since they relied on a registered continuing guarantee from the supplier of the fabric used in the children's sleepwear. Respondents also more that certain of the exhibits attached to the Notice of Enforcement not be considered in evidence. Respondents further assert that they no longer sell, manufacture or distribute any item or products which come under the jurisdiction of the Flammable Fabrics Act nor do they intend to manufacture, sell or distribute any such items in the future. They further allege that the rules and regulations cited by the Commission in the Notice of Enforcement are arbitrary, capricious, invalid and unenforceable, since they are outside of the scope of, and unreasonable under, the legislation they were meant to enforce.

Issue having been joined, a prehearing conference by conference telephone will be held at 11 a.m., (e.s.t.), 10 a.m., (c.s.t.), on April 22, 1977, originating from the third floor of the Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207. The appropriate telephone numbers are: Paul N. Pfeiffer, Administrative Law Judge, 202-634-7171; Alice Wegman, Esquire, Enforcement Counsel, 301-492-6626; and Michael G. Brady, Esquire, Counsel for Respondents, Brady, Kasher and Pavel, P.C., 402-397-1140.

The conference will include a discussion of the following subjects:

(1) The scope of the issues to be heard and the positions of the parties thereon.

(2) Whether, and to what extent, the parties may enter into a stipulation of facts.

(3) The need for discovery, by interrogatories, depositions, requests for admissions of fact, if any.

(4) The possibility of entering into a consent agreement and order disposing of the issues in the proceeding without the necessity of a hearing.

(5) The scheduling of future procedural steps including the establishment of a date, time, and place for hearing.

Any person desiring to participate in the forthcoming hearing should file a petition for leave to intervene in accordance with Part 1025.33 of the Commission's Interim Rules of Practice for Adjudicative Proceedings. The Prehearing Conference is open to the public at the location noted above.

Dated: April 8, 1977.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.77-11360 Filed 4-15-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

Systems of Records Deletions

In Privacy Act Issuances, 1976 Comp., Vol I, pages 378 to 650, the Department of the Air Force set forth the systems of records within the agency prescribed by the Privacy Act of 1974. Notice is given that the following Department of the Air Force systems of records are deleted:

F01001 HC A

System name:

01001 HC A Chaplain Privileged Communication Files (p. 381).

Reason:

Records contained in this system have been determined not to be agency records subject to the provisions of the Privacy Act.

F01001 OJ DP A

System name:

Humanitarian/Permissive Reassignment Files (p. 383).

Reason:

This system has been eliminated.

F01001 OJ DP B

System name:

Special Interest Assignment Files (p. 383).

Reason:

This system is incorporated with F03504 DPMRO D.

System name:

Officer Utilization Records System (p. 483).

F01001 OJ DP G

System name:

Survival Training Elimination Messages (p. 384).

Reason:

This system of records has been eliminated.

F01001 OMLCMMA

System name:

Airman NCO Recognition Program (p. 386).

Reason:

This system no longer exists as a result of inactivation of 2578AFG, Ellington, AFB, TX.

F01101 OCGBUZA

System name:

Reports, Controlled and Uncontrolled (Bad Check Report) (p. 391).

Reason:

This system is incorporated with F17718 OEACYVA.

System name:

Account receivable records maintained by Accounting & Finance (p. 613).

F01101 OIACYVA

System name:

Daily Strength Report (p. 391).

Reason:

Not a system of records under the Privacy Act.

F01101 OJ DP B

System name:

Report of Processing Time for Administrative Discharge Actions (p. 392).

Reason:

This system has been discontinued.

F01101 OJMPLSB

System name:

Source Support and Control Data Special Training Records (p. 393).

Reason:

This system was discontinued when the unit maintaining it was deactivated.

F01101 BOSFXBMA

System name:

Source Support or Control Data (Disciplinary Overweight Chart) (p. 397).

Reason:

No longer in use.

F01101 OUJCGJB

System name:

Career Development Graduates Monthly Report (p. 396).

Reason:

This system is discontinued on the basis that it duplicates data contained in F01101 OUJCGJC. Monthly reports are no longer generated.

System name:

Career Development Course Enrollees (p. 396).

F01102 OKPNQSA

System name:

Air Force Junior ROTC (AFJROTC) Unit Files (p. 404).

Reason:

These files are not retrieved by a person's name, identification number or symbol, or other particular identifier assigned to the individual. They are maintained by the school name and a code identifier for the school.

F01102 OQTMKHB

System name:

Locator or Personnel Data (Lists of Known Criminals) (p. 405).

Reason:

This system is not in existence.

F01101 OUQKKAA

System name:

6987 Security Squadron Office Alpha Roster and Squadron Roster (p. 406).

Reason:

This system has been eliminated.

F03004 OIACYVB

System name:

Personnel Data System (p. 427).

Reason:

Not a system of records under the Privacy Act.

F03004 OJ DP A

System name:

Air Training Command (ATC) Officers Effectiveness Analysis File (p. 427).

Reason:

This system is covered by F03004 AFDPMDB.

System name:

Advanced Personnel Data System (APDS)—ADS: E300 (p. 419).

F03004 OJDPB

System name:

Air Training Command (ATC) Officer Add-on Data (p. 427).

Reason:

This system has been eliminated.

F03004 OJDJDBA

System Names

Advanced Personnel Data System Optional DIN Y06 (p. 429).

Reason:

This system is covered by F03004 AFDPMDB.

System name:

Advanced Personnel Data System (APDS—ADS: E300 (p. 419).

F03004 OJDJDBB

System name:

Advanced Personnel Data System CBPO Optional DINS Y01—Y05 (p. 429).

Reason:

This system is covered by F03004 AFDPMDB.

System name:

Advanced Personnel Data System (APDS)—ADS: E300 (p. 419).

F03501 OKPNQSA

System name:

Review of Application for Correction of Military Personnel Record (p. 455).

Reason:

This system is covered by F03501 DPMAO K.

System name:

Officer Effectiveness Report (OER)/ Airman Performance Report (APR) Appeal Case Files (p. 440).

F03501 OKPNQSB

System name:

AU OER–TR Reviewing Sheet (p. 456).

Reason:

This system is covered by F033501 DPMDQIA.

System name:

Military Personnel Records System (p. 441).

F03501 OSGHLNB

System name:

Removal of Government Operators HCCNSC (p. 458).

Reason:

No longer in use.

F03501 OSGHLNC

System name:

Ground Safety Accident Briefing (p. 458).

Reason:

No longer in use.

F03501 OSPCZPG

System name:

Personnel Appearance Commendation/ Violation Citation (p. 459).

Reason:

This system of records has been discontinued.

F03501 OXOXASX

System name:

Personnel Information File (p. 460).

Reason:

This system is covered by F03501 DP 3.

System name:

Unit assigned Personnel Information File (p. 439).

F03501 XOIACYVV

System name:

Biographical File (p. 475).

Reason:

The system has been deleted.

F03505 OJDJDBA

System name:

Advanced Personnel Data System Consolidated Base Personnel Office optional DIN y07 (p. 494).

Reason:

Information from the Air Force Advanced Personnel Data System is now

used in place of the previous locally developed record system. For that reason, this system has been eliminated.

F03508 OKPNQSA

System name:

Field Grade Officer Promotion Analysis Worksheet (p. 500).

Reason:

This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

F04003 ORKNMDA

System name:

Personnel Appraisal Pacific Air Command (PACAF) Executive Development Program (p. 507).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04003 06SCEYA

System name:

Off Duty Education File (p. 507).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04003 06SCEYC

System name:

Executive Development Council File (p. 508).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04003XOBXQPCA

System name:

Supervisor's Management Training Profile (p. 509).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04004 DPCE A

System name:

Arbitration (p. 509).

Reason:

This system is covered by F04004 DPCE C.

System name:

Labor Management Relations (p. 510).

F04008 OMQJKLA

System name:

Employment Orientation Checklist (p. 511).

Reason:

Records contained in this system have been determined not to be subject to the provisions of the Privacy Act of 1974.

F05001 OSCHLND

System name:

Electronic Warfare Officer Examination Answer Sheet (p. 522).

Reason:

No longer in use.

F05003 OKPNQSA

System name:

Air Force Institute of Technology Education (AFIT) Historical File (p. 538).

Reason:

This system of records is not in existence.

F07701 OOJUBJC

System name:

Vehicle Integrated Management System (VIMS) (p. 553).

Reason:

This system is not a system of records as defined in the Privacy Act of 1974.

F14305 OJMPLSA

System name:

Deceased Investigation Dependent Military Burial (p. 582).

Reason:

Records contained in this system have been determined not to be subject to the provisions of the Privacy Act of 1974.

F16808 OSSGBPA

System name:

Medical Service Account—Authorizations for Supplemental Care (p. 599).

Reason:

This system is covered by F16808 SGHC A.

System name:

Medical Service Accounts (p. 599).

F17720 OJACFA

System name:

Security Assistance Training Management Information System (p. 615).

Reason:

This system is incorporated with F17720 OEACYVA.

System name:

Travel Records (p. 614).

F17721 FKRSMA

System name:

Individual retirement record (p. 616).

Reason:

This system is an integral part of F17721 OEACYVA.

System name:

Civilian pay records (p. 617).

F17730XOJ ACFB

System name:

Lackland Entry Airmen Pay System (LEAPS) (p. 624).

Reason:

This system is incorporated with F17725 OEACYVA and F17730 OEACYVA.

System name:

Air Reserve Pay Allowance System (ARPAS) (p. 621) and Joint Uniform Military Pay System (JUMPS) (p. 623).

F26501XOBXQPCB

System name:

Cadet Counseling Interview Files (p. 645).

Reason:

Records contained in this system have been determined not to be subject to Privacy Act of 1974.

F90001 OJ ACMA

System name:

Air Training Command Management Analysis Awards Program (p. 648).

Reason:

This system of record has been discontinued.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OSAD (Comptroller).

APRIL 12, 1977.

[FR Doc.77-11072 Filed 4-15-77;8:45 am]

Department of the Army

PRIVACY ACT OF 1974

Systems of Records; Deletions and Amendments

Following are systems of records prescribed by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) pertaining to the Department of the Army that are deleted and amended.

DELETIONS

In FR Doc. 75-21075 published in the FEDERAL REGISTER (40 FR 35151) of August 18, 1975 and FR Doc. 76-21185 (41 FR 30796) of July 26, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974, the following systems of records are deleted:

A0225.11cAMC

System name:

225.11 ADP Master and Operating Files (40 FR 35174).

Reason:

Records are now covered by A087.14a DAPE (41 FR 30921).

A0601.07AMC

System name:

601.07 Alcohol and Drug Reference Paper Files (40 FR 35214).

Reason:

Records are now covered by A0917.09a DASG (41 FR 30929).

A0607.01cDAEN

System name:

607.01 Accident and Incident Case File, COE (41 FR 30884).

Reason:

Information contained in this system of records is not retrieved by an individual's name or by any identifying number, symbol, code or other identifying particular assigned to the individual and therefore not subject to the Privacy Act.

A0701.07aAMC

System name:

701.07 Financial Counseling Reference Paper Files (40 FR 35218).

Reason:

Records are now covered by A0725.-01bDAAG (41 FR 30917).

A0801.08aAMC

System name:

801.08 AMC Career Intern Training Record and Progress Files (41 FR 30920).

Reason:

Records are covered by United States Civil Service Commission System Notice (CSC/GOVT-3, General Personnel Records (41 FR 42158, as amended by 41 FR 55568) and in Army System Notice A0807.14aDAPE, Department of the Army Civilian Personnel Systems (41 FR 30921).

A1203.19bAMC

System name:

1203.19 Household Shipment Contract Files (40 FR 35274).

Reason:

Records are now covered in A1203.19c-MTMC (41 FR 30964).

AMENDMENTS

The Department of the Army proposes certain amendments in Army systems of records as set forth below. These amendments do not fall within the purview of Office of Management and Budget Circular No. A-108, Transmittal Memorandum No. 1 dated September 30, 1975, which requires submission of a report of an agency's intention to establish or alter systems of records, as required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975. Public comments are invited, however, and may be submitted to The Adjutant General, Department of the Army, ATTN: DAAG-AMR, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314 on or before May 18, 1977. The amendments will be effective, as proposed, without further notice within 30 days of this publication unless comments are received which result in a contrary determination requiring publication.

In FR Doc 76-21185 published in the FEDERAL REGISTER of July 26, 1976, public comments were invited to systems notices published therein. As a result of comments received, the Army favorably considered amendments to systems of records set forth in paragraphs 1 through 4 below. Following the identification of the record system and the specific changes made therein, the complete revised systems are published in their entirety.

1. Comments concerning System Notice A0201.08cOSA SYSNAME Central Files, Office, Secretary of the Army (SAAA) were that the Records Category should be described in greater detail and should reflect the unlimited scope of the category of records in this system. Amendments are as follows:

A0201.08cOSA

System name:

201.08 Central Files, Office, Secretary of the Army (SAAA) (41 FR 30840).

Changes:

Categories of records in the system:

Delete the entire entry and substitute the following: "Originals or copies of letters, reports, complaints, appeals, inquiries, investigations, personnel actions, requests for assistance and any other documents referring to any subject that requires action of, or that should be brought to the attention of the Office of the Secretary of the Army."

2. Comments concerning System Notice A0225.01 aDAPE, SYSNAME-Vehicle Registration System (VRS) and Correctional Reporting System (CRS) were that two distinctly different and unrelated systems were included in the notice. The Vehicle Registration System and the Correctional Reporting System are two of several modules that comprise an automated law enforcement system in the Department of the Army. For the sake of clarity, information regarding the Vehicle Registration System (VRS) has been deleted from System Notice A0225.01aDAPE and incorporated in a system of records directly related; A0509.09aDAPE SYSNAME Traffic Law Enforcement Files (41 FR 30879). The SYSNAME for system notice A0225.01 aDAPE has been amended to delete reference to the Vehicle Registration System. Amendments are as follows:

A0225.01aDAPE

System name:

225.01 Vehicle Registration System (VRS) and Correctional Reporting System (CRS) (41 FR 30842).

Changes:

Name changed to Military Police Management Information System (MPMIS) - Correctional Reporting System (CRS).

Location:

Decentralized Copies: Delete entry. Substitute "CRS is programed for Army installations; the system will be maintained by the installation provost marshal office (PMO). Official mailing addresses are in the Department of Defense directory in the Appendix. The CRS will replace command-unique systems at installations where they exist."

Categories of individuals covered by the system:

Delete entry. Substitute "Any military member confined at any Army confinement facility as a result of, or pending, trial by courts-martial."

Categories of records in the system:

Delete entry. Substitute "The CRS data are added to the corrections master file. Following output is produced: a daily 4 part prisoner status roster which provides a by name roster showing social security number (SSN), military occupational specialty (MOS), religion, marital status, education level and offense for which confined. Part 1 provides a history of all prisoners confined in the last 24 hours and shows totals by status (i.e., detained, pretrial, detained post trial, adjudged, etc.). Part 2 shows a recapitulation by custody of total number of prisoners in confinement by this category. Part 3 lists all prisoners that departed the facility in the past 24 hours and lists their disposition. Part 4 indicates those individuals in pretrial confinement in excess of 25 days; a monthly status roster showing, by name, all prisoners confined or released for the reporting period. Report shows detailed additional information including totals of new prisoners, total departures, total escapes, total in hospital and totals by custody grade, race, status and such information as total by types or release, confinement less than 30, 60, or 90 days; the semiannual prisoner profile report produces a series of two-dimensional matrices for each type offense and profiles prisoner age, race, education, marital status, and religion for each offense."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses.

Delete entry. Substitute "The CRS is used to provide, on a daily basis, pertinent information required for proper management of confinement facility population; to provide on a monthly basis, statistical information required by the installation commander provost marshal and confinement facility commander pertaining to the prisoner population, status of discipline and responsiveness of personnel procedures relating to prisoner personnel; to provide the installation with monthly data on the total spectrum of the confinement facility utilization, i.e., population turnover, recidivism, and to identify semiannually, prisoner profiles showing the relationship of particular offenses to age, race, education, marital status and re-

ligion. CRS output will be furnished to criminal justice elements outside Department of Defense (DOD) and Department of the Army (DA) when law enforcement and crime prevention functions fall within their jurisdiction or concurrent jurisdiction is applicable. These include local, state and Federal agencies such as the Federal Bureau of Investigation, U.S. Customs Service; U.S. District Courts, U.S. Magistrates; U.S. Federal Marshals, state police agencies, local police agencies; and in overseas areas, host government law enforcement agencies."

Storage:

Delete entry. Substitute "The CRS master file is stored on disks at the installation data processing activity. The CRS data, produced also in three copies, are maintained at the installation correctional facility in file folders."

Retrievability:

In the second sentence delete the words "VRS or" and add "and policies" to the last sentence.

Safeguards:

At the beginning of the entry, delete the word "Both".

Retention and disposal:

Delete the following "An individual's record is maintained on the Vehicle Registration master file as long as the individual maintains a bona fide registration at a particular installation. Once he no longer meets the criteria as a registrant described in AR 190-5, previously quoted, he is deleted from the Vehicle Registration master file. Consequently, there is no maximum or minimum period of record maintenance for this modula."

System manager(s) and address:

Add "Decentralized to command/installation."

Notification procedure:

Delete "See Exemption." Substitute "Information may be obtained from the command/installation/activity office of record."

Record access procedure:

Delete "See Exemption." Substitute "Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain full name of individual, current address, SSN and specificity as to the information sought."

Contesting record procedures:

Delete "See exemption." Substitute "Rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21."

Record source categories:

Delete "and any other individuals or organizations which may supply pertinent information." Substitute "personnel records of the individual and other individuals and organizations which may provide exempt information."

3. The amendments incorporating the Vehicle Registration System (VRS) deleted from System Notice A0225.01a DAPE and incorporated into System Notice A0509.09aDAPE are as follows:

A0509.09aDAPE

System name:

509.09 Traffic Law Enforcement Files (41 FR 30879).

Changes:

Categories of records in the system:

Add "File may be automated as a part of the Vehicle Registration System (VRS) which is a part of the Military Police Management Information System (MPMIS). The registration information may be coded for entry on the master file, normally updated weekly when a part of MPMIS VRS. The master file is management manipulated to produce the following reports: listing of all registrants and their vehicles on an as required basis by decal number, state license number or name; as required, rosters by unit and decal number showing registrants with safety inspections due and those requiring annual verification of DA Form 3626; monthly rosters of registrants with suspended or revoked driving privileges."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add "VRS is used to insure registrants attest to meeting certain insurance standards; to preclude individuals who have suspended or revoked installation driving privileges from operating motor vehicles or who have vehicles that fail to meet vehicle inspection standards; to assist in rapid identification and apprehension of traffic violators; to provide management data on which to base crime prevention, selective enforcement and improved driving safety."

Storage:

Add "Portions of VRS and index cards may be automated using paper tape, disk, magnetic tape or card."

Notification procedure:

Delete "See Exemption." Substitute "Information may be obtained from the command/installation/activity office of record."

Record access procedure:

Delete "See Exemption." Substitute "Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain the full name of the individual, current address, social security number and specificity as to the information sought."

Contesting record procedures:

Delete "See Exemption." Substitute "The Army's rules for contesting contents and appealing initial determinations are contained in AR 340-21."

4. Comments concerning System Notice A0704.09aUSARECSYSNAME Center of Influence Card Files (USAREC Form 125) were referencing the term "mental category" in the category of records and the entry in the retention and disposal section did not limit the retention of these records. The amendments made as a result of this comment are as follows:

A0704.09aUSAREC

System name:

704.09 Center of Influence Card Files (USAREC Form 125) (41 FR 30894).

Categories of records in the system:

At the end of the second paragraph delete "mental category" and substitute the following: "achievement scores resulting from the Armed Forces Qualification Test (AFQT)."

Retention and disposal:

Delete entry and substitute the following which limits the retention of these records: "Center of influence cards are destroyed by the individual recruiter when they are no longer needed for reference and are not transferred to any other file."

In FR Doc. 75-21075 published in the FEDERAL REGISTER (40 FR 35151) August 18, 1975; FR Doc. 75-22781 (40 FR 41970) of September 9, 1975; FR Doc. 76-21185 (41 FR 30796) of July 26, 1976; setting forth the system of records prescribed by the Privacy Act of 1974 within the Department of the Army, the following systems of records are amended. Following the brief identification of the records systems and the specific changes made therein, the complete revised systems are published in their entirety.

A0301.07aDAAG

System name:

301.07 Army Club Membership Registration System (41 FR 30848).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

After the word "billing" delete the word "purposes" and substitute "by local commercial institutions maintaining credit systems for individual Army clubs or for billing by local finance and accounting office."

A0306.01aDACA

System name:

306.01 Civilian Employee Pay System (41 FR 30852).

Changes:

Storage:

Add "microfilm."

Retention and disposal:

In the paragraph "Individual retirement records file", after the words "upon separation", add "Forward to CSC when employee transfers to another installation with the Defense Establishment

NOT serviced by Army or upon separation from Federal Service. Forward microfilm of manually maintained individual retirement records to NPRC after 3 years."

A0320.01aDAEN

System name:

320.01 Corps of Engineers Management Information System Files (41 FR 30855).

Changes:

System location:

Add "US Army Engineer Division, Europe, Army Post Office (APO) New York; US Army Engineer Division, Middle East, APO New York."

A0412.05aDAIO

System name:

412.05 Press Interest Reference Files (40 FR 41972).

Changes:

Systems exempt from certain provisions of the act:

Delete entire entry. Substitute the word "None."

A0503.08DAMI

System name:

503.08 Unsolicited Correspondence File (40 FR 335204).

Changes:

Systems exempt from certain provisions of the act:

Delete entire entry. Substitute the word "None".

A0508.17aDAPE

System name:

508.17 Military Police (MP) Reporting Files (41 FR 30875).

Changes:

Categories of records in the system:

Add "File may be automated as a part of the Military Police Management Information System (MPMIS)."

Retrievability:

Add "Portions of files and index cards may be automated."

Notification procedures:

Delete "See Exemption"; substitute: "Information may be obtained from the SYSMANAGER or from appropriate decentralized record custodian."

Record access procedures:

Delete "See Exemption"; substitute: "Requests for access may be addressed to the SYSMANAGER or to appropriate decentralized record custodian. Letter must contain the full name, social security number, and signature of the requester and must be notarized."

Contesting record procedures:

Delete "See Exemption"; substitute: "The Army's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER."

The following revised system notices are published in their entirety.

A0201.08cOSA

System name:

201.08 Central Files, Office, Secretary of the Army (SAAA).

System location:

Office, Secretary of the Army (OSA), Administrative Support Group, Rm. 3D-718, The Pentagon, Washington, D.C. Relevant segments of the system are maintained throughout Secretariat offices.

Categories of individuals covered by the system:

Any military or civilian employee or correspondent of the Army who may have been the subject of, or initiated, correspondence referred to the Office, Secretary of the Army.

Categories of records in the system:

Originals or copies of letters, reports, complaints, appeals, inquiries, investigations personnel actions, requests for assistance and any other documents referring to any subject that requires actions of, or that should be brought to the attention of the Office of Secretary of the Army.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Correspondence control and reference files used by action officers in Headquarters, Department of the Army (HQDA), in processing paperwork and documenting actions taken in the Office, Secretary of the Army.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Files are coded, indexed, and filed in alpha-numeric files arrangement under The Army Functional File System.

Storage:

Paper records in file folders are stored in mechanized file shelves.

Retrievability:

Location of file folder is determined by searching files record index sheets, which are filed by numerical code, and alphabetically arranged by subject, with further chloronological breakdown of each entry. Each entry is cross referenced to all previous related entries.

Safeguards:

Files are released only to OSA staff action officers cleared and authorized access. The Pentagon employs security guards. Files area is protected by electronic surveillance system with combination lock doors.

Retention and disposal:

Records are permanent. They are retained in active file until end of calendar year, held 2 additional years in active file and subsequently retired to Washington National Records Center.

System manager(s) and address:

The Administrative Assistant, Office, Secretary of the Army, The Pentagon, Washington, D.C. 20310.

Notification procedure:

Information may be obtained from: HQDA (SASG), Room 3D-718, The Pentagon, Washington, DC 20310, Telephone: Area Code 202/695-2092 or 695-3565.

Record access procedures:

Requests from individuals should be addressed to: Office, Secretary of Army, SASG, The Pentagon, Washington, DC 20310.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Internal action correspondence processed by the Army Secretariat.

Individuals addressing correspondence to Department of Defense or the Secretary of the Army regarding Army matters.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a (j) or (k) as applicable. For additional information, contact the System Manager.

A0225.01aDAPE

System name:

225.01 Military Police Management Information System (MPMIS)—Correctional Reporting System (CRS).

System location:

Primary System: Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Department of the Army, (DAPE-HRE). Decentralized Copies: CRS is programmed for Army installations: the system will be maintained by the installation provost marshall office (PMO). Official mailing addresses are in the Department of Defense directory in the Appendix. The CRS will replace command-unique systems at installations where they exist.

Categories of records in the system:

Any military member confined at any Army confinement facility as a result of, or pending, trial by courts-martial.

Categories of records in the system:

The CRS data are added to the corrections master file. Following output is produced: a daily 4 part prisoner status roster which provides a by name roster showing social security number (SSN), military occupational specialty (MOS), religion, marital status, education level and offense for which confined. Part 1 provides a history of all prisoners confined in the last 24 hours and shows to-

tals by status (i.e., detained, pretrial, detained post trial, adjudged, etc.). Part 2 shows a recapitulation by custody of total number of prisoners in confinement by this category. Part 3 lists all prisoners that departed the facility in the past 24 hours and lists their disposition. Part 4 indicates those individuals in pretrial confinement in excess of 25 days; a monthly status roster showing, by name, all prisoners confined or released for the reporting period. Report shows detailed additional information including totals of new prisoners, total departures, total escapes, total in hospital and totals by custody grade, race, status and such information as total by types or release, confinement less than 30, 60, or 90 days; the semiannual prisoner profile report produces a series of two-dimensional matrices for each type offense and profiles prisoner age, race, education, marital status, and religion for each offense.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The CRS is used to provide, on a daily basis, pertinent information required for proper management of confinement facility population; to provide on a monthly basis, statistical information required by the installation commander provost marshal and confinement facility commander pertaining to the prisoner population, status of discipline and responsiveness of personnel procedures relating to prisoner personnel; to provide the installation with monthly data on the total spectrum of the confinement facility utilization, i.e., population turnover, recidivism, and to identify semiannually, prisoner profiles showng the relationship of particular offenses to age, race, education, maritial status and religion. CRS output will be furnished to criminal justice elements outside Department of Defense (DOD) and Department of the Army (DA) when law enforcement and crime prevention functions fall within their jurisdiction or concurrent jurisdiction is applicable. These include local, state and Federal agencies such as the Federal Bureau of Investigation, U.S. Customs Service; U.S. District Courts, U.S. Magistrates; U.S. Federal Marshals, state police agencies, local police agencies; and in oversea areas, host government law enforcement agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The CRS master file is stored on disk at the installation data processing activity. The CRS data, produced also in three copies, is maintained at the installation correctional facility in file folders.

Retrievability:

Access to the data base/master file is restricted. To receive CRS output personnel must utilize a "systems control card." This control card must be prepared for each specific entry and requires unique originator codes. Instructions for creating and using the control card are maintained at two locations; the PMO and the data processing facility. Access to hard copy output is prescribed by installation standard operating procedures (SOP) and policies.

Safeguards:

The data base and output are managed through extensive SOP and policies prescribed in system functional users manuals. Safeguards include: limited output with distribution controlled by the PMO and released only to designated persons; output is controlled at both pick-up and delivery points; the PMO, confinement facility and data processing activity are 24 hour per day operations; consequently, reports are continuously under scrutiny; the confinement facility and the data processing site are considered secure areas with limited access.

Retention and disposal:

Individuals are deleted from the CRS master file upon their departure from the correctional/confinement facility. Certain elements of information, pertaining to the prisoner are posted to a corrections history tape which produces the semiannual prisoner profile report. A prisoner can remain on this history tape for as long as 5 months or until the semiannual report is produced. Once this occurs, he is then deleted from the CRS master file.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, D.C. 20310. Decentralized to command/installation.

Notification procedure:

Information may be obtained from the command/installation/activity office of record.

Record access procedures:

Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain full name of individual, current address, SSN and specificity as to the information sought.

Contesting record procedures:

Rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21.

Record source categories:

Subjects, suspects, witnesses, victims, military police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments, personnel records of the individual and other individuals and organizations which may provide exempt information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C. 552a (j) or (k) as applicable. For additional information contact the SYSMANAGER.

A0301.07aDAAG

System name:

301.07 Army Club Membership Registration System.

System location:

Decentralized at Army installations worldwide; the systems will be maintained by the Officers' or NCO club manager at Army installations having club activities. Official mailing addresses are in the Department of the Defense Directory in the Appendix.

Categories of individuals covered by the system:

Any individual active military, reserve component, retired, civilian, or dependent who voluntarily applies for membership in an Army club.

Categories of records in the system:

File contains name, grade, social security number (SSN), address, phone number, name of spouse, credits, merchandise code, date of purchase, activities code. Card number, club bill, date estimated return from overseas (DEROS) where applicable.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Administration of club membership, billing by local commercial institutions maintaining credit systems for individual Army clubs or for billing by local finance and accounting office, preparation of club membership cards, determination of eligibility for membership, identification for collection of accounts due, and dissemination of information regarding club activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cards, kardex files, automated files, file folders/jackets, and computer printouts.

Retrievability:

Filed alphabetically by name, SSN, or club membership number.

Safeguards:

Records are maintained in areas accessible only to authorized personnel.

Retention and disposal:

An individual's record is maintained on the individual club membership registration file as long as the individual remains a bona fide member of the particular Army club. Routinely destroyed after three years.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, (DAAG-ZA), Washington, DC 20310.

Notification procedure:

Information may be obtained from: Executive, Club Management Directorate, The Adjutant General Center, Washington, DC 20314. Telephone (Area Code) 202/693-1090.

Record access procedures:

Written requests for information by an individual pertaining to himself should contain the full name of individual, the club at which the individual is a member, current address and SSN. Requests from individuals should be addressed to the respective club at which the individual is a member or has been a member and remains on records as having an account due. For personal visits the individual should be able to provide some acceptable identification (e.g., driver's license, employee identification card).

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Army Regulation 340-21, The Army Privacy Program.

Record source categories:

Information contained in membership registration file is obtained directly from individual making application for membership in the respective Army club.

Systems exempted from certain provisions of the act:

None.

A0306.01aDACA

System name:

306.01 Civilian Employee Pay System.

System location:

Decentralized Segments: Approximately 90 Army Finance Offices and Finance & Accounting Offices (FAO) worldwide having Civilian Payroll activities.

Categories of individuals covered by the system:

Civilians employed by Department of the Army (DA), Department of Defense (DOD); some departments of the Navy and Air Force, contract teachers.

Categories of records in the system:

Individual pay record files, signature cards, individual retirement record files, individual retirement control files, Civil Service retirement fund report files, leave record card files, leave record files, authorized timekeeper list files, payroll control files, payroll work files, individual withholding and deduction authorization files, withholding tax exemption certificate files, withholding tax files, subsistence and quarters files, statement of charges files, savings bond reporting files, health benefits files, personal exception and indebtedness files, civilian personnel claims files, repatriated personnel payment files, decedent claim files, and unemployment compensation data request files.

Authority for maintenance of the system:

Title 6, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

FAO: Purpose is to provide a basis for establishment of computation of civilian pay entitlements and deductions, provide a permanent history of pay transactions, maintain a record of leave accrued and taken, keep a record of bonds due and issued, keep a record of taxes paid, and provide information to answer inquiries and process claims pertaining to such entitlements. This information is also used to provide necessary data to the Treasury Department, Social Security Administration (SSA), Internal Revenue Service (IRS), Civil Service Commission (CSC), and those states and cities that have an agreement with the DA to receive taxable earnings information.

Treasury Department: To record check and bond issue data.

IRS: To record taxable earnings and taxes withheld.

SSA: To record earned wages by member under the Federal Insurance Contributions Act.

CSC: To record monies paid into Federal Retirement Fund and to provide information pertaining to health benefits.

States and cities: To provide taxable earnings of civilian employees to those states and cities which have entered into an agreement with DA and Treasury Department.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and in bulk storage, card files, computer magnetic tapes and disks, computer paper printouts, and microfilm.

Retrievability:

Filed by social security number (SSN) within payroll, also filed alphabetically by last name within payroll for manual system.

Safeguards:

World-Wide FAO: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Individual Pay Record Files: Permanent. Forward to National Personnel Records Center (NPRC) after 3 years.

Individual retirement records file: Permanent. Retain at installation while member is actively employed. Forward to new installation when member is transferred to another DA activity or upon separation. Forward to CSC when employee transfers to another installation with the Defense Establishment NOT serviced by Army or upon separation from Federal Service. Forward microfilm of manually maintained individual retirement records to NPRC after 3 years.

Personnel exception and indebtedness files: Permanent. Filed in official personnel folder (OPF). Upon separation or transfer, if OPF is not on file locally, files are forwarded to NPRC, General Services Administration, St. Louis, MO. 63118.

Repatriated personnel payment files: Permanent. Forward to NPRC after 3 years.

Subsistence and quarters rate deviation files: Permanent. Retire on discontinuance of the installation.

Other records: Retention periods vary according to category of record. The minimum retention period is 2 years and the maximum period 12 years, after which records are destroyed.

System manager(s) and address:

Comptroller of the Army, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

Finance and Accounting Officer, United States Army FAO, world-wide.

Notification procedure:

Information may be obtained from: Comptroller of the Army, HQDA (DACA-FAF-P), Room 2A-664, The Pentagon, Washington, DC 20310. Telephone: Area Code 202/695-1247.

Finance and Accounting Officers at US Army FAO, world-wide.

Record access procedures:

Requests from individuals should be addressed to: Comptroller of the Army (DACA-FAF-P), Room 2A-664, The Pentagon, Washington, DC 20310 or to Finance and Accounting Officers, FAO, world-wide.

Written requests for information should contain full name, SSN and current address.

Information may be obtained by telephone: Area Code 202/695-1247.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is received from DOD staff agencies and field installations, former employers, SSA, financial organizations, Treasury Department and automated system interface.

Systems exempted from certain provisions of the act:

None.

A0320.01aDAEN

System name:

320.01 Corps of Engineers Management Information System Files.

System location:

US Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg,

MS; US Army Engineer Division, Missouri River, P.O. Box 103 Downtown Station, Omaha, NE; US Army Engineer District, Norfolk, 803 Front Street, Norfolk, VA; US Army Engineer Division, North Central, 536 S. Clark Street, Chicago, IL; US Army Engineer Division, North Pacific, 220 N.W. 8th Avenue, Portland, OR; US Army Engineer Division, Ohio River 550 Main Street, Cincinnati, OH; US Army Engineer Division, South Atlantic, 30 Pryor Street, S.W., Atlanta, GA; US Army Engineer Division, South Pacific, 630 Sansome Street, San Francisco, CA; US Army Engineer Division, Southwestern, 1200 Main Street, Dallas, TX; US Army Engineer Data Processing Center, P.O. Box 2828, Washington, DC; US Army Engineer Division, Europe, Army Post Office (APO) New York; US Army Engineer Division, Middle East, APO New York.

Categories of individuals covered by the system:

US Army Corps of Engineers civilian and military employees at locations covered by the system regardless of whether they are employed in the continental United States or overseas; whether employed on a part time, full time or intermittent basis; and regardless of pay plan.

Categories of records in the system:

Files contain employee's travel advance records identified by social security number (SSN). For computation of employee's labor cost, the Finance and Accounting (F&A) Subsystem retrieves 8 of the 62 personal data elements per employee from the Personnel Subsystem files of the Corps of Engineers as follows: name, SSN, pay rates, employing office, organizational breakdown, Fair Labor Standards Act coverage, cost codes and funds (functional designator).

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The employee data elements are retrieved from the Personnel Subsystem of the Corps by employee SSN. These data elements are used to compute and extend the employee labor costs which are charged to the job worked on by the employee identified by cost code and reflected as obligations and expenditures. The computer printouts produced by the common system F&A programs will list the employee labor costs by SSN or name and are used for control and checking costs recorded in accounting records. The acounting records of the F&A Subsystem will identify the employee labor by cost code and/or organization code. Travel advances are recorded and liquidated in the system using the employee SSN. The Corps of Engineers F&A field offices are provided computer printouts which are used to manage and control financial expenditures that will be recorded and updated in the applicable appropriation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tape and computer paper printouts.

Retrievability:

By SSN.

Safeguards:

Computers are housed behind locked doors.

Rooms are accessible only to authorized persons possessing a special badge or password.

Unauthorized access to the employee file is precluded through a system of passwords.

The official printouts are used by supervisors, managers, and members of the comptroller's office in carrying out F&A responsibilities.

Retention and disposal:

Corps of Engineers Management Information System Finance and Accounting (COEMIS F&A) files for site audits consist of cost forms as input documents and voucher output listing of employee labor and travel costs. These files are destroyed after 6 years and 3 months. Punch cards that process these data into the computer are destroyed upon completion of General Accounting Office audit.

COEMIS F&A internal or external output files containing this data are destroyed after 30 years.

COEMIS F&A utility files consisting of output reports for maintaining and controlling the F&A Subsystem transactions are destroyed after 5 years.

COEMIS F&A magnetic tape data base files that contain the net result of all transactions processed by the update programs are retained for 30 years.

F&A audit trail tape files contain each valid transaction processed by the update program. These files are retained for 6 years and 3 months.

System manager(s) and address:

Chief, Office of the Engineer Comptroller, Office of the Chief of Engineers, Washington, DC 20314.

Notification procedure:

Information may be obtained from the servicing comptroller office.

Record access procedures:

Requests from individuals should be addressed to the servicing comptroller office. Written requests should contain, as a minimum, the individual employee's name and SSN.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

Record source categories:

The Official Personnel Folder (201 File) maintained by the employing Civilian Personnel Office.

Systems exempted from certain provisions of the act:

None.

A0412.05aDAIO

System name:

412.05 Press Interest Reference Files.

System location:

Primary system: Public Information Division, Office of the Chief of Information, Headquarters, Department of the Army (HQDA) (DAIO-PI), Washington, DC.

Decentralized segments: New York Branch, Office of the Chief of Information, United States (US) Army, 663 Fifth Avenue, New York, NY; Los Angeles Branch, Office of the Chief of Information, US Army, 11000 Wilshire Boulevard, Suite 10104, Los Angeles, CA. Information Offices of major subordinate commands to HQDA; HQ 1st, 5th, 6th US Army and major active installations in and outside continental United States.

Categories of individuals covered by the system:

Army members and civilians, active and retired and discharged, who are, have been, or are likely to again become the subject of press interest.

Categories of records in the system:

File contains miscellaneous documents depending on the reason for the individual's coming to the attention of the press. Most common items are query sheets, fact sheets, statements of service, serious incident reports, copies or extracts from investigative reports, news clippings, memoranda and correspondence relating to the individual.

Authority for maintenance of the system:

Title 10, U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to queries from the press relating to the individuals concerned and to respond to queries from the Office of the Assistant Secretary of Defense (Public Affairs) and other agencies or commands in the Army for information about the individual, particularly with respect to the press interest displayed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of individual.

Safeguards:

Building employs security guards. Records are maintained in security containers and accessible only to authorized personnel.

Retention and disposal:

Records maintained as long as individual seems likely to be a recurring

subject of press interest. They are routinely destroyed thereafter.

System manager(s) and address:

The Office of the Chief of Information, HQDA, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from: HQDA (DAIO–PI), Room 2E–641, The Pentagon, Washington, DC 20310. Telephone: Area Code 202/695–5136.

Record access procedures:

Requests from individuals should be addressed to: HQDA (DAIO–PI), Room 2E–641, The Pentagon, Washington, DC 20310.

Written requests should include a notarized statement of identity, current address and telephone number.

Personal visits may be made to any of the three Army Information Offices (Washington, New York or Los Angeles). Presentation of acceptable identification required.

Contesting record procedures:

The Army's rule for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Query sheets and fact sheets filed by staff information officers; statements of service from the US Army Military Personnel Center or National Personnel Records Center; serious incident reports through information channels from orignating commands; clippings from published media; copies or extracts of investigative reports from investigating agencies to include US Army Inspector General and Auditor General, US Army Criminal Investigation Command, and US Army Assistant Chief of Staff for Intelligence; memoranda and correspondence from miscellaneous sources relating to the individual case.

Systems exempted from certain provisions of the act:

None.

A0503.08DAMI

System name:

Unsolicited Correspondence File.

System location:

Pentagon Counterintelligence Force, The Pentagon, Washington, DC.

Categories of individuals covered by the system:

Contains information on individuals who voluntarily communicate with United States Army officials to express concern or complaints about Army operations or personnel.

Categories of records in the system:

File contains material forwarded by the individual; summaries of verbal communications with the individual; and investigative reports from other intelligence agencies of the Federal Government and from the Federal, state, and local law enforcement agencies.

Authority for maintenance of the system:

Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide the counterintelligence analyst with a reference file for use in evaluation of information received from sources of unknown reliability.

Referral to other agencies of the Executive Branch when their areas of responsibility are concerned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files are stored as paper records in file folders. Files are reviewed annually for pertinency.

Retrievability:

Information is retrieved on a name basis from alphabetical storage.

Safeguards:

Files are stored in a classified container in a restricted area secured by electronic control and alarm systems. Access to the building is controlled by security guards.

Retention and disposal:

Files may be retained indefinitely, but are subject to annual review for pertinency and retainability. When no longer useful, the files are destroyed by pulping.

System manager(s) and address:

The Assistant Chief of Staff for Intelligence; Headquarters, Department of the Army, the Pentagon, Washington, DC 20310.

Notification procedure:

Requests for information from the files should be addressed to the SYSMANAGER.

To determine if the system contains information pertaining to an individual, the requester should provide his or her full name and address.

Requester may contact the offices of the Pentagon Counterintelligence Force, Room BE–800, The Pentagon, Washington, DC 20310, for information on whether the system contains information on him or her.

Record access procedures:

Requester should contact the SYSMANAGER listed above for access to any files pertaining to him or her. The SYSMANAGER's address is listed in the Department of Defense (DOD) directory. For personal visits, the requester should present such acceptable proof of identity as a driver's license, military identification card, DOD building pass, or other type of identity document containing photograph and identity data.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is derived primarily from US Army Intelligence unit reports, with derivative information from other Federal and local agencies resulting from file check requests to those agencies on the individuals concerned.

Systems exempted from certain provisions of the act:

None.

A0508.17aDAPE

System name:

508.17 Military Police (MP) Reporting Files.

System location:

Copies of reports are maintained at the installation producing the report. Official mailing addresses are in Department of Defense directory in the Appendix. Original reports of special categories of military police (MP) investigations, defined in Army Regulation (AR) 190–45, are maintained at Crime Records Directorate, United States Army Criminal Investigation Command (USA CIDC), Washington, D.C. 20318.

Reference card system (manual or automatic) may be maintained at higher command/major command level based on input from subordinate elements where documents originated.

Categories of individuals covered by the system:

Any citizen who is the subject, victim, complainant, or witness in connection with a complaint.

Any citizen or group of citizens who is suspected or involved in a criminal or traffic offense.

Categories of records in the system:

File contains the report (DA Form 3975) with supporting documents such as statements, affidavits, copies of provisional passes, receipts of prisoners or detained persons, disposition, and similar documents. System includes card indexes containing the names of persons who are identified in MP reports as subject, victim, complainant, or witness. Also contains reported traffic violations and reports with supporting documents of criminal activity directed against or involving the United States (US) Army. Has data pertaining to name, grade, organization, social security number (SSN), category of involvement, offense, case report number, disposition. May be related to local criminal information files. File may be automated as a part of the Military Police Management Information System (MPMIS).

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

MP reports contain investigative information acquired pursuant to routine complaints received and incidents observed by or reported to MP. The reports

provide the detailed information necessary for agency officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action, or regulatory order. Routine users within the agency include: Commanders in exercising their authority under the provisions of Title 10, U.S.C., Chapter 47, "Uniform Code of Military Justice"; persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities, i.e., staff judge advocate, investigating officers appointed in accordance with Army regulations, military intelligence personnel in those incidents involving possible or actual sabotage or espionage; other persons having a need for such information, e.g., Army-Air Force Exchange System in reports pertaining to criminal incidents involving the System; USACIDC for those incidents within their jurisdiction for investigation; and law enforcement personnel of other armed services when such service personnel are involved. MP reports will be furnished to criminal justice elements outside of the agency for investigation and prosecution when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration: U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; US District Courts; U.S. Magistrates; local law enforcement agencies; local "wildlife conservation" agencies; and in oversea areas, host government law enforcement agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, reference cards, magnetic tape punch cards and computer printouts.

Retrievability:

Filed chronologically by number, by calendar year, with alphabetical cross reference index file. Portions of files and index cards may be automated.

Safeguards:

Distribution controls are specified by AR 190-45, and only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

Retention and disposal:

Destroyed after 5 years at installations; destroyed 40 years after final action at Crime Records Directorate.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

Crime Records Directorate, USACIDC, Washington, DC 20318.

Notification procedure:

Information may be obtained from the SYSMANAGER or from appropriate decentralized record custodian.

Record access procedures:

Requests for access may be addressed to the SYSMANAGER or to appropriate decentralized record custodian. Letter must contain the full name, social security number, and signature of the requester, and must be notarized.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Subjects, witnesses, victims, MP and USACIDC personnel and special agents, informants, various DOD, Federal, State and local investigative and law enforcement agencies; departments or agencies, foreign governments; and any other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., 552a (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0509.09aDAPE

System name:

509.09 Traffic Law Enforcement Files.

System location:

Files are maintained at the installation producing the files. Official mailing addresses are in the Department of Defense (DOD) directory in the Appendix.

Categories of individuals covered by the system:

Any citizen who, at a military installation, registers a privately owned motor vehicle; is subject of a traffic violation/summons; is a subject, victim, complaint or witness to a traffic accident; or has registered to participate in the installation car pool system or has a parking permit issued.

Categories of records in the system:

Files contain: Documents used to register privately owned motor vehicles and to record moving traffic violations and chargeable accidents of individual drivers; accident reports; traffic violation reports, notices and summons; and documents relating to issuance of car pool or individual parking permits. File may be automated as a part of the Vehicle Registration System (VRS) which is a part of the Military Police Management Information System (MPMIS). The registration information may be coded for entry on the master file, normally updated weekly when a part of MPMIS VRS. The master file is management manipulated to produce the following reports: listing of all registrants and their vehicles on an as required basis by decal number, state license number or name; as required, rosters by unit and decal number showing registrants with safety inspections due and those requiring annual verification of DA Form 3626; monthly rosters of registrants with suspended or revoked driving privileges.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Vehicle registration information is collected to assist the commander in carrying out effective law enforcement, traffic safety, and crime prevention programs. Vehicle registration facilitates Department of Army (DA) compliance with Highway Safety Program Standards (Title 23 U.S.C., Section 402) that have been made applicable to federally administered areas. Information is released only to authorized law enforcement agencies upon request. To assist in identification and apprehension of individuals who commit traffic and criminal offenses. Car pool registrations are utilized to assist person(s) desiring to participate in the program, to be identified with other persons within the same residential geographical area to create or join existing car pools. Car pools parking permits are issued and are a means of identifying those vehicles authorized to park in Car Pool Only parking spaces. Information is released only to any law enforcement agency upon request. Traffic violation reports, notices, and summonses are: basis for disciplinary action by commander in accordance with Chapter 47, Title 10, U.S.C., "Uniform Code of Military Justice"; referred to US Magistrates and US District Courts in accordance with Title 18, U.S.C., Section 13, "Assimilated Crimes"; and referred to DOD agencies and host State Motor Vehicle Departments for appropriate driver improvement measures including suspension/revocation of driving privilege, remedial driver training, counseling, or rehabilitation/treatment. Accident reports, which include violation data described above, are used to identify factors contributing to the causes of accidents, injuries, and deaths as a means for initiating appropriate measures (engineer, enforcement, educational) to reduce the frequency/severity of accidents occurring on military installations. Accident reports are routinely distributed to commanders, safety directors, facility engineers, and staff judge advocates. Disclosure outside the agency is only made upon request. VRS is used to insure registrants attest to meeting certain insurance standards; to preclude individuals who have suspended or revoked installation driving privileges from operating motor vehicles or who have vehicles that fail to meet vehicle inspection standards; to assist in rapid identification and apprehension of traffic violators; to provide management data on which to base crime prevention, selective enforcement and improved driving safety.

Policies and practices for storing, retrieving, accessing retaining, and disposing of records in the system:

Storage:

Paper records in file folders and card files. Portions of VRS and index cards may be automated using paper tape, disk, magnetic tape or card.

Retrievability:

Vehicle registrations are filed alphabetically by name and/or by any category of information contained therein; traffic violations are filed alphabetically by name; and accident reports are filed by location of accident. A cross-reference index is maintained.

Safeguards:

Distribution controls are outlined in Army Regulation (AR) 190–45, and only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled access, and continuous presence of authorized personnel.

Retention and disposal:

Destroyed after two years or discontinuance, unless transferred with individual upon reassignment.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310, and installation commanders producing the records.

Notification procedure:

Information may be obtained from the command/installation/activity office of record.

Record access procedures:

Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain the full name of individual, current address, social security number and specificity as to the information sought.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations are contained in AR 340–21.

Record source categories:

Subjects, witnesses, victims, persons desiring to participate in the car pool system, Military Police personnel and special agents, Federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments and other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., 552a (j) or (k) as applicable. For additional information, contact the SYSMANAGER.

A0704.09aUSAREC

System name:

704.09 Center of Influence Card Files (USAREC Form 125).

System location:

Army recruiting stations reached through the following Recruiting Commands: Northeast Regional Recruiting Command, Ft Meade, MD; Southeast Regional Recruiting Command, 1628 Virginia Avenue, College Park, GA; Southwest Regional Recruiting Command, Ft Sam Houston, TX; Midwest Regional Recruiting Command, Ft Sheridan, IL; Western Regional Recruiting Command, Ft Baker, CA.

Categories of individuals covered by the system:

United States Army Recruiting Command (USAREC) Form 125 Cards are initiated and maintained on persons who actively assist the recruiter by referring applicants for enlistment.

Cards are also maintained on persons who have been or should be cultivated for improvement of community relations. In this category are program directors for radio and TV stations, newspaper editors and important civic persons, such as the town/city mayors (when applicable).

Cards will also contain by name references to person actually referred to the recruiters by the center of influence.

Categories of records in the system:

System contains name, title, address, phone number, and specific data about the person which has caused him to be selected as a center of influence for a specific recruiter, and the manner of assistance and effectiveness of the center of influence.

Additionally, the reverse side of the USAREC Form 125 is used to record the names of persons referred to the recruiter for enlistment by the center of influence. Other information about the person referred includes social security number, date enlisted, option selected, educational level and achievement scores resulting from the Armed Forces Qualification Test (AFQT).

Authority for maintenance of the system:

Title 10 U.S.C., Sections 503, 505, 510 and 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the recruiter to determine which persons are providing recruiting assistance, and to recognize and reward those persons who assist the recruiter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Vertical file cards in metal file card container.

Retrievability:

Filed alphabetically by last name of center of influence.

Safeguards:

Records are maintained by individual recruiter and are considered privileged information.

Retention and disposal:

Center of influence cards are destroyed by the individual recruiter when they are no longer needed for reference and are not transferred to any other file.

System manager(s) and address:

Commandr, USAREC, Ft Sheridan, IL 60037.

Notification procedure:

Individuals who desire information as to whether the center of influence card system contains information about them should write to Commander, USAREC, ATTN: USARCRFM–A, Ft Sheridan, IL 60037.

Requests should include the full name of the individual desiring the information, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

Record access procedures:

Requests from individuals for access to informaiton in these files should be addressed to: Commander, USAREC, ATTN: USARCRFM–A Ft. Sheridan, IL 60037.

Requests should include the full name of the person desiring access to the information, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

Contesting record procedures:

The Army's rules for contesting content of records and appealing initial determination are contained in Army Regulation 340–21.

Record source categories:

Personal information is solicited directly from the center of influence.

Information about persons referred for enlistment is taken directly from the USAREC Form 200, Recruiting Prospect Card.

Systems exempted from certain provisions of the act:

None.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 12, 1977.

[FR Doc.77–11071 Filed 4–15–77:8:45 am]

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting. This notice is given less than 15 days prior to the subject meeting due to administrative exigencies.

Name of Committee: Board of Visitors, United States Military Academy.

Dates of Meeting: 28 April–29 April 1977.
Place of Meeting: West Point, New York.
Time: At West Point: 1900–2230, 28 April (Hotel Thayer). 0800–1700, 29 April (Superintendent's Conference Room, Bldg 600).
Proposed Agenda: Inquiry into the morale and discipline, the curriculum, instruction, physical equipment fiscal affairs, academic methods and other matters relating to the Military Academy that the Board decides to consider.

All proceedings are open. For further information, contact Major Robert Lockwood, USMA, 914–938–4110.

For the board of visitors.

DANA G. MEAD,
Colonel, USA, Executive Secretary, Board of Visitors.

[FR Doc.77–11364 Filed 4–15–77;10:45 am]

DELAWARE RIVER BASIN COMMISSION

NEW YORK CITY RESERVOIR RELEASES

Notice of Intent

The Commission has prepared an environmental assessment of a proposal to undertake a temporary modification of the present procedures for releasing compensating water from each of the three New York City Reservoirs in the Upper Delaware River Basin. During this temporary modification, an environmental research program is to be initiated in the rivers downstream of the reservoirs. The research will attempt to develop a release program which could be used on a long-term basis for lowering the adverse impacts in downstream rivers from the present release pattern and to improve these areas' fishing and recreational potential.

The assessment has shown that beneficial impacts can be expected during the period of experimental modification, and that the adverse effects to the Delaware River Basin and New York City are not expected to be significant. Because the proposal is an experimental program, requiring no direct, physical modification of the environment, all impacts are expected to be reversible at its conclusion. In addition, the proposal provides an opportunity to develop a greater factual basis for considering long-term programs for modifications to procedures controlling releases from these reservoirs and other reservoirs in the Upper Delaware River Basin.

The environmental assessment finds and concludes that an environmental impact statement is not required.

Notice is hereby given of the Executive Director's intention to issue a Negative Declaration, based upon the environmental assessment, in accordance with Section 2-4.5 of the Commission's Rules of Practice and Procedure, as amended. Objection to the issuance of this Negative Declaration may be submitted by an interested person or agency in a written statement showing cause why an environmental impact statement should be prepared. To be considered, such written statement must be submitted to the Executive Director no later than 5 p.m. on April 26, 1977.

Copies of the environmental assessment, dated April 1977, are available from the Commission on request.

JAMES F. WRIGHT,
Executive Director.

APRIL 11, 1977.

[FR Doc.77–11198 Filed 4–15–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30000/10A; FRL 714–6]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF CERTAIN PESTICIDE PRODUCTS CONTAINING LINDANE

Notice of Extension of Period for Submission of Rebuttal Evidence and Comments

On February 8, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient lindane. This notice was published in the FEDERAL REGISTER on February 17, 1977 (42 FR 9816). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Requests for an additional 60 days in which to present evidence to the Agency have been received from many of the applicants and registrants who were affected by the notice of presumption as well as by other interested parties. Requestors have specified a need for additional time to retrieve, review, and consolidate a wealth of available data to adequately respond to the issues raised in the notice of presumption. In addition, the Agency is aware that the U.S. Department of Agriculture has recently formed a lindane-BHC[1] assessment team. This assessment team will collect and review a considerable amount of information that will require coordination with a number of States and other organizations affected by the notice of presumption. A 60-day extension would permit a more effective in-depth data collection effort.

The agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by those wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until June 20, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted 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, DC 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP–30000/10". Comments and information received on or before June 20, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after June 20, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Rm. 447, East Tower, during the same time period.

Dated: March 11, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–11134 Filed 4–15–77;8:45 am]

[1] The Agency published a notice of rebuttable presumption against registration and continued registration of pesticide products containing benzene hexachloride (BHC) in the FEDERAL REGISTER on October 19, 1976 (41 FR 46024).

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 853]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 11, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20941-CD-R-77 Patterson Anserphone Communications Enterprises, Inc. d/b/a Anserphone (KIY409). Renewal of License expiring April 1, 1977. Term: April 1, 1977 to April 1, 1979.

21067-CD-AL-77 Radio Telephone Service, Inc. Consent to assignment of License from Radio Telephone Service, Inc., assignor to Radio Telephone, Inc., Assignee. Station: KFQ936, South Portsmouth, Kentucky.

21068-CD-AL-77 Radio Telephone Service, Inc. Consent to Assignment of License from Radio Telephone Service, Inc., Assignor to Radio Telephone, Inc., Assignee. Station: KJU819, Catlettsburg, Kentucky.

21069-CD-AL-77 Radio Telephone Service, Inc. Consent to Assignment of License from Radio Telephone Service, Inc., Assignor to Radio Telephone, Inc., Assignee. Station: KWT851, Catlettsburg, Kentucky.

21070-CD-P-(3)-77 Airsignal International, Inc. (KQB688), C.P. to relocate facilities and change antenna system operating on 72.42, 72.46 and 72.50 MHz, Control from Loc. No. 2 to a new Loc. No. 5: 106 South Main Street, Akron, Ohio.

21071-CD-P-77 Rochester Telephone Company, Inc. (new), C.P. for a new 1-way station to operate on 43.22 MHz to be located 3.25 miles NNW of Rochester, Indiana.

21072-CD-P-77 All City Telephone Answering Service, Inc. (KSA266), C.P. for additional facilities to operate on 152.21 MHz at Loc. No. 2: 20600 West National Avenue, New Berlin, Wisconsin.

21073-CD-P/ML-77 Southwestern Bell Telephone Company (KKV690), C.P. to relocate facilities operating on 35.62 MHz at Loc. No. 4: 510 Crown Street, Houston, Texas.

21074-CD-P-(4)-77 Hawaiian Telephone Company (KUA221), C.P. to relocate facilities operating on 152.57 MHz and for additional facilities to operate on 152.72 MHz at Loc. No. 1: 5.8 mi SE of Waiakoa, Maui, Hawaii; and to relocate 152.57 MHz and for additional facilities to operate on Kaanapali, Hawaii.

21075-CD-P-77 Mobilefone Service, Inc. (KFQ944), C.P. to relocate facilities and 152.72 MHz at Loc. No. 2: Maui Surf Hotel, change antenna system operating on 152.09 MHz from Loc. No. 2 to Loc. No. 1 and also delete Control facilities operating on 454.15 and 454.30 MHz at Loc. No. 1: South Highway 31, 1.1 miles East of Krebs, Oklahoma; and delete Repeater facilities operating on 459.15 and 459.30 MHz at Loc. No. 2: Buffalo Mtn., 8 miles West of Tallhina, Oklahoma.

21076-CD-P-77 Comex, Inc. (KIC)295, C.P. for additional Control facilities to operate on 72.36 MHz at Loc. No. 2: Uncanoonuc Mtn., near Goffstown, New Hampshire.

21077-CD-P-77 Kenneth P. Fischer d/b/a Sierra Communications (new), C.P. for a new 1-way station to operate on 158.70 MHz to be located at NW corner Poplar and Platinum Streets, Deming, New Mexico.

21078-CD-P-77 Radiotelephone Communicators of Puerto Rico, Inc. (KQZ767), C.P. for additional facilities to operate on 2164 MHz, Control at Loc. No. 2: Atop El Yunque Peak, Puerto Rico.

21079-CD-P-(2)-77 Radiotelephone Communicators of Puerto Rico, Inc. (WWA311), C.P. for additional Control facilities to operate on 2164 MHz at Loc. No. 3: Atop El Yunque Peak, Puerto Rico; and for additional Repeater facilities, to operate on 2126 MHz at a new Loc. No. 5: Cerro de Punta, 3 miles South of Jayuya, Puerto Rico.

21080-CD-P-77 AAA Anserphone, Inc., Jackson (KRS618), C.P. to change antenna system operating on 454.325 MHz at Loc. No. 2: 1½ miles NE of Petal, Mississippi.

21081-CD-TC-77 B. P. Radio, Inc. Consent to Transfer of Control from Arnold J. Rubenstein & Libby R. Rubenstein, Transferors to Mara J. Rubenstein and Phillip D. Rubenstein, Transferees. Station: KWH318, Oswego, New York.

MAJOR AMENDMENTS

20439-CD-P-(2)-77 Mobilefone of Erie (new). Amend to change location to Erie (Erie) Pa 5 miles south of Erie, Lat. 42°02'21" N., Long. 80°03'40" W., with a reduction in power and change in antenna system. All other particulars remain as reported in PN No. 838 dated December 27, 1976.

20188-CD-P-(3)-77 AAA Mobilfone Service Company, Inc. Poughkeepsie, New York (KEJ884). Amend to change orientation of antenna to N. 225 degrees E. All other particlars remain as reported in PN No. 832 dated November 15, 1976.

CORRECTION

20188-CD-P-(3)-77 AAA Mobilfone Service Company, Inc. Poughkeepsie, New York (KEJ884). Correct Loc. No. 3 to add operation on 454.175 MHz. All other particulars remain as reported in PN No. 832, dated November 15, 1976.

20997-CD-P-(6)-77 Michigan Bell Telephone Company (KQK580). Correct PN to read: C.P. for additional facilities to operate on 152.54, 152.75, 454.450, 454.550, and 454.650 MHz. Oll other particulars to remain as reported in PN No. 852 dated April 4, 1977.

RURAL RADIO

60252-CR-P-77 The Mountain States Telephone and Telegraph Company (new), C.P. for a new Rural Subscriber Station to operate on 157.98 MHz to be located 23.8 miles east-southeast of Lander, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

1984-CF-P-77 Southern Bell Telephone and Telegraph Company (KJC21) 5.5 miles South of Jasper, Florida Lat. 30°26'17" N., Long 82°56'17" W. C.P. to change polarization from vertical to horizontal on frequencies 3770, 3850 4170, and horizontal to vertical on 3990 MHz all toward Lake City, Florida.

1985-CF-R-77 The Pacific Telephone and Telegraph Company (KMQ44), renewal of developmental radio station license expiring May 4, 1977 term: May 4, 1977 to May 4, 1978.

2004-CF-P-77 Gulf States United Telephone Company (new), 508 E. Corsicana Street Athens, Texas Lat. 32°12'11" N. Long. 95° 50'56" W. C.P. for a new station on frequency 10935V MHz toward Lapoynor, Texas on azimuth 120.5°.

2005-CF-P-77 Same (new), 3.4 miles NW of Poynor, Texas Lat. 32°64'04" N. Long. 95°38'56" W. C.P. for a new station on frequency 11545V MHz toward Frankston, Texas on azimuth 112.4°.

2006-CF-P-77 Same (new), 203 W. Main Street Frankston, Texas Lat. 32°03'04" N. Long. 95°30'32" W. C.P. for a new station on frequency 10935V MHz Lapoynor, Texas on azimuth 292.4°.

2007-CF-P-77 American Telephone and Telepgraph Company (KSH90) Watertown Jct. 4.0 miles NE of Watertown, Wisconsin Lat. 43°14'28" No. Long 88°39'54" W. C.P. to add frequency 3750H MHz toward Fox Lake, Wisconsin.

2008-CF-P-77 Same (KYJ64), 4.5 miles ENE of Fox Lake Wisconsin Lat. 43°57'02" N. Long. 88°49'31" W. C.P. to add frequencies 3710H MHz toward Watertown Jct. and 3710V MHz toward Fisk, Wisconsin.

2009-CF-P-77 Same (KYJ63), 2.0 miles East of Fisk, Wisconsin Lat. 43°57'02" N. Long. 88°38'35" W. C.P. to add frequencies 3750V MHz toward Fox Lake and 3750V MHz toward Hortonville, Wisconsin.

2010-CF-P-77 American Telephone and Telegraph Company (KYJ62), 2.0 miles ENE of Hortonville, Wisconsin Lat. 44°20" 41° N. Long. 88°36"22° W. C.P. to add frequencies 3710V MHz toward Fisk, Wisconsin and 4030V MHz toward Appleton, Wisconsin.

2011-CF-P-77 Same (KJY61), 126 North Superior Street Appleton, Wisconsin Lat. 44°15'45" N. Long. 88°24'30" W. C.P. to add frequency 4070.0V MHz toward Hortonville, Wisconsin.

3873-CF-ML-76 N-Triple-C, Inc. (WOH45), Lewis, Iowa. Mod. of License to correct coordinates to read Lat. 41°18'03" N., Long. 95°00'11" W.; and correct path data towards Bentley to 285.7°; Casey to 70.5°.

3878-CF-ML-76 Same (WOH50), Malcom, Iowa. Mod. of License to correct coordinates to read Lat. 41°44'47" N., Long. 92°34'21" W.; correct path data towards Reasnor on azimuth 247.1°; Williamsburg on azimuth 103.5°.

3881-CF-ML-76 Same (WOH53), Muscatine, Iowa. Mod. of License to correct station coordinates to read Lat. 41°27'34" N., Long. 91°00'26" W.; correct path data towards Iowa City on Azimuth 301.5°; Davenport on azimuth 73.5°.

2024-CF-MP-77 Goeken Communications (WBA739), Chicago, 233 S Wacher Drive, Chicago, Illinois. Lat. 41°52'44" N., Long. 87°38'10" W. Mod. of C.P. (4242-CF-P-75) to decrease transmit and receive only antenna structure height; change location of receive station; move antenna on 2177.0H MHz towards Lake Zurich, Illinois on azimuth 318.40°; replace transmitter and increase output power.

2025–CF–MP–77 Same (WBA740), Lake Zurich, 3 miles N of Lake Zurich, Illinois. Lat. 42°14'10" N., Long. 88°03'50" W. Mod of C.P. (4243–CF–P–75) to change location and name of transmit station; change location of receive station; increase transmit structure height; replace transmitter and increase power on 2127.0H MHz towards Chicago on azimuth 138.11°; 2120H MHz towards Somers, Illinois on azimuth 13.25°.

2026–CF–MP–MP–77 Same (WBA741), Somers, 1.5 mile NW of Somers, Wisconsin. Lat. 42°39'03" N., Long. 87°55'50" W. Mod. of C.P. (4244–CF–P–75) to change name and location of transmit station; change location of receive station on 2170.0H MHz to Lake Zurich on azimuth 193.44°; change 2113.0V to 2163.0V MHz towards Milwaukee, Wisconsin on azimuth 3.16°; replace transmitters.

2027–F–MP–77 Same (WBA742), Milwaukee, 305 E Wisconsin Avenue, Milwaukee, Wisconsin, Lat. 43°02'18" N., Long. 87°54'-05" W. Hod. of C.P. (4245–CF–P–75) to change transmit and receive station location; change 2163.0V to 2113.0V MHz towards Somers, Wisconsin on azimuth 183.-18°; replace transmitters.

NOTE.—File Numbers 2024–CF–MP–77 through 2027–CF–MP–77 appeared on April 4, 1977 Public Notice as Major Amendments to the C.P. file numbers being modified; this entry will replace those entries that appeared on page 8 of April 4, 1977 Public Notice.

1983–CF–P–77 Cascade Utilities, Inc. (new), 5½ miles S. of Scottsburg, Oregon, Lat. 43°34'36" N., Long. 123°49'13" W., C.P. for a new station on frequency 2115.6V MHz toward Loon Lake PR on azimuth 296.4° and from passive reflector to Elkton RPTR, Oregon on azimuth 83.3°.

2022–CF–P–77 Same (new) Elkton RPTR 2½ miles SSE. of Elkton, Oregon, Lat. 43°-37'14" N., Long. 123°32'05" W., C.P. for a new station on frequencies 2165.6V MHz toward Loon Lake PR on azimuth 263.5° and from the passive reflector to Ash Valley, Oregon on azimuth 116.4° and 2168.8H MHz toward Elkton Co, Oregon on azimuth 306.5°.

2023–CF–P–77 Same (new) Elkton Co., Highway 38, Elkton, Oregon, Lat. 43°38'13" N., Long. 123°33'55" W., C.P. for a new station on frequency 2118.8H MHz toward Elkton RPTR, Oregon on azimuth 126.4°.

2032–CF–P–77 American Telephone and Telegraph Company (KSJ43), Rib Hill Jct. 2.5 miles SW. of Wausau, Wisconsin, Lat. 44°55'13" N., Long. 89°40'47" W., C.P. to add frequency 4030V MHz toward Medford, Wisconsin.

2033–CF–P–77 Same (KSP41), 6.0 miles East of Medford, Wisconsin, Lat. 45°08'41" N., Long. 90°12'36" W., C.P. to add frequencies 4070V MHz toward Rib Hill Jct. and 4070H MHz toward Bellinger, Wisconsin.

2034–CF–P–77 Same (KSP40), 0.3 mile W. of Bellinger, Wisconsin, Lat. 45°04'29" N., Long. 90°48'21" W., C.P. to add frequencies 4030H MHz toward Medford and 4030H MHz toward Eagleton, Wisconsin.

2035–CF–P–77 Same (KSP38) Eagleton 1.5 miles ENE. of Eagle Point, Wisconsin, Lat. 45°02'21" N., Long. 91°21'16" W., C.P. to add frequencies 4070H MHz toward Bellinger and 3830H MHz toward Eau Claire, Wisconsin.

2036–CF–P–77 Same (KSP39), 304 South Dewey Street, Eau Claire, Wisconsin, Lat. 44°48'41" N., Long. 91°29'49" W., C.P. to add frequency 3790H MHz toward Eagleton, Wisconsin.

2050–CF–MP–77 The Rye Telephone Company, Inc. (WBA877), Beckwith Dr. and Valverde Circle, Colorado City, Colorado, Lat. 37°56'42" N., Long. 104°50'17" W., Mod. of C.P. (1400–CF–P–76) to delete passive reflector from Colorado City and Greenhorn.

2070–CF–AL–(4)–77 Carter Goeken Communications, Application for consent to Assignment of Radio Station Construction Permit or License from Carter Goeken Communications, Assignor, to Goeken Communications, Assignee, for stations WBA739, Chicago, Illinois; WBA740, Chicago, Illinois; WBA741, Chicago, Illinois; and WBA742, Chicago, Illinois.

2051–CF–P–77 Hawaiian Telephone Company (WDD39), 1177 Bishop Street, Honolulu, Hawaii, Lat 21°18'47" N., Long. 157° 51' 43" W., C.P. to add a new point of communication on frequencies 5952.6H, 6071.2H MHz toward Kunia RP, Hawaii on azimuth 308.8°.

2052–CF–P–77 Same (KUR96), 252 Koa Street, Wahiawa, Hawaii, Lat. 21°30'19" N., Long 158°01'35" W., C.P. to replace transmitter and antenna on frequencies 6204.7H, 6323.3H, 11245H, 11365H and 11485H MHz toward Kunia PR, Hawaii.

2053–CF–P–77 Same (KUV95), Kaala 4.3 miles S. of Waialua, Hawaii, Lat. 21°30'51" N., Long. 158°09'08" W., C.P. to replace transmitters on frequencies 6775H, 6885H MHz toward Paumalu and 10715H, 10835H, 10955H MHz toward Kaala PR, Hawaii.

2054–CF–P–77 Same (KUV94), Paumalu 5.3 miles W. of Kahuku, Hawaii, Lat. 21°40' 23" N., Long. 158°02'08" W., C.P. to replace transmitters on frequencies 6595H, 6675H MHz toward Kaala, Hawaii.

2058–CF–P–77 General Telephone Company of the Northwest, Inc. (new), Cust 2nd Between C & B Street, Cusick, Washington, Lat. 48°20'13" N., Long. 117°17'42" W., C.P. for a new station on frequencies 2118.-4H, 2118.4V MHz toward Hoodoo, Mountain, Idaho on azimuth 138.4°, 2128.0V MHz toward Ruby Mountain DPR 353.0° and from passive reflector to Ione on azimuth 345.4°

2059–CF–P–77 Same (new), Main Street Ione, Washington, Lat. 48°44'28" N., Long. 117°25'11" W., C.P. for a new station on frequency 2178.0V MHz toward Ruby Mountain DPR on azimuth 165.4° and from the passive reflector to Cusk, Washington on azimuth 173.0°.

2060–CF–P–77 Same (new), Hoodoo Mountain 4 miles NE. of Blanchard, Idaho, Lat. 48°04'44" N., Long. 116°57'09" W., C.P. for a new station on frequencies 2168.4H, 2168.4V MHz toward Cust, Washington on azimuth 318.6° and 10795.V MHz toward Cral TC, on azimuth 163.8°.

2061–CF–P–77 Same (KZS57), 2115 Government Way Coeur D'Alene, Idaho, Lat. 47° 51'52" N., Long. 116°47'17" W., C.P. to increase antenna structure height and add a new point of communication on frequency 11325.V MHz toward Hoodoo Mountain, Idaho on azimuth 343.9°.

2065–CF–P–77 New England Telephone and Telegraph Company (new), Littleton, No. 2, 33 Pleasant Street, Littleton, New Hampshire, Lat. 44°18'26" N., Long. 71°46'12" W., C.P. for a new station on frequency 2115.2V MHz toward Mt. Washington on azimuth 96.1°.

2066–CF–P–77 Same (new), Mt. Washington Summit, Mount Washington, New Hampshire, Lat. 44°16'14" N., Long. 71°18'14" W., C.P. for a new station on frequency 2165.2V MHz toward Littleton No. 2, Mount Washington on azimuth 276.4°.

2038–CF–P–77 The Western Union Telegraph Company (WQP61), San Francisco, No. 2, 50 California Street, San Francisco, California, Lat. 37°47'39" N., Long. 122°-23'46" W., C.P. to add 6226.9V, 6375.2H, 6404.8V MHz towards Cordelia, California on azimuth 18.6°.

2039–CF–P–77 Same (WQP60), Cordelia, 4.4 miles NW. of Cordelia, C lifornia, Lat. 38°-14'51" N., Long. 122°12'02" W., C.P. to add 5974.8H, 6034.2H and 6063.8V MHz towards San Francisco, No. 2, on azimuth 198.7°; add 10975H, 11135H, 10815H MHz towards a new point of communication at Sky Valley, California on azimuth 9.7°.

2040–CF–P–77 Same (new), Sky Valley, 5 miles NE. of Vallejo, California, Lat. 38°-09'39" N., Long. 122°11'18" W., C.P. for a new station on 11425H, 11505H, 11665H MHz towards Cordelia, California on azimuth 352.7°.

2069–CF–P–77 N-Triple-C Inc. (WOH60), Glendale, 1.5 miles NW. of Glendale, Illinois, Lat. 41°54'24" N., Long. 88°06'39" W., C.P. to add 6375.2V, 6197.2V, 6256.5V and 6315.9V tow rds Lily Lake, Illinois; This replaces that portion which was deleted in application 3965–CF–P–76.

The following timely filed renewals have been received: Western TV Relay, Inc., 7848–CF–R–76, KLF 85, Weatherford, Oklahoma; 7849–CF–R–76, KLT 80, Elk City, Oklahoma.

MAJOR AMENDMENTS (CORRECTIONS)

3324–C1–P–68 Frank K. Spain, d.b.a. Microwave Service Company (new), Frazier Mtn., California (Lat. 34°46'30" N., Long. 118°58'06" W.). This entry, appearing in Public Notice of March 14, 1977, is corrected to show erroneously omitted frequency—6286.2H MHz toward Iron Mtn., California, via power split, on azimuth 5.1 degrees. All other particulars remain the same as previously reported.

304–CF–P–75 Microwave Transmission Corporation (new), Bald Ridge, 5 miles NE. of Watsonville, California (Lat. 38°58'00" N., Long. 121°41'31" W.). This entry, appearing in Public Notice of April 4, 1977, is corrected to show frequency(ies) as follows (all via power split): 10735V, 10895V, 10935H, 11095H, 10855H and 11055V MHz toward Capitola, Watsonville, and Salinas, all in California, on azimuths 274.6, 234.8, and 173.1 degrees, respectively; 10735V, 10895V, 10935H, 11095H, 10855H MHz toward Monterey California, on azimuth 198.8 degrees; 11015H MHz toward Monument Peak, California, on azimuth 345.1 degrees; 10855V and 10935V MHz toward Escrito, California, on azimuth 163.8 degrees.

3965–CF–P–76 N-Triple-C, Inc. (WOH60), Glendale, Illinois. Application amended to delete all frequencies toward Lily Lake, Illinois. (All other particulars remain as reported on PN No. 80, dated June 1, 1976.)

CORRECTION

1716–CF–P–77 South Central Bell Telephone Company (KJN23), corrected polarization toward 4090V. All other particulars remain as reported on PN No. 849 dated March 14, 1977.

1765–CF–P–77 Michigan Bell Telephone Company (KQI80), 444 Michigan Ave., Detroit, Michigan, corrected frequency to read 10875H. All other particulars are to remain as reported on PN No. 850 dated March 21, 1977.

618–CF–P–77 South Central Bell Telephone Company (KLW27), corrected coordinate to read Lat. 32°30'37" N. All other particulars are to remain as reported on PN No. 844 dated February 7, 1977.

[FR Doc.77-11201 Filed 4-15-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. Law 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Friday, May 6, 1977, at 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C.

The purpose of the Committee is to provide the Federal Energy Administration with advice concerning the impact of FEA policies and programs on consumers and special impact groups.

The agenda for the meeting is as follows:

1. Old Business—Report on the Status of CA/SI Advisory Committee Recommendations and Requests and FEA Commitments.
2. Pending Policy Issues.
3. Subcommittee Reports: Energy Efficiency Standards Conservation and Ecology; Energy Consumption Problems and Utilities; Transportation Programs; Energy Legislation and Regulations; Consumer Representation; Energy Consumption and the Disadvantaged.
4. Discussion and Evaluation of the Impact of President Carter's Proposed Energy Policy on Consumers and Special Impact Groups.
5. Items for Discussion at the Next Meeting.
6. Public Comment.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on April 13, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-11205 Filed 4-13-77;4:00 pm]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE SUBCOMMITTEES

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the subcommittees of the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, May 5, 1977, at the location and time indicated below.

The objective of the subcommittees is to make recommendations to the parent Committee with respect to matters concerning consumer aspects of FEA policies and programs.

The agenda and schedule of meetings is as follows: *Energy Consumption Problems and Utilities Subcommittee*, Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C. 9:00 a.m.

Agenda: Discussion of President Carter's Proposed National Energy Policy, Utility Issues; Implementation of Section 205 of the Energy Conservation and Production Act; Discussion and Evaluation of the Preliminary Report on Section 203 of the Energy Conservation and Production Act.

Energy Efficiency Standards Conservation and Ecology, Room 5041A, FEA, Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C., 9:00 a.m.

Agenda: Discussion of President Carter's Proposed National Energy Policy, Conservation and Measures; Discussion of President Carter's Proposed National Energy Policy, Consumer Education.

Transportation Programs Subcommittee, Room 5041B, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 9:00 a.m. Agenda: Discussion of President Carter's Proposed National Energy Policy, Transportation Programs.

Energy Legislation and Regulation Subcommittee, Room 5041A, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 1:00 p.m. Agenda: Discussion of President Carter's Proposed National Energy Policy, Legislation and Regulations; New Legislation Relating to Energy; New Regulations Promulgated by FEA.

Energy Consumption Problems and the Disadvantaged, Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C., 1:00 p.m. Agenda: Impact of President Carter's Proposed National Energy Policy on the Disadvantaged.

The subcommittee meetings are open to the public. The Chairman of each subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with a subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning these meetings may be obtained from the Advisory Committee Management Office.

The transcript of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on April 13, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-11206 Filed 4-13-77;4:00 pm]

SOLAR ELECTRIC GENERATION SUBCOMMITTEE OF THE ELECTRIC UTILITIES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Solar Electric Generation Subcommittee of the Electric Utilities Advisory Committee will meet Monday, May 9, 1977, 10:30 a.m., Room 300A, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The objective of the Subcommittee is to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the Electric Utilities Advisory Committee.

The agenda for the meeting is as follows:

1. Opening Remarks.
2. Review of Studies Made to Date on the Southwest Project and Discussion of the Project as Related to: Construction Issues; Financial Considerations; Electric Utility Operational Considerations; State Regulatory Programs; Consumer Issues; Environmental Issues.
3. Recommendations regarding the Southwest Project: Within the Scope of the Current Contract; Beyond the Scope of the Current Contract.
4. Comments from the Public.
5. Summation.

The Subcommittee meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

A transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on April 13, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-11204 Filed 4-13-77;3:59 pm]

FEDERAL MARITIME COMMISSION

BERMUDA DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, 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 and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old 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 May 9, 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.

Frederick L. Shreves, II, Esq., Sedam, Herge & Shreves, 7600 Old Springhouse Road, McLean, Virginia 22101.

Agreement No. 10292, between Pan Atlantic Slipping Ltd. and Bermuda Express Service, would permit the parties to discuss problems of common concern and cooperate in developing proposals relating to their respective services in the trade between U.S. Atlantic Coast ports and Bermuda. Topics of discussion and information exchanged between the parties shall be limited to specific operational and energy related problems concerning:

1. Cargo movements and the seasonality and other fluctuations of traffic flow;
2. Sailing and berthing schedules in Bermuda;
3. Negotiations for stevedoring services;
4. The availability and terms of operations associated with inland cartage services in the U.S., demurrage problems, rate levels and practices, handling charges and commissions;
5. Energy conservation measures.

Nothing in the agreement authorizes the parties thereto to carry out any substantive agreement which may be reached except upon the prior approval of the Commission. The agreement shall remain in effect for a period of 18 months from the date of its approval, however, its duration may be extended with the Commission's approval.

By order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11221 Filed 4-15-77;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01011	Aktieselskabet Det Ostasiatiske Kompagni: *Sumbawa.*
01017	Westfal-Larsen & Co. A/S: *Brimanger.*
01039	Den Norske Amerikalinje A/S: *Oslofjord.*
01343	Hamburg - Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck: *Columbus Virginia.*
01613	Reardon Smith Line Ltd.: *Orient City.*
01817	The Clan Line Steamers Ltd.: *Clan MacGillivray, Clan Grant, Clan MacGregor.*
01854	Southern Towing Co.: *NBC-801.*
01904	Waterman Steamship Corp.: *Thomas Nelson.*
01905	The Ben Line Steamers Ltd.: *Benrinnes, Jeddah Crown.*
01908	The Union-Castle Mail Steamship Co. Ltd.: *Dover Castle.*
01966	Estrella Prospera Nav. S.A. of Panama: *Christine.*
02032	D. B. Deniz Nakliyati T.A.S.: *Amiral Mehmet Ali Ulgen.*
02138	Sioux City & New Orleans Barge Lines, Inc.: *Mr. Cole.*
02194	Compagnie Generale Maritime: *Fort Ste-Marie, Pointe Marin, Aunis, Atlantic Champagne, Champlain, Pointe Madame, Pointe Des Colibris, Pointe San Souci, Pointe La Rose, Balaou, Baltste.*
02259	Neste Oy: *Nestefox.*
02419	Far Eastern Shipping Ltd.: *Federal Fraser.*
02419	Simms Bros. Towing Co., Inc.: *RWH 43, JGH 33.*
02862	Ocean Shipping & Enterprises Ltd.: *Ocean Elite, Thana Varee.*
02911	Sig. Bergesen D.Y. & Co.: *Larina.*
02930	Compania Dus Americana De Vapores: *Chaiten.*
03004	Rederi AB Soya: *Faust, Falstaff.*
03139	Offshore Marine Ltd.: *Cumbria Shore.*
03460	Mibae Shosen Kabushiki Kaisha: *Sumida Maru.*
03484	Sanko Kisen K.K.: *Kako Maru.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Katorisan Maru.*
03516	Toko Kaiun Kabushiki Kaisha: *Tokai Maru, Toten Maru.*
03637	P.A. Van Es & Co. N.V.: *Breehoek.*
03640	Pan Ocean Bulk Carriers, Ltd.: *Bum Chin.*
03690	The Harbor Tug & Barge Co.: *Artic Challenger.*
03708	Puget Sound Tug & Barge Co.: *Alaska.*
03727	Continental Oil Co.: *7020.*
03971	Korea Shipping Corp.: *Korean Runner.*
04226	National Marine Service, Inc.: *N.M.S. No. 1461, N.M.S. No. 1462.*
04228	Compagnie Maritime Belge (Lloyd) Royal S.A.: *Teniers.*
04433	Allied Chemical Corp.: *NMS 1952, NMS 1953.*
04794	Sea King Corp.: *Grand Unity.*
04803	Brent Towing Co., Inc.: *B-428.*
04844	Sloman Neptun Schiffahrts Aktiengesellschaft: *Epsilongas.*
04855	Maru Shipping Co., Inc.: *Frisky.*
04873	Compania Espanola De Petroleous S.A.: *Gerona.*
05079	Van Uden Scheepvaart En Agentuur MIJ. B.V.: *Seinehaven.*
05167	Consorcio Naviero Peruano S.A.: *Lima, Monte Cristo.*
05180	Navigazione Arenella: *Punta Stella.*
05617	Maritima Del Norte, S.A.: *Sierra Estrella, Sierra Espuna, Sierra Escudo.*
05736	Stellman Transportation Co.: *Tejas 100.*
06248	Commercial Corp. Sovrybflot: *MYS Ermak, Vulkan, Kargat, MYS Bobrova, Medik, MYS Ilmoviy.*
16596	Issei Kisen K.K.: *Kosei Maru.*
06760	Athelstane Tankers Co. Ltd.: *Athelmonarch.*
06958	Crystal Magnolia, Inc.: *Crystal Cherry, Crystal Gardenia.*
06995	Novorossisk Shipping Co.: *Kavkaz.*
07271	Kyowa Suisan Kabushiki Kaisha: *Mitomaru No. 12.*
07527	Korea Line Corp.: *Silver Bell.*
07880	Logicon, Inc.: *GTC-5.*
07904	K.K. Koyo Gyogyo: *Hoyo Maru.*
08195	Aleutian Corp. (Monrovia): *Amak.*
08840	Bangladeah Shipping Corp. *Banglar Alo.*
08964	Houlder Brothers & Co., Ltd.: *Dunster Grange.*
08999	Sause Bros. Ocean Towing Co., Inc.: *Chetco.*
09641	Bulk Navigation S.A.: *Viking.*
09760	Amoco Transport Co.: *Amoco Voyager.*
09717	The Academy of Sciences of the USSR: *Akademik Vernadsky, Mihail Lomonosov.*
09991	Laurel Limited: *Camellia.*
10093	Universal Giant Shipping Co. Ltd. S.A.: *Patricia.*
10214	Arco Iris Naviera S.A.: *Global Splendour, Global Challenge.*

Certificate No.	Owner/Operator and Vessels
10400	Odeco Inc.: *Ocean Liberty.*
10584	Mobil Tankships (U.K.) Ltd.: *Sachem.*
10854	The Saudi Arabian Shipping Co. Ltd.: *Bacca.*
10997	Spanocean Line Ltd.: *Condora.*
11000	An Lee Navigation Co. S.A.: *Fu Kang.*
11141	Alpha Maritime Services Inc.: *Lorenzo Halcoussi.*
11258	J. Jost Ohg, Hamburg: *Brooknes.*
11286	Binion Marine Service Inc.: *C-201.*
11492	Wakamatsu Kaiun Kabushiki Kaisha: *Wakayoshi Maru.*
11611	Amphitrite Shipping and Trading Corp. S.A.: *Petrola's Ocean Master 24, 20 Seamaster, Ikost-Ena.*
11646	Swift Marine Inc.: *Ft-18.*
11653	Utah Transport Inc.: *Lake Arrowhead.*
11728	Taiko Suisan Kabushiki Kaisha: *Taiko Maru No. 2, Shinsei Maru No. 5.*
11966	Goshi Gaisha Maruhyo Shoten: *Fukucho Maru No. 23.*
11985	Mobil Overseas Shipping Co.: *Mobil Kestrel, Mobil Light.*
12010	Bernhard Hansen & Co.: *Musketeer Fury.*
12105	Transocean Liners (PTY) Ltd.: *Maritime Courier, Selinda.*
12208	Manioglu Gemi Isletmeciligi Ve Ticaret A.S.: *Manizade*
12230	Dunmanus Bay Shipping Co. Ltd.: *Al Sadiq.*
12252	Maritime Corp. Dolphin S.A.: *Zacharia Tsirlis.*
12253	Showa Lease Co. Ltd.: *Hatsufuji.*
12255	Ugland Management Co. A/S: *Amax Miner.*
12271	Shyang Mou Ocean Enterprise Co. Ltd.: *No. 12 Shyang Mou.*
12275	Central Marine Service Inc.: *SYM-5, SYM-6, BP-100.*
12283	Junzo Sasaki: *Mitomaru No. 82.*
12290	Et Interessentskab Bestaende Af Aktieselskabet Maersk Oil Drilling Corp. Og Maersk Boreentreprise Aktieselskab: *Maersk Battler, Maersk Beater, Maersk Tackler.*
12298	Pankada Shipping Co. S.A.: *Agios Nicolaos.*
12300	Mu Multitank Westfalia Frisia Pioneer Uwe R. Ahrenkiel GmbH & Co., KG. Hamburg: *Multitank Westfalia.*
12303	Pontones Vigorosos S.A.: *Eagle Turtle.*
12304	Pontones Robustos S.A.: *Funny Turtle.*
12313	United Petroleum Shipping Ltd.: *Marakanda.*
12315	Tregu Compania Naviera S.A.: *Phantom.*
12326	Marumo Suisan Kabushiki Kaisha: *Seisyo Maru No. 11.*
12327	Komatsu Gyogyo Kabushiki Kaisha: *Kaiunmaru No. 38.*
12328	Goshi Kaisha Tashichi Shoten: *Kumano Maru No. 15.*
12329	Fukushin Suisan Kabushiki Kaisha: *Fukushin Maru No. 5.*
12330	Daiei Gyogyo Yugen Kaisha: *Manei Maru No. 8.*
12331	Shintaro Yoshida: *Shinei Maru No. 21.*
12333	Ampelos Shipping Co. Ltd.: *Irenes Friendship.*
12334	Compania Maritima Sequoia Lloyd S.A.: *Happy Runner.*
12336	Tower Corp. Inc.: *Aegean Lion.*
12337	Patea Shipping Ltd.: *South Star.*
12338	Tanker Services Inc.: *Oriental Giant.*
12343	Street of Ships, Inc.: *Robert Fulton.*
12344	KG Topas Schiffahrtsgesellschaft M.B.H. & Co.: *Ivory Sun.*
12346	Sagitarius Steamship Corp.: *Sophia II.*
12347	Partrederiet Tamesis: *Tamesis.*
12348	Finafin Trust Corp.: *Mystras.*
12349	Zosma S.P.A.: *Oceano.*
12350	Seavalor Ocean Transports Corp. of Liberia: *Messiniaki Anatoli.*
12351	Helicon Shipping Inc.: *Eurosea.*
12352	Jovial Shipping Corp. Liberia: *Hudson Bay, Pacific Glory, Pacific Pride, Oriental Merchant.*
12353	Hielomarin S.A. Panama: *St. Marcos.*
12354	Articomarin S.A. Panama: *St. Raphael.*
12355	Poloma Co., Ltd.: *Masluck.*
12356	Orinoco Shipping Co., Inc., Panama: *Dona Placida.*
12357	Trawler Tide, Inc.: *Tide.*
12358	Jose Pereira Alvarez: *Puente Minor.*
12359	Shen Pao Fishery Co., Ltd.: *Shen Pao No. 27, Shen Pao No. 30.*
12360	Kanenaka Suisan Yugen Kaisha: *Kiku Maru No. 2.*
12361	Ooishi Gyogyo Kabushiki Kaisha: *Syotoku Maru No. 35, Syotoku Maru No. 36.*
12362	Konpiramaru Gyogyo Kabushiki Kaisha: *Konpiramaru No. 7.*
12363	Honma Gyogyo Kabushiki Kaisha: *Manyro Maru No. 31, Manryo Maru No. 32.*
12364	Nanayo Suisan Kabushiki Kaisha: *Nanayo Maru No. 2.*
12365	Honma Suisan Kabushiki Kaisha: *Ryoun Maru No. 15.*
12366	Muroran Kisen Gyogyo Kyodo Kumiai: *Kyoyo Maru No. 2.*
12367	Kagoshima Prefectural Government: *Satuma Seiun Maru.*
12368	Collins Shipping Corp.: *Maritime Brilliance.*
12371	Global Marine Enterprises Corp.: *Atlantica.*
12372	Kuma Shipping Corp.: *Co-Op Maru.*
12373	Liberian Anoa Transports, Inc.: *World Prestige.*
12374	Bayard Line (Maldives), Ltd.: *Mouta Maru, Yuuta Maru.*
12375	Maritime Cargo Express S.A.: *Canadian Express.*
12376	Sea Horse Navigation S.A.: *Seaward.*
12378	Antietam Tankers, Inc.: *Antietam.*
12381	Aeolis Compania Naviera S.A.: *Elpis C.*
12382	Regort Shipping Co. S.A.: *Angelike Dynamis.*
12383	Association M.V. E.R. Legia: *E.R. Legia.*
12384	Argostoli Compania Naviera S.A.: *Nissos Ithaki.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11219 Filed 4-15-77;8:45 am]

FAR EAST CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, 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 May 9, 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 commence.

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.

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Agreement 17-36 would permit the Far East Conference to establish a "misrating program" designed to ensure "* * * to the greatest degree possible, that all member lines charge freight strictly in accordance with the tariff rules and regulations." The misrating program would be supplemental to the self-policing activity of the Conference's neutral body.

By order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11216 Filed 4-15-77;8:45 am]

FAR EAST DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, 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 May 9, 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.

H. P. Blok, Secretary, Agreement No. 9981, 417 Montgomery Street, San Francisco, California 94104.

Agreement No. 9981-5, entered into by 23 U.S. and foreign flag common carriers by water, is an application on behalf of the member lines of the Far East Discussion Agreement for an extension of the authority conferred under the terms and conditions of said agreement for a period of one year beyond the present expiration date of June 20, 1977.

By order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11217 Filed 4-15-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1016]

HANRAHAN-EVANS, INC.

Order of Revocation

On April 7, 1977, Hanrahan-Evans, Inc. 9-11 Maiden Lane, New York, New York 10038, voluntarily surrendered its Indepedent Ocean Freight Forwarder License No. 1016 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(b), dated June 30, 1975:

It is ordered, That Independent Ocean Freight Forwarder License No. 1016 issued to Hanrahan-Evans, Inc., be and is hereby revoked effective April 7, 1977 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Hanrahan-Evans, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-11222 Filed 4-15-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1650]

INTER-CREST MARITIME & ASSOCIATES

Reinstatement of License

By Federal Maritime Commission Order served March 28, 1977, Inter-Crest Maritime and Associates' Independent Ocean Freight Forwarder License No. 1650 was revoked, effective March 26, 1977, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on April 1, 1977 in 42 FR 17518.

An appropriate surety bond has been received in favor of Inter-Crest Maritime & Associates and compliance pursuant to section 44, Shipping Act, 1916 and § 510.9 of the General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04 (a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 1650 shall be reissued to Inter-Crest Maritime & Associates, effective March 26, 1977. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Inter-Crest Maritime and Associates.

FRANCIS C. HURNEY,
Acting Manager Director.

[FR Doc.77-11218 Filed 4-15-77;8:45 am]

MEDTRANS S.A. AND BLACK SEA SHIPPING CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 28, 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.

Roy R. Sumner, President, Transworld Tariff & Research Services, Inc., 1301 G Street NW., Suite 915, Washington, D.C. 20005.

Agreement No. 10291, between the above named carriers, provides for the interchange of cargo containers and/or related equipment in accordance with the terms and conditions set forth therein. Medtrans operates regularly in the trades between ports in Europe. Blasco operates regularly in the trade between ports in the United States and ports in Portugal and in the Mediterranean and Black Seas.

By Order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11220 Filed 4-15-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-10; PGA77-4]

ARKANSAS LOUISIANA GAS CO.

Proposed Change in Rates

APRIL 12, 1977.

Take notice that on March 29, 1977, Arkansas Louisiana Gas Company (Arkla) tendered for filing 10th Revised Sheet No. 185 to its FPC Gas Tariff Original Volume No. 3, to become effective May 1, 1977.

Arkla states that the instant tariff sheet is being submitted pursuant to the Purchased Gas Cost Adjustment Clause of its tariff to provide for a current adjustment and a surcharge adjustment in accordance with applicable regulations.

Arkla also states that copies of its filing were mailed to the jurisdictional customer affected and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 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.77-11167 Filed 4-15-77;8:45 am]

[Docket Nos. CP77-216, CP77-217, CP77-218]

DISTRIGAS OF MASSACHUSETTS CORP., DISTRIGAS CORP.

Extension of Time

APRIL 11, 1977.

On March 22, 1977, Distrigas of Massachusetts Corporation (DOMAC) filed a motion for an indefinite extension of time for filing the first incremental fee required by § 159.2 of the Commission's Regulations under the Natural Gas Act. Notice of DOMAC's application for a certificate of public convenience and necessity was issued February 24, 1977. DOMAC's request is based on a question of Commission jurisdiction over the construction and operation of additional facilities at its Everett, Massachusetts LNG plant, the subject of the pending application in the captioned proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 31, 1977, within which DOMAC shall file the required fee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11192 Filed 4-15-77;8:45 am]

[Docket No. RI77-49]

MAGUIRE OIL CO.

Petition for Special Relief

APRIL 11, 1977.

Take notice that on March 28, 1977, Maguire Oil Company (Maguire), 4200 First National Bank Building, Dallas, Texas 75202, filed a petition for special relief in Docket No. RI77-49 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Maguire seeks authorization to charge 43 cents per Mcf for the sale of gas to Natural Gas Pipeline Company from the Sullivan No. 3 Well located in the Ann-Mag Field, Brooks County, Texas. The subject gas is currently being sold at the rate of 35 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11189 Filed 4-15-77;8:45 am]

[Docket No. RP73-14; PGA 77-2a]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Revised PGA Rate Filings

APRIL 11, 1977.

Take notice that on March 30, 1977 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Substitute Sixteenth Revised Sheet No. 27F to its F.P.C. Gas Tariff, Second Revised Volume No. 1, Michigan Wisconsin proposed on effective date of May 1, 1977 for said revised sheet.

The foregoing tariff sheet replaced one that was filed on March 16, 1977 and which did not include a concurrent filing by Great Lakes Gas Transmission Company of a rate reduction to reflect a decrease in the Canadian currency buying rate to be effective May 1, 1977.

Michigan Wisconsin further states that, as noted in the original filing, it requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Substitute Sixteenth Revised Sheet No. 27F to be made and to become effective May 1, 1977. However, in the event the Commission does not accept Substitute Sixteenth Revised Sheet No. 27F to become effective May 1, 1977, Michigan Wisconsin requests that Substitute Alternate Sixteenth Revised Sheet No. 27F be accepted May 1, 1977 and that Substitute Sixteenth Revised Sheet No. 27F be suspended for (1) day to become effective May 2, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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). As such petitions or protests should be filed on or before April 22, 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.77-11188 Filed 4-15-77;8:45 am]

[Docket No. CS75-383]

NELEH GAS & OIL CORP., ET AL.[1]

Order Denying Rehearing

APRIL 12, 1977.

On February 24, 1977, Neleh Gas & Oil Corporation, et al. (Neleh), filed an application for rehearing of an order issued January 25, 1977, granting the company a small producer exemption, subject to certain conditions, to cover sales by the joint venturers under Neleh Pipeline Gathering System. Prior to 1967 the Gathering System was wholly owned by Neleh Gas & Oil Corporation, a small producer, which assigned a fifty percent interest to MAPCO, Inc. (MAPCO) a large producer. In 1970 the Commission granted Neleh's request that its remaining interest be covered by MAPCO's large producer certificate and related rate schedule and that Neleh's small producer certificate be cancelled. On February 1, 1975, MAPCO sold its interest back to Neleh Gas & Oil Corporation, which subsequently assigned part of its interest to other joint venturers.

The conditions attached to the Neleh certificate resulted from the Commission's conclusion that under Section 157.40(c) of the Regulations the sale by MAPCO of its interest was no different in effect than a sale of developed reserves in place by a large producer, and such interest was not eligible for small producer treatment. Neleh was permitted to sell the reserves formerly attributable to MAPCO under its newly-issued small producer certificate but only at a rate that was applicable to comparable sales by a large producer. The same restriction would apply to purchases by Neleh from large producers.

Neleh asserts that the Commission erred in making a finding that Section 157.40(c) applied to the fifty percent of the volumes attributable to the former MAPCO-owned interest. Even if that section does apply, Neleh argues that the so-called "large producer" restriction should be withdrawn because the contracts predated the commencement of the small producer exception with the issuance of Order No. 428 or, at worst, should be limited to fifty percent of the volumes derived from contracts made by Neleh-MAPCO with large producers during their joint ownership of the Gathering System. Further, Neleh asserts that the rate restriction should not apply to future contracts.

The main force of Neleh's request is that it acquired from MAPCO an interest in executory contracts and not developed reserves in place, citing as authority the Commission's decision in Suburban Propane Gas Corporation.[2] In Suburban Propane the Commission held that where a large producer became a small producer by virtue of its annual jurisdictional sales falling below the 10,000,000 Mcf limit, reserves developed prior to attaining small producer status were not "acquired" by the company as that term is used in Section 157.40(c) of the Regulations. The effect of this ruling was that Suburban Propane was authorized to sell all of its reserves, whether developed as a large or small producer, at the small producer rate. This interpretation is presently under reconsideration in a pending rulemaking proceeding,[3] but as of this time the Suburban Uropane rule applies and Neleh asserts that it controls the instant proceeding.

In its January 25, 1977 order the Commission interpreted the acquisition of MAPCO's interest in the Gathering System by Neleh as the equivalent of the acquisition of developed reserves in place from a large producer. The decision in Suburban Propane is not contra. In that case the Commission ruled that where a company went from large to small producer status because of a decline in production, there had been no acquisition of reserves since title to the gas supply remained in Suburban Propane throughout. Similarly, where the change in status is due to a loss of affiliation, there would be no acquisition.[4] But, neither of

[1] Neleh Gas & Oil Corporation, TBI Management, Inc., and J. L. Davis

[2] Docket No. CS75-396, order issued November 19, 1975, amended on rehearing, May 27, 1976.

[3] Notice of Proposed Rulemaking, Docket No. RM76-15.

[4] King Resources Company, Docket No. CS73-553, Order Granting Rehearing And Issuing Small Producer Certificate (March 11, 1977). On March 15, 1977, Neleh filed a motion to supplement its application for rehearing by referring to the Commission's decision in King Resources, but that case is distinguishable from the Neleh proceeding for the reasons set forth above.

these situations are presented here. The purpose of the reserve rule was to prevent large producers from selling off their proved properties to small producers at inflated prices rather than selling the reserves at the applicable large producer ceiling.[5] This purpose would be frustrated under Neleh's interpretation of Section 157.40(c).

According to Applicant's argument would actively frustrate the small producer regulation. Financial advantage would tempt large producer plan operators to sell their plants to small producers which could resell all of the plant residue gas at small producer rates. Worse still, there would be added incentive for large producers to do this if they owned substantial reserves behind the plant for they could share in small producer prices by executing percentage sales contracts with the small producer to which the plant would be sold.

The remaining arguments of Neleh stem from a misunderstanding of the conditions imposed by the Commission as a result of the former fifty percent ownership of the Gathering System by a large producer. The effect of the Commission's action was to divide each contract that was executory at the time of the transfer of the interest from MAPCO to Neleh[6] into fifty percent MAPCO and fifty percent Neleh.

As to the MAPCO fifty percent, for contracts of purchase from large producers, Neleh can now collect the appropriate large producer rates, while purchases from small producers at set rates would permit Neleh, as successor to a large producer, to file, if contractually authorized, under Section 157.40 (f) to flow through any small producer rate that the seller could have charged MAPCO. If MAPCO had purchased from a small producer on a percentage sales basis, the resale limit would be the applicable large producer rate, because percentage sales do not qualify under the small producer exemption, pursuant to Section 157.40(a)(1).

Considering the fifty percent continually owned by Neleh, purchases from large producers would be restricted to the large producer rates, while purchases from a small producer could be resold at the applicable small producer ceiling, regardless of whether the purchase was at a fixed rate or on a percentage basis.[7] As to new contracts, those executed after the date of transfer from MAPCO to Neleh, purchases from small producers, fixed or percentage sales, can be resold at the applicable small producer rates, while purchases from large producers come under the limitation of Section 157.40(c), and the resale would be restricted to the appropriate large producer rates.

The Neleh application for rehearing has raised no new facts or legal principles that require us to modify our original order of January 25, 1977. Accordingly, we will deny the Neleh petition for rehearing in its entirety.

The Commission finds: The Neleh petition for rehearing of the order in this proceeding dated January 25, 1977, should be denied.

The Commission orders: The application for rehearing filed by Neleh is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11191 Filed 4-15-77;8:45 am]

[Docket No. CI77-298]

TENNECO, INC.

Further Extension of Time

APRIL 11, 1977.

On March 29, 1977, Sun Oil Company filed a motion for an extension of time to April 29, 1977, to file its response to Tenneco's February 28, 1977, petition for a declaratory order. Continental Oil Company filed a motion on March 30, 1977, requesting an extension to May 1, 1977. By Commission order issued March 8, 1977, responses were due March 14, 1977; by notice issued March 14, 1977, the date for filing responses was extended to April 1, 1977.

Upon consideration, notice is hereby given that the date for filing responses is extended to and including April 20, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11193 Filed 4-15-77;8:45 am]

[Docket Nos. RP71-29, et al. (Phase III); RP75-69, RP75-71]

UNITED GAS PIPE LINE CO.

Extension of Time

APRIL 11, 1977.

On April 5, 1977, Gulf States Utilities Company (Gulf States) filed a motion for an extension of time to respond to the Motion of United Gas Pipe Line Company to Lodge Referral Order, filed March 25, 1977. The motion states that counsel for United has been contacted and has no objection to the extension of time.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 25, 1977, for filing responses to the Motion to Lodge Referral Order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11194 Filed 4-15-77;8:45 am]

---

[5] Order No. 428, 45 FPC 454, 455-56 (1971).

[6] Neleh mistakenly assert that the contract date controls how the Commission's conditions should operate. What is authoritative is the date of the reassignment by MAPCO to Neleh, since prior to that time MAPCO, a large producer, held a one-half interest in all executory contracts with the Gathering System.

[7] This is distinguished from a similar-type situation for the MAPCO fifty percent, because Neleh, as a small producer, is not restricted in its resales at the small producer rate, provided it has contractual authorization therefor.

FEDERAL RESERVE SYSTEM

[H.2, 1977 No. 13]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending March 26, 1977

ACTIONS OF THE BOARD

Statement by Chairman Arthur F. Burns before the Senate Committee on the Budget.

Statement by Governor Henry C. Wallich before the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking, Finance and Urban Affairs on International lending by U.S. banks.

Mark H. Willes was named President of the Federal Reserve Bank of Minneapolis.

Report on bill H.R. 50, the "Full Employment and Balanced Growth Act of 1977" response to letter requesting the Board's views on the bill.

Report on bill S. 406, the proposed "Community Reinvestment Act of 1977" response to letter requesting Board's views on the bill.

Report on bill H.R. 3816, the "Federal Trade Commission Amendments of 1977" a bill that would subject banks to the FTC's reporting, investigation and enforcement authority by repealing exemptions that have been in the Federal Trade Commission Act since its passage in 1914; views of the Board sent to Chairman Eckhardt, Subcommittee on Consumer Protection and Finance, House Interstate and Foreign Commerce Committee.

Regulation Q amendments, effective March 24, 1977, to § 217.4(d) to clarify the Board's penalty rule for early withdrawals (Docket No. R-0089).

Privacy Act of 1974, proposed new system of records which Board proposes to maintain; public comments are invited on this notice on or before May 2, 1977.

Regulations H and Y, notice of proposed rulemaking, amendments to require State member banks and bank holding companies and certain of their subsidiaries, departments, and divisions which are municipal securities dealers to file with the Board information about persons who are associated with them as municipal securities principals or municipal securities representatives (Docket No. R-0090.).

Citizens and Southern Holding Company, Atlanta, Georgia, extension of time to June 30, 1977, within which to open for business offices of Citizens and Southern Mortgage Company, located in Albany, Columbus and Rome, Georgia.[1]

First United Bancorporation, Inc., Fort Worth, Texas, extension of time to May 15, 1977, within which to open for business Las Colinas National Bank, Irving, Texas, a proposed new bank.[1]

Michigan Financial Corporation, Marquette, Michigan, 90-day extension of time within which to acquire The Iron River National Bank, Iron River, Michigan.[1]

SWB Corporation, Oklahoma City, Oklahoma, extension of time to May 20, 1977, within which to consummate the acquisition of Southwestern Bank and Trust Company, Oklahoma City, Oklahoma.[1]

Deregistration under Regulation G for Republic of Texas Corporation, Dallas, Texas; and for The Howard Corporation, Dallas, Texas.[1]

Termination of registration for Investment Funding Corporation, Memphis, Tennessee.[1]

---

[1] Application processed on behalf of the Board of Governors under delegated authority.

Citizens Commercial and Savings Bank, Flint, Michigan, to make an investment in bank premises.[1]

Farmers and Merchants Bank of Orfordville, Orfordville, Wisconsin, to make an investment in bank premises.[1]

Northwestern Bank of Commerce, Duluth, Minnesota, to make an investment in bank premises.[1]

Warren Bank, Warren, Michigan, to make an investment in bank premises.[1]

Ewing Bank and Trust Company, West Trenton, New Jersey, six-month extension of time from April 6, 1977, within which to establish a branch office in the Mercer County Airport Terminal, Ewing Township, New Jersey.[1]

Merrill Trust Company, Bangor, Maine, extension of time to May 3, 1978, within which to establish a branch on County Road, Eastport, Maine.[1]

Girard Trust Bank, Bala Cynwyd, Pennsylvania, request for permission to allow its acceptances outstanding to increase to 75 percent of capital stock and surplus.[1]

Bankers National Bank, Elmwood Park, New Jersey, proposed acquisition by Valley National Bank, Passaic, New Jersey, report to the Comptroller of the Currency on competitive factors.[1]

Calder Avenue State Bank, Beaumont, Texas, proposed merger with Beaumont State Bank, Beaumont, Texas, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Columbus National Bank, Columbus, North Dakota, proposed acquisition by First National Bank of Crosby, Crosby, North Dakota, report to the Comptroller of the Currency on competitive factors.[1]

East Dallas Bank, Dallas, Texas, proposed merger with New East Dallas Bank, Dallas, Texas, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

First State Bank of Sarasota County, Osprey, Florida, proposed merger with First National Bank of Venice, Venice, Florida, report to the Comptroller of the Currency on competitive factors.[1]

To establish a domestic branch pursuant to section 9 of the Federal Reserve act.

APPROVED

The Merrill Trust Company, Bangor, Maine. Branch to be established on Route 1, at Main St., Woodland.[2]

Peoples Merchants Trust Company, Canton, Ohio. Branch to be established at 832 West Maple Street, Village of Hartville, Stark County.[2]

The Community Bank, Petersburg, Virginia. Branch to be established at 2618 South Crater Road, Petersburg.[2]

* * * * *

To establish an overseas branch of a member bank pursuant to section 25 of the Federal Reserve Act.

APPROVED

Morgan Guaranty Trust Company of New York: re-Branch—British Crown Colony of Hong Kong.

* * * * *

International investments and other actions pursuant to sections 25 and 25(a) of the Federal Reserve Act and sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Citicorp: re-Reconsideration of the Board's order requiring divestiture of Ajax Insurance Company LTD and Surrey Insurance Company LTD., both of Melbourne, Australia.

Manufacturers National Bank of Detroit: re-investment—additional in Atlantic International Bank, London.

To form a bank holding company pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

WITHDRAWN

Kremmling Holding Company, Kremmling, Colorado, for approval to acquire 100 per cent of the voting shares of Bank of Kremmling, Kremmling, Colorado.

APPROVED

Audubon Investment Company, Audubon, Iowa, for approval to acquire 97.83 per cent or more of the voting shares of Audubon State Bank, Audubon, Iowa.

Inland Beloit Corporation, Milwaukee, Wisconsin, for approval to acquire 100 per cent of the voting shares of Financial Network Corporation, Beloit, Wisconsin, and Community Holding Corporation, Beloit, Wisconsin, and indirectly acquire 95.4 per cent of the voting shares of The Beloit State Bank, Beloit, Wisconsin, and 75.3 per cent of the voting shares of Community Bank of Beloit, Beloit, Wisconsin.

American, Inc., Oswego, Kansas, for approval to acquire 85.2 per cent or more of the voting shares of The American State Bank, Oswego, Kansas.[2]

Financial Diversified Investment Corporation, Topeka, Kansas, for approval to acquire 98 per cent (less directors' qualifying shares) of the voting shares of The First National Bank of Wetmore, Wetmore, Kansas.[2]

The Horizon Financial Corporation, Burdett, Kansas, for approval to acquire 80.4 per cent of the voting shares of The Burdett State Bank, Burdett, Kansas.[2]

Union State Bancshares, Inc., Clinton, Missouri, for approval to acquire 80 per cent or more of the voting shares of Union State Bank of Clinton, Clinton, Missouri.[2]

To expand a bank holding company pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Associated Bank Corporation, Mason City, Iowa, for approval to acquire 80 per cent or more of the voting shares of Cresco National Bank, Cresco, Iowa.

Inland Heritage Corporation, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Community Holding Corporation, Beloit, Wisconsin, and indirectly acquire Community Bank of Beloit, Beloit, Wisconsin.

Inland Heritage Corporation, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Financial Network Corporation, Beloit, Wisconsin, and indirectly acquire The Beloit State Bank, Beloit, Wisconsin.

The Jacobus Company, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Community Holding Corporation, Beloit, Wisconsin, and indirectly acquire Community Bank of Beloit, Beloit, Wisconsin.

The Jacobus Company, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Financial Network Corporation, Beloit, Wisconsin, and indirectly acquire The Beloit State Bank, Beloit, Wisconsin.

King Ranch, Inc., Kingsville, Texas, for approval to retain 1.5 per cent of the voting shares of State Bank of Kingsville, Kingsville, Texas.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Dallas National Bank in Dallas, Dallas, Texas.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank in Garland, Garland, Texas.

To expand a bank holding company pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Trust Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (the business of acting as agent for the sale of decreasing term credit life and credit accident and health insurance) at 1945 The Exchange, Cobb County; 8 LaVista Perimeter Park, Tucker; 1895 Phoenix Boulevard, College Park; 25 Park Place NE., Atlanta, all located in Georgia and 5444 Bay Center Drive, Tampa, Florida, through a subsidiary, Adair Mortgage Company (3/21/77) [3]

WITHDRAWN

Beatrice State Company, Beatrice, Nebraska, notification of intent to engage in de novo activities (industrial banking activities) at 720 Court Street, Beatrice, Nebraska, through a subsidiary, First Security Savings (3/23/77) [3]

REACTIVATED

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de vovo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 5108 South Broadway, Englewood, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado Corporation) (3/22/77) [3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by Finance-

[1] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

America Corporation) at 520 North Madison Avenue, Greenwood, Indiana, through its subsidiary, FinanceAmerica Corporation (an Indiana Corporation), a subsidiary of FinanceAmerica Corporation (3/22/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for their own account extensions of credit such as would be made or acquired by a finance company; FinanceAmerica Corporaiton will engage in making consumer installment loans and other extensions of credit to small businesses and loans secured by real or personal property; FinanceAmerica Industrial Plan, Inc. will engage in purchasing installment sales finance contracts; both corporations will engage in servicing loans and other extensions of credit; and will act as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation or FinanceAmerica Industrial Plan, Inc.) at 311 West Street, Tupelo, Mississippi, through its subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan, Inc. (Mississippi Corporations), subsidiaries of FinanceAmerica Corporation (2/22/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 6910G Montgomery Boulevard NE., Albuquerque, New Mexico, through its subsidiary, FinanceAmerica Corporation (a New Mexico Corporation) a subsidiary of FinanceAmerica Corporation (3/22/77).[3]

PERMITTED

First Bancorp of N.H., Inc., Manchester, New Hampshire, notification of intent to engage in de novo activities (real estate lending activities including: originating, selling and servicing both residential and commercial mortgages; originating and servicing construction loans; providing placement services for long term real estate financing; and as an incident to the real estate lending and placement activities, providing advice and appraisal services for self and others) at 1000 Elm Street, 20th Floor, Manchester, New Hampshire, through a subsidiary, FirstBank Mortgage Corp. (3/25/77).[4]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (making installment loans to individuals for personal, family, or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; and acting as agent in the sale of insurance protecting collateral held against the extension of credit) at 135 Caldwell Street, Rock Hill, South Carolina, through a subsidiary, Landmark Finance Corporation of South Carolina (3/24/77).[3]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (make secondary mortgage loans secured in whole or in part by mortgage, deed of trust, security agreement, or other lien on real estate situated in the State of South Carolina which property is subject to the lien of one or more prior encumbrances or other leasehold interests; and acting as agent in the sale of credit life insurance and credit accident and health insurance in connection with its extension of credit) at 3710 Landmark Drive, Columbia, South Carolina, through its subsidiary, Union Home Loan Corporation (3/25/77).[3]

Alabama Bancorporation, Birmingham, Alabama, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including issuing letters of credit and accepting drafts such as would be made by a factoring company or a mortgage company; servicing loans and other extensions of credit for any person; leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full invetsment in the property; additionally, as an incident to its lending activities and if requested by its customers, such subsidiary will make provision with insurance carrier for credit life/accident and health insurance that is directly related to loans to such customers) at 813 Shades Creek Parkway, Birmingham, Alabama and 1700 Sunset Boulevard, West Columbus, South Carolina, through a subsidiary, Alabanc Financial Corporation. After receipt of the notification the address changed from Homewood, Alabama to Birmingham, Alabama (3/25/77).[3]

Mercantile Bancorporation Inc., St. Louis, Missouri, notification of intent to engage in de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance) at 1990 Vandalia Avenue, Collinsville, Illinois, through a subsidiary, Franklin Finance Company (3/21/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 5108 South Broadway, Englewood, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado Corporation) (3/22/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 520 North Madison Avenue, Greenwood, Indiana, through its subsidiary, FinanceAmerica Corporation (an Indiana Corporation), a subsidiary of FinanceAmerica Corportion (3/22/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for their own account extensions of credit such as would be made or acquired by a finance company; FinanceAmerica Corporation will engage in making consumer installment loans and other extensions of credit to small businesses and loans secured by real or personal property; FinanceAmerica Industrial Plan, Inc. will engage in purchasing installment sales finance contracts; both corporations will engage in servicing loans and other extensions of credit and will act as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation or FinanceAmerica Industrial Plan, Inc.) at 311 West Street, Tupelo, Mississippi, through its subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan, Inc. (Mississippi Corporations), subsidiaries of FinanceAmerica Corporation (3/22/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 6910G Montgomery Boulevard N.E., Albuquerque, New Mexico, through its subsidiary, FinanceAmerica Corporation (a New Mexico Corporation), a subsidiary of FinanceAmerica Corporation (3/22/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, and making loans and other extensions of credit to small businesses; acting as agent or broker for the sale of credit

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[4] 4(c)(2) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

related life and credit related accident and disability insurance) at Suite 352, 2525 Stemmons Freeway, Dallas, Texas, through its indirect subsidiary, FinanceAmerica Corporation (a Texas Corporation), a subsidiary of FinanceAmerica Corporation (3/26/77).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons) at 1800 St. James Place, Houston, Texas and 600 Montgomery Street, San Francisco, California, through its indirect subsidiary, WF-BGM, Inc. (3/25/77).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; leasing personal or real property or acting as agent, broker, or adviser in leasing such property where the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property and where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits (investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect) and the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 percent of the acquisition cost of the property to the lessor) at 1206 Van Ness Avenue, Fresno, California, through its subsidiaries, Wells Fargo Leasing Corporation, Wells Fargo Transport Leasing Corporation and Wells Fargo Equipment Leasing Corporation (3/21/77).[3]

APPROVED

American, Inc., Oswego, Kansas, for permission to retain its credit-related insurance agency activties which presently are conducted on the premises of The American State Bank, Oswego, Kansas.[3]

D. H. Baldwin Company, Cincinnati, Ohio, for approval to acquire Louisville, Mortgage Service Company, Louisville, Kentucky which will acquire not more than 5 percent of the voting stock of Heart of Louisville, Inc., Louisville, Kentucky and Applicant will divest of the assets of General Realty Corporation of Kentucky, Inc., Louisville, Kentucky.

Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

Helmerich & Payne, Inc., Tulsa, Oklahoma, prior certification pursuant to § 1101(b) of the Internal Revenue Code, that its proposed divestiture of substantially all of the 85,510 shares of Utica Bankshares Corporation, Tulsa, Oklahoma, presently held by Helmerich & Payne, Inc., through the pro rata distribution of such shares to the common shareholders of Helmerich & Payne, is necessary or appropriate to effectuate the policies of the Bank Holding Company Act. (Legal Division Docket TCR 76-117).[4]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Forest Hill State Bank, Forest Hill, Maryland. Branch to be established at 138-42 Main Street, Bel Air, Hartford County.

Citizens Commercial Bank of Tallahassee, Tallahassee, Florida. Branch to be established as the Capital Office.

Peoples Trust Company, Brookville, Indiana. Branch to be established at Northeast Corner of Intersection R.R. No. 3, Reservoir Hill Road and State Road No. 101, Brookville, Franklin County.

State Bank of Croswell, Croswell, Michigan. Branch to be established at 5200 East Peck Road, Lexington Township, Sanilac County, Michigan.

Western State Bank, Sioux Falls, South Dakota. Branch to be established at present location and requests permission to move main office.

* * * * *

Thirty-Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

Continental Illinois National Bank & Trust Company of Chicago: re—Branch—additional in Dusseldorf, Federal Republic of Germany.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Granite Holding Corp., Granite Falls, Minnesota, for approval to acquire 100 percent of the voting shares of Granite Falls Bank, Granite Falls, Minnesota.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

City National Bank Corporation, Miami, Florida, for approval to acquire 22.5 percent or more of the voting shares of City National Bank of Lauderhill, Lauderhill, Florida.

Michigan National Corporation, Bloomfield Hills, Michigan, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Michigan National Bank—Sterling, Sterling Heights, Michigan, a proposed new bank.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (leasing real and personal property on a full-payout basis and acting as agent, broker, or adviser in leasing of such property; and making and acquiring, for its own account or for the account of others, loans and other extensions of credit with respect to such property and serving such leases, loans or other extensions of credit) at 4000 Executive Park Drive, Cincinnati, Ohio, through its subsidiary, Manufacturers Hanover Leasing Corporation (3/22/77).[3]

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company; servicing loans and other extensions of credit for any person; and acting as agent or broker for the sale of credit related life/accident and health insurance which is related to extension of credit made and acquired by Ritter Finance Company and/or its direct and indirect subsidiaries) at 110 Courthouse Ave., Burgaw, North Carolina, through its indirect subsidiary, Ritter Finance Company, Inc. of North Carolina (3/22/77).[3]

BankAmerica Corporation, San Francisco, California, for permission for FinanceAmerica Corporation, Allentown, Pennsylvania, to continue to engage in bookkeeping and data processing activities for itself and The Stuyvesant Insurance Company, Stuyvesant Life Insurance Company, Trans-Oceanic Life Insurance Company, and National American Insurance Company of New York.

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company and servicing of such loans particularly commercial and residential real estate loans) at 1325 South 800 East Street, Orem, Utah, through its subsidiary, Utah Mortgage Loan Corporation (3/21/77).[3]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company and the servicing of such loans particularly commercial and residential real estate loans) at 1445 South Poplar Street, Rock Springs, Wyoming, through its subsidiary, Utah Mortgage Loan Corporation (3/21/77).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to the extension of credit by Wells Fargo & Company or its subsidiaries: credit life and credit accident and health insurance, mortgage redemption life insurance and group mortgage disability insurance) at 7650 Pacific Avenue, Stockton, California, through its subsidiaries, Wells Fargo Mortgage Company and WFMC Corporation (3/18/77).[3]

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Warner Communications Inc., New York, New York, notification of intent to acquire Malibu Grand Prix Corp., Orange, California (3/25/77).[3]

Arizona-Colorado Land & Cattle Company, Phoenix, Arizona, notification of intent to acquire an interest in Rechem Corp., Douglas, Arizona (3/21/77).[3]

Arkansas Best Corporation, Fort Smith, Arkansas, notification of intent to acquire, through its wholly-owned subsidiary, Arkansas Bandag Corporation, all of the capital stock of Southwest-Bandag, Inc., Houston, Texas (3/21/77).[3]

* * * * *

[3] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[4] Processed on behalf of the Board of Governors under delegated authority.

For Certification Pursuant to the Bank Holding Company Tax Act of 1976.

Schnitzler Corporation, Froid, Montana, to divest shares of First State Bank of Newcastle, Newcastle, Wyoming. (Legal Division Docket TCR 76-136).

Mankato Stone Company, Mankato, Minnesota, to divest its nonbanking assets. (Legal Division Docket TCR 76-137).

The Jacobus Company, Wauwatosa, Wisconsin, to divest shares of Inland Heritage Corporation, Milwaukee, Wisconsin. (Legal Division Docket TCR 76-138).

* * * * *

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Piedmont Trust Bank, Martinsville, Virginia.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, April 11, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11203 Filed 4-15-77;8:45 am]

CENTRAL BANCO.

Order for Oral Presentation

Central Bancompany, Jefferson City, Missouri, has filed an application pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(3)) for prior approval by the Board of Governors to acquire not less than 57 percent of the voting shares of The First National Bank of Mexico, Mexico, Missouri. Notice of receipt of this application was published in the FEDERAL REGISTER (41 FR 51462) on November 22, 1976. The published notice advised that the application was available for inspection at the offices of both the Board of Governors and the Federal Reserve Bank of St. Louis and designated a period within which comments and views on the proposed acquisition could be filed with the Board of Governors.

Having considered the numerous comments submitted on the proposal, including a request, with accompanying statement of reasons, that an oral presentation be conducted on this application, the Board of Governors has concluded that the public interest would be served by the conduct of an oral presentation with respect to the application.

Accordingly, it is hereby ordered, That pursuant to § 262.3(g)(3) of the Board's rules of procedure (12 CFR 262.3(g)(3)(1976)) a public oral presentation be held with respect to this application before Baldwin B. Tuttle, Deputy General Counsel of the Board of Governors, at the Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, Missouri, in such manner and at such date and time as he shall designate after receipt of requests to appear.

It is further ordered, That the proceeding will consist of presentations of statements in either oral or written form, together with any supporting or supplementary written submissions allowed by the presiding officer, all of which submissions are to be addressed to the factors set forth in section 3(c) of the Bank Holding Company Act of 1956, as amended, with respect to this application.

It is further ordered, That any person desiring to give testimony, present evidence, or otherwise participate in the scheduled oral presentation, should file with the Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before May 6, 1977, a written request to appear at said oral presentation, including a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, and a summary of the matters concerning which the petitioner desires to either give testimony or submit evidence. Requests to participate in the proceedings will be submitted to the presiding officer for his determination and petitioners submitting them will be notified of the decision as well as the date and time of the proceeding.

By order of the Board of Governors,[1] effective April 11, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11202 Filed 4-15-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Comments and Data Acquisition Activity Assistant Secretary for Education

COLLECTION OF INFORMATION

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed a collection of information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

This data acquisition activity is subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Description of the proposed collection of information and data acquisition activity follow below.

Written coments on the proposed activity are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 18, 1977, and should be addressed to Administrator, National Center for Education Statistics, attention: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

IRIS GARFIELD,
Acting Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA AQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Third Annual Data Collection in Response to Section 437 of the General Education Provisions Act.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Office of Planning, Budgeting, and Evaluation.

3. AGENCY FORM NUMBER

OE 511.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

Responsibility of States to furnish information: (a) The Commissioner shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall:

(1) List all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) Include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

(3) With respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) With respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal fund; and

(5) Be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

(b) On or before March 31 of each year, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom.

[1] Voting for this action: Vice Chairman Gardner and Governors Wallich, Partee, and Lilly. Voting against this action: Governors Coldwell and Jackson. Absent and not voting: Chairman Burns.

((20 U.S.C. 1232f), Enacted August 21, 1974, Pub. L. 93-380, sec. 512(a), 88 Stat. 571.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Data collected in this activity will be compiled, analyzed, and publicly disseminated to serve multiple uses:

(a) To respond to the specific Congressional mandate to list all grants and contracts made by the State under their responsibilities to administer certain Federal education programs; to establish the specific program purposes for which such funds are being expended; and to estimate the numbers of program participants or beneficiaries;

(b) To establish a data base for the benefit of program management, assessment of program effectiveness, program evaluation, research, and future legislative actions;

(c) To make this information readily available to the public.

7. DATA ACQUISITION PLAN

(a) Method of Collection: A computer generated data collection form will be mailed to respondents.

(b) Time of Collection: At or before the end of the fiscal year, Sept. 30, 1977; return of completed forms is specified by law for no later than Dec. 31, 1977.

(c) Frequency: Annually.

8. RESPONDENTS

(a) Type: State education agencies.

(b) Number: 51.

(c) Estimated Average Man-Hours Per Respondent: 175.

(a) Type: LSCA program offices not under SEAs.

(b) Number: 35.

(c) Estimated Average Man-Hours Per Respondent: 8.

(a) Type: VEA program offices not under SEAs.

(b) Number: 7.

(c) Estimated Average Man-Hours Per Respondent: 80.

(a) Type: AEA program offices not under SEAs.

(b) Number: 3.

(c) Estimated Average Man-Hours Per Respondent: 5.

9. INFORMATION TO BE CLOSED

Section 437 of the General Education Provisions Act defines two broad classes of data to be collected for State administered Federal education programs. These classes are: (a) State level data, and (b) local level data.

(a) *State level data.* Paragraph (a)(2) requires that the State report "include the total amount of funds available to the State under each such program * * * and specify from which appropriation Act or Acts these funds were available.* * *"

For this data collection we are concerned with Federal funds appropriated for fiscal years 1977 and 1976, respectively. The allocation of fiscal year 1977 funds to States by program is available at USOE; this data will not be collected from the respondents. However, we will ask for a report by State and program of fiscal year 1976 funds carried over for allocation by States in fiscal year 1977.

(b) *Local level data.* Paragraph (a)(1) requires that the respondent "list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year . . ." We are therefore asking respondents to provide such a list of grants and contracts made under applicable programs during fiscal year 1977.

The list should show all grantees which are ultimate recipients of Federal funds, and the amount of such funds. If a State agency makes a grant to another State agency, which in turn further allocates Federal funds, the intermediate action should not be shown, but the final grant activity must be reported. In some programs, Federal funds have been commingled with State funds for convenience. Section 437 requires that Federal funds alone be reported.

We have identified seven classes of recipient agency: local education agency, institution, intermediate administrative agency, State agency, university, public library, and other. These classes will be defined in instructions to be sent to respondents. The list of grantees called for by Paragraph (a)(1) should contain an agency name, and the proper code for agency type. For local education agencies, the standard ELSEGIS code should be included. (Code lists will be sent to respondents.)

The clerical burden of compiling the required list be reduced by USOE's use of a computer-generated data collection form with a pre-printed list of many expected grantees.

Paragraph (a)(3) requires that with respect to the second preceding fiscal year (that is, fiscal year 1976), the respondents will report "the amount of such Federal funds received by each such agency and the purposes for which such funds were expended . . ." This requirement is a report of expenditures made against grants made in fiscal year 1976. These expenditure reports must be aggregated to the total for a recipient agency. Partial reports, or reports of disbursement by project, classroom, school within an LEA, etc., are not acceptable.

The "purposes for which such funds were expended" are defined below for each applicable program.

Paragraph (a)(4) requires that with respect to such preceding fiscal year the respondent must include a statistical report on "the individuals served or affected by programs, projects, or activities assisted with such federal funds * * *"

For this data collection (for some programs only) we require a single program participant count (from best data available to State agencies) along with a code identifying data characteristics. (Code lists will be furnished to respondents.) This participant count will accompany reports of expenditures defined above, for certain applicable programs. (See list below.)

Data collection requirements by program. For the third annual data collection in response to Sec. 437 of the General Education Provisions Act we have identified 25 State administered Federal education programs. There are common collection requirements for all programs (except as noted); however, with respect to program purpose and participant data, collection requirements are varied.

For each of the 25 programs (except as noted) we will require from respondents (where applicable) a list of all grants and contracts made under that program during fiscal year 1977. Each item of the list should show the name of the recipient agency, the agency type code, ELSEGIS code for LEAs, and the grant or contract amount. We will also require a report by individual recipient of expenditures made against fiscal year 1976 grants or contracts.

Program purpose and participant data collection requirements, by program, are shown below:

1. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, Handicapped*, OMB Catalog Number: 13.427.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) State Administration;
(2) Trainable Mentally Retarded;
(3) Educable Mentally Retarded;
(4) Specific Learning Disabled;
(5) Emotionally Disturbed;
(6) Speech Impaired;
(7) Orthopedically Impaired;
(8) Visually Handicapped;
(9) Deaf-Blind;
(10) Deaf;
(11) Hard of Hearing;
(12) Other Health Impaired.

2. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, Migrants*, OMB Catalog Number: 13.429.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Local Projects;
(2) Instructional Services;
(3) Support Services;
(4) Staff Development;
(5) Other;
(6) State Education Agency.

3. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, State Administration*, OMB Catalog Number: 13.430.

A report of program participants is not required. A breakdown of program expenditures is not required.

4. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children*, OMB Catalog Number: 13.431.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program pursposes:

(1) Neglected Children;
(2) Delinquent Children;
(3) Children in State Correctionnl Institutions.

(NOTE.—A new set of expenditure categories of program purpose has been proposed by USOE program offices for several Title I, ESEA, programs. The new categories will be effective for this program during next year's data collection (fourth annual cycle) to show the breakdown of expenditures made against fiscal year 1977 grants. The proposed new categories are:

(1) Limited English Background;
(2) Reading and Other English Language Arts;
(3) Mathematics;
(4) Special Activities for Handicapped;
(5) All Other Direct Educative Services;
(6) Attendance, Social Work, Guidance and Psychology;
(7) Health and Nutrition;
(8) Staff Development;
(9) All Other Supporting Services.)

5. *Elementary and Secondary Education Act of 1965, Title I, Part A—Educationally Deprived Children—Local Education Agencies*, OMB Catalog Number: 13.428.

A report of program participants is required. A breakdown of program expenditures by categories of program purpose is not required for this data collection. However, as noted above, new expenditure categories are now proposed for several Title I, ESEA, programs. The first collection of program purpose data under this program will be made next year for expenditures made against fiscal year 1977 grants. The categories to be used for this program are those shown

above for "Educationally Deprived Children in State Administered Institutions."

6. *Elementary and Secondary Education Act of 1965, Title I, Part B—Educationally Deprived Children—Special Incentive Grants*, OMB Catalog Number: 13.512.

A report of program participants is required. A breakdown of program expenditures by categories of program purpose is not required for this data collection. However, as noted above, new expenditure categories are now proposed for several Title I, ESEA, programs. The first collection of program purpose data under this program will be made next year for expenditures made against fiscal year 1977 grants. The categories to be used for this program are those shown above for "Educationally Deprived Children in State Administered Institutions."

7. *Elementary and Secondary Education Act of 1965, Title II, School Library Resources, Textbooks, and Other Instructional Materials*, OMB Catalog Number: 13.480.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

8. *Elementary and Secondary Education Act of 1965, Title III, Supplementary Educational Centers and Services, Guidance, Counseling and Testing*, OMB Catalog Number: 13.519.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

9. *Elementary and Secondary Education Act of 1965, Title V, Part A, Strengthening State Departments of Education, Grants to States*, OMB Catalog Number: 13.486.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

10. *National Defense Education Act of 1958, Title III, Strengthening Instruction Through Equipment and Minor Remodeling*, OMB Catalog Number: 13.483.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

11. *Elementary and Secondary Education Act of 1965, Title IV, Part B—Libraries and Learning Resources*, OMB Catalog Number: 13.570.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) SEA Administration;
(2) Public School Library Resources and Other Instructional Material;
(3) Public Textbooks;
(4) Public Equipment;
(5) Minor Remodeling;
(6) Public Testing;
(7) Public Counseling and Guidance;
(8) Private School Library Resources and Other Instructional Material;
(9) Private Textbooks;
(10) Private Equipment;
(11) Private Testing;
(12) Private Counseling and Guidance.

12. *Elementary and Secondary Education Act of 1965, Title IV, Part C—Educational Innovation and Support*, OMB Catalog Number: 13.571.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) SEA Administration;
(2) Strengthening Leadership Resources of SEAs;
(3) Strengthening Leadership Resources of LEAs;
(4) Supplementary Centers and Services: Developmental/Innovative Projects;
(5) Supplementary Centers and Services: Adopter/Facilitator;
(6) Supplementary Centers and Services: All Other Programs;
(7) Nutrition and Health;
(8) Dropout Prevention.

13. *Education of the Handicapped Act, Title VI, Part B, Handicapped Preschool and School Program*, OMB Catalog Number: 13.449.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purposes:

Use the same 12 categories shown above for "Title I, Educationally Deprived Children, Handicapped."

14. *Adult Education Act, Title III, Grants to States*, OMB Catalog Number: 13.400.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) State Administration;
(2) Special Projects, Sec. 306;
(3) Teacher Training, Sec. 306;
(4) Research;
(5) Programs of Instruction, Grades 1–8;
(6) Programs of Instruction, Grades 9–12;
(7) State Advisory Councils;
(8) Special Projects, Sec. 309;
(9) Teacher Training, Sec. 309;
(10) Programs for Institutionalized Persons, Grades 1–8;
(11) Programs for Institutionalized Persons, Grades 9–12;

15. *Vocational Education Amendments of 1968, Title I, Part B, Grants to States*, OMB Catalog Number: 13.493.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Adult;
(4) Disadvantaged Secondary;
(5) Disadvantaged Postsecondary;
(6) Disadvantaged Adult;
(7) Handicapped Secondary;
(8) Handicapped Postsecondary;
(9) Handicapped Adult;
(10) Construction Secondary;
(11) Construction Postsecondary;
(12) Construction Adult.

16. *Vocational Education Amendments of 1968, Title I, Part B, Special Needs (Special Program for Disadvantaged, Sec. 102(b))*, OMB Catalog Number: 13.499.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Adult.

17. *Vocational Education Amendments of 1968, Title I, Part C—Research*, OMB Catalog Number: 13.498.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Coordinating Unit;
(2) Grants Secondary;
(3) Grants Postsecondary;
(4) Grants Adult.

18. *Vocational Education Amendments of 1968, Title I, Part D—Innovation (Exemplary Programs and Projects)*, OMB Catalog Number: 13.502.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Disadvantaged Secondary;
(4) Disadvantaged Postsecondary.

19. *Vocational Education Amendments of 1968, Title I, Part F—Consumer and Homemaking*, OMB Catalog Number: 13.494.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Adult;
(4) Depressed Areas Secondary;
(5) Depressed Areas Postsecondary;
(6) Depressed Areas Adult.

20. *Vocational Education Amendments of 1968, Title I, Part G—Cooperative Education*, OMB Catalog Number: 13.495.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Disadvantaged Secondary;
(4) Disadvantaged Postsecondary;
(5) Handicapped Secondary;
(6) Handicapped Postsecondary.

21. *Vocational Education Amendments of 1968, Title I, Part H—Work Study*, OMB Catalog Number: 13.501.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Student Compensation Secondary;
(2) Student Compensation Postsecondary;
(3) Administration.

For the last four programs, neither a report of program participants nor a report of program expenditures is required:

22. *Library Services and Construction Act, Title I, Grants for Public Libraries*, OMB Catalog Number: 13.464.

23. *Library Services and Construction Act, Title III, Interlibrary Cooperation*, OMB Catalog Number: 13.465.

24. *Higher Education Act of 1965, Title I—University Community Service, Grants to States (Community Service and Continuing Education Programs)*, OMB Catalog Number: 13.491.

25. *Higher Education Act of 1965, Title IV, Part A, Grants to States for State Student Incentive*, OMB Catalog Number: 13.548.

[FR Doc.77-11168 Filed 4-15-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-458; FDAA-529-DR]

KENTUCKY

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 6, 1977, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Kentucky resulting from severe storms and flooding beginning about April 4, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Kentucky.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, FDAA Region IV, to the act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Kentucky to have been adversely affected by this declared major disaster:

The Counties of:

Bell	Leslie
Breathitt	Letcher
Floyd	Magoffin
Harlan	Martin
Johnson	Perry
Knott	Pike
Knox	Whitley
Lawrence	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 6, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

APRIL 11, 1977.

[FR Doc.77-11162 Filed 4-15-77;8:45 am]

[Docket No. NFD 454; FDAA-530-DR]

VIRGINIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 7, 1977, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Virginia resulting from severe storms and flooding beginning about April 3, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Arthur T. Doyle, FDAA Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Virginia to have been adversely affected by this declared major disaster:

The Counties of:

Bland	Scott
Buchanan	Smyth
Dickenson	Tazewell
Grayson	Washington
Lee	Wise
Pulaski	Wythe
Russell	

The City of:

Norton

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 7, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

APRIL 11, 1977.

[FR Doc.77-11160 Filed 4-15-77;8:45 am]

[Docket No. NFD 459; FDAA-3037-EM]

WASHINGTON

Notice of an Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 31, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Washington is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Washington.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William H. Mayer, FDAA Region X, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The Counties of:

Benton	Yakima

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 31, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11159 Filed 4-15-77;8:45 am]

[Docket No. NFD-455; FDAA-531-DR]

WEST VIRGINIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 7, 1977, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms and flooding beginning about April 3, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of West Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Arthur T. Doyle, FDAA Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of West Virginia to have been adversely affected by this declared major disaster:

The Counties of:

Cabell	Mingo
Greenbrier	Raleigh
Lincoln	Summers
Logan	Wayne
McDowell	Wyoming

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 7, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administrator.

APRIL 11, 1977.

[FR Doc.77-11161 Filed 4-15-77;8:45 am]

[Docket No. NFD-455; FDAA-3021-EM]

WEST VIRGINIA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of West Virginia, dated January 19, 1977, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 19, 1977:

The Counties of:

Fayette	Raleigh
Pendleton	Wyoming

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 8, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11164 Filed 4-15-77;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD 457; FDAA-3036-EM]

IOWA

Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 31, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Iowa is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Iowa.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Francis X. Tobin, FDAA Region VII, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The Counties of:

Lyon	Sioux
Plymouth	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 31, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11158 Filed 4-15-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

REGULATION OF MOBILE OFFSHORE DRILLING UNITS ON THE OUTER CONTINENTAL SHELF OF THE UNITED STATES

Memorandum of Understanding Between the United States Coast Guard of the Department of Transaction and the United States Geological Survey of the Department of the Interior

I. PURPOSE

This Memorandum of Understanding is entered into by the United States Coast Guard (USCG), Department of Transportation (DOT), and the United States Geological Survey (USGS), Department of the Interior (DOI), for the purpose of coordinating and implementing consistent and comprehensive requirements to maximize safety with respect to the design, construction, and operation of mobile offshore drilling units having United States nationality on the Outer Continental Shelf (OCS) of the United States, to minimize the possible adverse environmental impact of such units, and to minimize duplication and avoid possible inconsistency in the safety standards applicable to these units. A "mobile offshore drilling unit" or "unit" is defined as a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the seabed.

II. AGENCY RESPONSIBILITIES

A. *General.* The Department of the Interior is responsible for initiating the OCS leasing program and coordinating governmental control over this program. The Geological Survey is the Bureau within DOI which regulates all drilling operations conducted on oil and gas leases or under exploration permits issued by DOI. This responsibility includes the review and approval of an Application for a Permit to Drill including exploration and development plans for the leased area. Approvals and permits are granted upon ensuring that the lessee complies with applicable DOI regulations and rules, standards, and OCS Orders issued by the USGS. In addition, the USGS conducts an inspection of each unit before authorizing drilling operations by that unit on the OCS and periodically reinspects such units during drilling operations.

The USCG approves the design and inspects the construction of each United States unit. Upon completion of a unit and compliance with the USCG regulations, certificates are issued including a Certificate of Inspection, a Loadline Certificate, and appropriate international certificates. The USCG periodically reinspects vessels and renews these certificates.

Pursuant to the provisions of this agreement, each Agency will separately enforce the conditions of the permits, licenses, and certificates which it issues, and pertinent regulations or Orders. Enforcement, as used in this Memorandum, means the investigation of a violation of law or conditions of a certificate or license, the issuance of a notice of violation, or the imposition of sanctions as appropriate. To the extent practicable, each Agency will consult with the other with respect to any enforcement action concerning matters which are of mutual concern.

Each Agency agrees, consistent with its respective statutory obligations, to exercise its responsibilities in a manner that will avoid duplication. To this end, each Agency may use personnel, facilities, advice, and information provided by the other Agency for the purpose of carrying out its respective responsibilities. When access to a unit offshore is required in order to conduct an inspection or investigation, either Agency may furnish transportation to appropriate personnel.

B. *Technical review.* The USCG will exercise technical review and approval responsibility relating to the safety and health of personnel, the general safety and integrity of the unit, and the protection of the environment for the following:

1. Structural integrity of the unit.
2. Construction and arrangement including structural fire protection.
3. Stability.
4. Emergency systems including fire protection and lifesaving.
5. Mechanical and electrical standards for machinery installations including propulsion systems and industrial systems.
6. Standards for arc or acetylene welding or cutting operations affecting the structural integrity of installed equipment.
7. Provisions for navigation including lights and other signals.
8. Pollution-prevention measures for sources not associated with the drilling operations, including substances such as domestic and sanitary water, domestic waste, fuel, oil, and hazardous substances.

9. Crane standards.

10. Measures for the transfer, storage, and handling of explosives and other dangerous articles.

The USGS will exercise technical review and approval responsibility relating to safety of operations, the conservation of natural resources, and the protection of the environment for the following:

1. Drilling equipment, drilling safety systems and other well-control equipment, and operational procedures with regard to the drilling operations to be performed.

2. The effects of oceanographical, meteorological, geological, and geophysical conditions at a particular drilling site.

3. Pollution-prevention measures associated with the drilling operation, e.g., drilling fluid, drill cuttings, and well effluents.

4. Proper control of arc or acetylene welding or cutting operations during the drilling mode.

5. The conduct of drilling operations which are to be performed under an approved Critical Operations and Curtailment Plan.

C. *Inspections.* Each Agency will conduct inspections to ensure compliance within its areas of responsibility as set forth under Technical Review above. Either Agency may request inspection assistance from the other Agency and establish field working agreements to accommodate the procedure used by each Agency.

D. *Casualty investigations—USCG.* The USCG will continue its present function of conducting investigations of marine casualties which involve any of the following:

1. Actual damage to property in excess of $1,500.

2. Material damage affecting the seaworthiness or navigational efficiency of a unit.

3. Stranding or grounding except when the unit is grounded to conduct normal operations.

4. Loss of life.

5. Injury causing any persons to remain incapacitated for a period in excess of 72 hours.

If the casualty under investigation occurred while the unit was engaged in drilling operations and in any manner involved the drilling operations, the USCG will consult with the USGS as to the scope of each Agency's respective investigative responsibilities. During an investigation, upon request by the USCG, the USGS may provide assistance and technical advice in the areas of its expertise.

If a formal investigation or Marine Board of Investigation is convened, the USCG may afford the USGS the rights of a party in interest.

The USCG will provide the USGS Area Oil and Gas Supervisor with copies of USCG reports of investigation for casualties which occurred while the unit was engaged in drilling operations.

E. *Casualty investigations—USGS.* The USGS will investigate all casualties occurring during oil and gas drilling operations which involve possible violation of USGS regulations. These include, but are not limited to, casualties involving:

1. Drilling procedures.

2. Down-hole problems.

3. Loss of well control.

4. Failure or malfunction of drilling or well control equipment.

5. Fire or explosion.

6. Pollution originating from the drilling operation.

7. Loss of life.

The USGS will consult with the USCG as to the scope of each Agency's respective investigative responsibilities. During an investigation, upon request of the USGS, the USCG may provide assistance and technical advice in the areas of its expertise. The USGS may afford the USCG the rights of a party in interest to any formal proceedings convened by them.

The USGS will provide the USCG District Commander copies of USGS investigative reports of casualties.

III. Development of Standards, Regulations, Orders and Notices

To the maximum extent possible, each Agency shall cooperate with the other in the development of standards, regulations, Orders, and notices concerning mobile offshore drilling units. This includes appearance at public hearings or advisory committees, exchange of expertise, relevant information or data, and cooperation in appropriate research and development activities.

Each Agency shall send copies of all contemplated Notices of Proposed Rulemaking (NPRM's) concerning mobile offshore drilling units to the other for review before publication in the Federal Register. However, publication of NPRM's is not contingent upon the exchange of comments.

In developing and scheduling activities in the rulemaking process, each Agency shall satisfy its own procedural requirements.

Every effort shall be made to promulgate final standards or final rules which are mutually satisfactory with regard to content and jurisdiction.

IV. Procedures

The Director of the USGS and the Commandant of the USCG shall each designate one senior official who shall be responsible for coordinating and implementing the provisions of this Memorandum.

Each Agency shall establish procedures for the development of field agreement to implement this Memorandum.

Each Agency shall interpret its assigned responsibilities in a manner which best achieves the purposes of this Memorandum. In the event a question arises concerning interpretation, the matter shall be brought to the attention of the cognizant USGS Area Oil and Gas Supervisor and USCG District Commander for resolution. If the matter cannot be resolved, it shall promptly be referred to the designated senior Agency officials who shall confer and seek mutual resolution.

A committee composed of representatives of each Agency shall be established to evaluate regulatory policy with regard to mobile offshore drilling units, to review legislative initiatives affecting the scope of this Memorandum, and to coordinate Agency positions regarding legal issues raised in the course of implementing this Memorandum.

V. Effect of Other Laws

Nothing in this Memorandum shall be deemed to restrict, modify, or otherwise limit the application or enforcement of any laws of the United States with respect to matters specified herein, nor the application or enforcement of such laws to matters other than those specified herein, nor shall anything in the Memorandum be construed as modifying the existing authority of either Agency. The Memorandum of Understanding between the Departments of the Interior and Transportation relating to responsibilities under the National Oil and Hazardous Substances Pollution Contingency Plan dated August 16, 1971, will not be affected by this Memorandum.

VI. Effective Date

This Memorandum of Understanding shall take effect upon signature by the parties. It may be amended at any time by mutual written agreement of the Agencies and may be terminated by either Agency upon 30 days notice.

Dated April 11, 1977.

V. E. McKelvey,
Director, Geological Survey,
Department of the Interior.

Dated April 11, 1977.

O. W. Siler,
Commandant, U.S. Coast Guard,
Department of Transportation.

[FR Doc.77-10931 Filed 4-11-77; 1:48pm]

Office of the Secretary

TAOS PUEBLO TRACT C BOUNDARY

Order Clarifying Boundary

Sec. 1 *Purpose.* By virtue of the authority vested in the Secretary of the Interior by 43 U.S.C. 2, 25 U.S.C. 176, 16 U.S.C. 488, and 16 U.S.C. 472, this order is issued to clarify the boundary between certain lands condemned by the United States for Taos Pueblo and the Carson National Forest.

Sec. 2 *Subject.* Pursuant to the opinions of the Solicitor dated September 10, 1976 (M-36884) and December 3, 1976, this order shall recognize the true boundary of Taos Pueblo Tract C.

Sec. 3 *Walker Survey.* The courses and distances of the John H. Walker 1894 Survey of the Antonio Martinez or Lucero de Godoi Grant between Station 80 and the point of intersection of the survey's north boundary with the northwest boundary of Tract C, as described in Section 4 infra are hereby canceled, and artificial monuments between those points, if any, shall be disregarded.

Sec. 4. *True Boundary.* (a) The segment of the survey described above shall

be corrected to follow the true boundary of that portion of the Martinez Grant known as Tract C, which was acquired by the United States in trust for Taos Pueblo by condemnation in 1941. The boundary follows the natural monuments as described by the U.S. Court of Private Land Claims (decree of March 3, 1891, confirming the Martinez Grant), by the plat and field notes of the 1894 Walker Survey, and by the Judgment on Amended Declaration of Taking dated August 29, 1941 in the condemnation proceedings (Cause No. 129 Civil, U.S. District Court for the District of New Mexico). Those natural monuments are:

(1) East Boundary: Rio Lucero to its source;

(2) Northeast Corner: Source of Rio Lucero;

(3) North Boundary: Head of Martinez Canyon, Peak of Vallecito Mountain, Cuchillo del Medio.

(b) The corrected survey shall follow the Rio Lucero from Station 80 to its source on the ridgeline to the north, thence in a westerly direction along the crest of the ridgeline, which itself is a natural boundary, to the head of Martinez Canyon and the peak of Vallecito Mountain, thence on a connecting line between Vallecito Mountain and Cuchillo del Medio to a point of intersection with the northwest boundary of Tract C, which is described in the 1941 condemnation decree as a line, along the bearing south 70°16' west to the point of beginning.

SEC. 5. *Environmental Impacts.* In accord with the procedures for the preparation of environmental impact statements, an environmental review has been performed on the proposed action. Following that environmental review it was determined that an environmental impact statement is not required, in that the proposed action does not have a significant effect upon the quality of the human environment. The environmental impact assessment and negative declaration are on file at the Bureau of Indian Affairs and will be available for public inspection upon request.

SEC. 6. *Effective Date.* This order shall be effective immediately. Its provisions shall remain in effect until it is amended, superseded, or revoked.

Date: April 11, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc.77-11148 Filed 4-15-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to authorize operation with: (1) revised core protection limits in response to plant specific analysis for cycle 2, (2) modified fuel rod bow analyses, (3) the revised Babcock and Wilcox Company model for nucleate boiling heat transfer correlation during blowdown, (4) new limiting conditions for operation and surveillance requirements regarding core internal vent valves, and (5) modified operating limits based upon an evaluation of emergency core cooling system (ECCS) performance calculated in accordance with an acceptable ECCS evaluation model that conforms with the requirements of Appendix K of 10 CFR Part 50 of the Commission's Order for License Modification dated December 27, 1974, with the following exception. The Commission's analysis of the electrical single failure criterion is still under consideration and will be the subject of a separate review. The incorporation of the modified operating limits relating to ECCS supersedes the restrictions imposed by the Commission's Order dated December 27, 1974.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (5) above was published in the FEDERAL REGISTER on July 30, 1975 (40 FR 31996). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on item (5) above. Prior public notice of items (1) through (4) above was not required since these actions do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 9, 1975, and December 1, 1976, as supplemented by letters dated August 8 and 22, 1975, October 15, 1975, December 31, 1975, January 13, 1977, February 7, 17, 22, and 24, 1977, and March 1, 9, and 17, 1977, (2) Amendment No. 21 to Facility Operating License No. DPR-51 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of March 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11001 Filed 4-15-77;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

This amendment authorized changes in the Technical Specifications to permit irradiation of the remaining Arkansas Nuclear One—Unit No. 1 (ANO-1) reactor vessel surveillance specimens at Davis-Besse Unit No. 1 (Docket No. 50-346). An exemption to that provision of Appendix H to Title 10 of the Code of Federal Regulations Part 50, which would have otherwise required irradiation of the capsules in the ANO-1 vessel, has been issued as a part of this action. Such action was in response to a generic failure of first-generation design Surveillance Specimen Holder Tubes (SSHTs) at ANO-1 and other operating Babcock & Wilcox 177 fuel assembly factors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License was published in the FEDERAL REGISTER on October 21, 1976 (41 F.R. 46521). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 17, 1976, as supplemented by letters dated December 20 and 22, 1976, and January 13, 1977, (2) Amendment No. 22 to Facility Operating License No. DPR–51 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated in Bethesda, Md., this first day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11035 Filed 4-15-77;8:45 am]

[Docket No. 50-389A]

FLORIDA POWER & LIGHT CO., (ST. LUCIE PLANT, UNIT NO. 2)

Antitrust Hearing

The application of the Florida Power & Light Company for a construction permit for St. Lucie Unit No. 2 under section 103 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. 2133 was docketed on September 4, 1973. The application concerned a proposed 810 megawatt nuclear power reactor to be constructed in St. Lucie, Florida.

Pursuant to Section 105 of the Act, 42 U.S.C. 2135, the Attorney General reviewed information submitted by the Applicant and on November 14, 1973 advised the Atomic Energy Commission[1] that the Department of Justice did not at that time recommend an antitrust hearing. The Attorney General recommended that the Commission abide the outcome of certain considerations then pending.

On November 21, 1973 the Commission published a Notice of the Receipt of the Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters, 38 FR 32159. The Notice provided that any person whose interest may be affected by the proceeding may, pursuant to the provisions of 10 CFR 2.714, file a petition for leave to intervene and request for an antitrust hearing by December 31, 1973. No such petitions or requests were filed during the period specified in the Notice.

On August 6, 1976 the Florida Municipal Utilities Association, the Fort Pierce Utilities Authority of the City of Fort Pierce, the Gainesville-Alachua County Regional Electric Water and Sewer Utilities, the Lake Worth Utilities Authority, the Utilities Commission of the City of New Smyrna Beach, the Orlando Utilities Commission, the Sebring Utilities Commission, and the Cities of Alachua, Bartow, Bushnell, Chattahoochee, Daytona Beach, Fort Meade, Key West, Leesburg, Mount Dora, Newberry, Quincy, St. Cloud, Tallahassee and Williston, Florida, filed a Joint Petition For Leave to Intervene Out of Time; Petition to Intervene; and Request for Hearing (Joint Petition). Subsequently the Cities of Bushnell, Chattahoochee, and Williston, Florida withdrew as participants in the Joint Petition.

This Atomic Safety and Licensing Board (the Board) was constituted for the purpose of ruling upon the petitions to intervene and antitrust matters in this proceeding. On April 5, 1977 the Board issued its Memorandum and Order granting the joint-petition and ordering that an antitrust hearing be held.

Accordingly, notice is hereby given that a hearing will be held, pursuant to section 105c of the Act, to determine whether the activities under the proposed license will create or maintain a situation inconsistent with the antitrust laws.

This hearing will be held by an Atomic Safety and Licensing Board appointed to conduct this proceeding. The members of the Board designated by the Chairman of the Atomic Safety and Licensing Board Panel are John M. Frysiak, Esq., Daniel M. Head, Esq., and Ivan W. Smith, Esq., who has been named Chairman. The time and place of the hearing will be set by the Board.

The record of this antitrust proceeding to date is available for public inspection in the public document room of the Nuclear Regulatory Commission at 1717 H Street, NW., Washington, D.C. Further documents relating to this proceeding will also be placed in the public document room and will be available for inspection by members of the public.

Any person who wishes to make an oral or written statement setting forth his position on the antitrust aspects of this proceeding but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice, 10 CFR Part 2. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing.

Papers required to be filed in this proceeding may be filed by mail or telegram to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, NW., Washington, D.C. Pending further order of the designated Atomic Safety and Licensing Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Issued at Bethesda, Md., this 11th day of April 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.77-11089 Filed 4-15-77;8:45 am]

[Docket No.50-522, License No. XR-111]

GENERAL ELECTRIC TECHNICAL SERVICES COMPANY, INC. (GETSCO)

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on December 23, 1975 (40 FR 247) and the Nuclear Regulatory Commission having found that:

(a) The application filed by General Electric Technical Services Company, Inc., (GETSCO) Docket Number 50–552, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations,

the Commission has issued License No. XR–111 to General Electric Technical Services Company, Inc. (GETSCO), San Jose, California, authorizing the export of two power reactors each with a thermal power level of 2894 kilowatts to ENTE Nationale Per L'energia Electtrica, Rome, Italy.

The export of these reactors to Italy is within the purview of the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community, as amended.

Dated at Bethesda, Md., this 5th day of April 1977.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc.77-11040 Filed 4-15-77;8:45 am]

[1] Pursuant to the Energy Reorganization Act of 1974, 42 U.S.C. 5801, et seq. the Nuclear Regulatory Commission superseded the Atomic Energy Commission in licensing functions.

[Docket No. STN 50-531]

GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR-251 NUCLEAR STEAM SUPPLY SYSTEM STANDARD DESIGN)

Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated March, 1975, and a Preliminary Design Approval No. PDA-9, dated March 31, 1977, for the nuclear steam supply system portion of a nuclear power plant as described in the General Electric Company GESSAR-251 Safety Analysis Report. The GESSAR-251 Safety Analysis Report was reviewed by the NRC staff pursuant to Appendix O to 10 CFR Part 50.

The GESSAR-251 Safety Analysis Report contains preliminary safety-related design information for the nuclear steam supply system portion of a boiling water type nuclear power plant which includes the reactor system, reactor coolant system, emergency core cooling system, instrumentation and control systems, and specified auxiliary systems. The GESSAR-251 reference system is designed to operate at a core thermal power level of 4100 megawatts, but in accordance with Regulatory Guide 1.49, "Power Levels of Nuclear Power Plants," the application for the Preliminary Design Approval was based on a core thermal power level of 3800 megawatts.

The SER documents the results of the NRC staff's review and evaluation of the GESSAR-251 Safety Analysis Report including Amendments 1 through 23 thereto. The SER addresses the comments of the Advisory Committee on Reactor Safeguards (ACRS) as reflected in its report to the Commission dated December 17, 1976. A copy of the ACRS report is included as Appendix C to the SER.

PDA-9 provides NRC staff approval of the preliminary nuclear steam supply system design described in the GESSAR-251 Safety Analysis Report, including Amendments 1 through 23 and described in Sections 1 through 19 of the SER. By the issuance of PDA-9, the NRC staff has determined that the design is acceptable for referencing in utility applications for construction permits. The GESSAR-251 design as described in that document, subject to the conditions of PDA-9, shall be utilized by and relied upon by the NRC staff and the ACRS in their review of facility license applications for construction permits incorporating by reference the GESSAR-251 preliminary standard design unless there exists significant new information which substantially affects the determinations in PDA-9 or other good cause.

Issuance of PDA-9 and the NRC staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves the design of a nuclear steam supply system for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-9 is effective as of its date of issuance and shall expire on March 31, 1980, unless earlier superseded by issuance of an appropriate Final Design Approval (FDA) for the GESSAR-251 standard design or extended by the NRC staff. The expiration of PDA-9 on March 31, 1980 should not affect the use of PDA-9 for reference in any construction permit application docketed prior to that date.

A copy of (1) the Preliminary Design Approval No. PDA-9 dated March 31, 1977; (2) the report of the Advisory Committee on Reactor Safeguards dated December 17, 1976, (3) the NRC staff's Safety Evaluation Report, NUREG-0151, dated March 1977; (4) the General Electric Company GESSAR-251 Standard Safety Analysis Report and Amendments 1 through 23 thereto, and (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants" dated August 1974, and Amendment 1 thereto dated December 1974 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20555. A copy of PDA-9 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report (NUREG-0151) may be purchased at current rates from National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 31st day of March 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors, Branch No. 4, Division of Project Management.

[FR Doc.77-11041 Filed 4-15-77;8:45 am]

[Docket Nos. 50-275-OL, 50-323-OL]

PACIFIC GAS AND ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2)

Order Scheduling a Prehearing Conference

As stated in the Board's Order of March 29, 1977 a prehearing conference will be held on May 12, 1977. The conference will begin at 10 a.m. (local time) in Room 523, Los Angeles County Courthouse, 110 North Grand Avenue, Los Angeles, California.

The purpose of the conference is to consider final language for those issues to be considered in an evidentiary hearing to be scheduled at a later date.

The public is welcome to attend. No limited appearance statements will be accepted at the prehearing conference but will be invited from those persons who have not made such statements at the subsequent evidentiary hearing.

Dated at Bethesda, Md., this 11th day of April 1977.

It is so Ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-11042 Filed 4-15-77;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO. (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Relative to Prehearing Conference

A prehearing conference will be held at 9:30 a.m. (local time) on May 10, 1977 in the Fifth Floor Hearing Room, East-West Towers, 4350 East West Highway, Bethesda, Maryland. This will be a joint prehearing conference with the Maryland Public Service Commission.

The purpose of the conference is to consider the validity of the existing evidentiary record in the light of the changes announced by the Applicant, to discuss the additional issues to be heard and to consider scheduling.

The public is invited to attend. No limited appearance statements will be accepted at the prehearing conference.

Dated at Bethesda, Md., this 11th day of April 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-11043 Filed 4-15-77;8:45 am]

[Docket Nos. STN 50-508, STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, WPPSS NUCLEAR PROJECTS NOS. 3 AND 5

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Washington Public Power Supply System (WPPSS) to conduct certain site activities in connection with the WPPSS Nuclear Projects Nos. 3 and 5 prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and include the following:

Cutting timber; clearing construction site; excavating site; constructing retention ponds,

temporary construction roads and plant access roads, temporary construction offices, warehouse, sanitary facilities, materials laboratory and test facility; installing temporary security facilities, potable water wells, electrical switchyard and load center, electrical distribution facilities and communication systems, concrete mixing plant; and developing on-site aggregate and cement storage facilities.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Washington Public Power Supply System and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision Authorizing Limited Work Authorization on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on April 8, 1977. A copy of (1) the Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement (NUREG-75/053) dated June 1975; and (5) the Commission's letter of authorization, dated April 8, 1977, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington.

Dated at Rockville, Md., this 8th day of April 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-11044 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON SITING EVALUATION

Change in Date and Addition to Agenda

The April 28, 1977 meeting of the subject Subcommittee has been rescheduled for April 27 and 28, 1977. The agenda is modified to include a discussion of safety considerations involved in the siting of liquid metal fast breeder reactors as well as those of light water reactors. This meeting will be open to the public on both days. The meeting is scheduled to start at 8:30 a.m. in Room 1046, 1717 H Street NW., Washington, D.C. 20555 and continue until the conclusion of business on both April 27 and 28, 1977.

All other items included in the notice of the meeting published in the FEDERAL REGISTER, Vol. 42, No. 67, page 18465, dated April 7, 1977, remain unchanged.

Dated: April 12, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11149 Filed 4-15-77;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS COMPANY AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY (VIRGIL C. SUMMER NUCLEAR STATION)

Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating license from South Carolina Electric and Gas Company (applicant) for itself and as agent for the South Carolina Public Service Authority (authority) to possess, use, and operate Virgil C. Summer Nuclear Station, a pressurized water nuclear reactor (the facility), located on the applicants site located in Fairfield County, South Carolina, at a steady-state power level of 2785 megawatts thermal.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facility is being made available at the State Clearinghouse, Division of Administration, 1205 Pendleton Street, 4th Floor, Columbia, South Carolina 29201 and at Central Midlands Regional Planning Council, 800 Dutch Square Boulevard, Suite 155, Columbia, South Carolina 29210.

After the environmental report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Comission will consider the issuance of a facility operating license to South Carolina Electric and Gas Company, acting on behalf of itself and as agent for South Carolina Public Service Authority which would authorize the applicant to possess, use, and operate the Virgil C. Summer Nuclear Station, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR-94, issued by the Commission on April 2, 1973. Construction of the facility is anticipated to be completed by December 31, 1980.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before May 18, 1977, the applicant, or any person whose interest may be affected thereby, may file a request for a hearing with respect to issuance of the facility operating license. Any person whose interest may be affected by this proceeding and has filed a request for a hearing, shall do so in the form of a petition for leave to intervene. Requests for a hearing and/or petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing and/or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the re-

quest and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

Any petition and/or request must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. Any petition and/or request shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which he wishes to intervene and/or on which he bases his request for a hearing and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by May 18, 1977. A copy of the petition and/or request should also be sent to the Executive Legal Director, United States Nuclear Regulatory Commission, Washington, D.C. 20555 and to Troy B. Conner, Jr., Esq., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006, attorney for the applicant.

A petition and/or request which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)–(4) and § 2.714(d).

For further details, see the application for the facility operating license, dated February 25, 1977, and the applicant's environmental report, dated February 25, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Office of Nuclear Reactor Regulation; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 31st day of March, 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-11150 Filed 4-15-77;8:45 am]

[Special Nuclear Material License Nos. SNM-145, 414]

BABCOCK & WILCOX CO., NUCLEAR MATERIALS DIVISION (FACILITIES AT APOLLO AND LEECHBURG, PENNSYLVANIA)

Notice and Order Scheduling Prehearing Conference

Notice is hereby given that, in accordance with the Commission's "Notice of Hearing", dated April 1, 1977, and published in the FEDERAL REGISTER on April 7, 1977 (42 FR 18456) a Prehearing Conference will be held in the above-captioned proceeding on Friday, April 22, 1977, beginning at 10 a.m. in the Nuclear Regulatory Commission Hearing Room, 5th floor, East West Towers Building, 4350 East West Highway, Bethesda, Maryland.

The Prehearing Conference will deal with the Licensee's and Regulatory Staff's proposed settlement of the issues which are set forth in the Commission's Notice of Hearing. The Conference will also deal with any other pertinent questions which may arise.

A copy of this Notice and Order Scheduling Prehearing Conference will be published in the FEDERAL REGISTER.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of April, 1977.

The Atomic Safety and Licensing Board.

JOHN F. WOLF,
Chairman.

[FR Doc.77-11285 Filed 4-15-77;8:45 am]

BABCOCK & WILCOX CO.

Request For Action Pursuant to 10 CFR 2.206

Notice is hereby given that by letter dated April 8, 1977, the Babcock and Wilcox Company requested the NRC, pursuant to 10 CFR 2.206 of the NRC Rules of Practice, to take certain emergency action with respect to the announced intention of the United Technologies Corporation to acquire controlling shares of the Babcock and Wilcox Company. B&W holds Facility License Nos. R-47, CX-10; Special Nuclear Material License Nos. SNM-778, SNM-1168, SNM-145, SNM-42, SNM-414 and Byproduct Material License Nos. 45-00105-04, 37-7031-1, 37-04456-01, 37-04456-03 and SMB-502. The specific action requested of the NRC is that it:

(1) Seek injunctive relief to prohibit transfer of control to United Technologies Corporation of the above referenced licenses, or take action to; and

(2) Require that applications for transfer of the above referenced licenses be filed with the NRC by United Technologies Corporation.

In accordance with the procedures specified in 10 CFR § 2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 14th day of April, 1977.

For the Nuclear Regulatory Commission.

ERNST VOLGENAU,
Director, Office of Inspection and Enforcement.

[FR Doc.77-11286 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 5-7, 1977, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

Thursday, May 5, 1977: 8:30 A.M.—9:15 A.M.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will also hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the request for a construction permit for the Phipps Bend Nuclear Station Units 1 and 2.

9:15 A.M.—12:45 P.M.: Phipps Bend Nuclear Station Units 1 and 2 (Open)—The Committee will hear presentations and hold discussions with representatives of the NRC Staff and the applicant related to the request for a Construction Permit for this nuclear station. Portions

of this session will be closed if required to discuss Proprietary Information related to this station. Portions will also be closed if necessary to discuss security arrangements at this station.

1:45 P.M.—2:15 P.M.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Environmental Subcommittee and consultants who may be present regarding Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations.

2:15 P.M.—3:45 P.M.: Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations (Open)—The Committee will hear and discuss presentations by representatives of the NRC Staff and various other federal and state government and nongovernment agencies and organizations and ACRS consultants who may be present related to Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations.

3:45 P.M.—6:30 P.M.: Executive Session (Open)—The Committee will hear and discuss reports of ACRS Subcommittees, Working Groups, members, and consultants who may be present related to various generic matters including:

Further development and application of the Reactor Safety Study (WASH-1400), "An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants,"

Interpretation of General Design Criterion-19, Control Rooms,

Proposed Regulatory Guides and Related Regulatory Activities,

Preparation of ACRS annual report on Reactor Safety Research.

Friday, May 6, 1977: 8:30 A.M.—9:00 A.M.: Meeting with the NRC Executive Director for Operations (Open)—The Committee will meet with the Executive Director for Operations and his representatives to discuss NRC/ACRS procedures including:

NRC request for further elaboration of ACRS recommendations,

Proposed NRC Staff interpretation of ACRS report dated March 16, 1977 on the site for the Sundesert Nuclear Power Plant.

9:00 A.M.—11:15 A.M.: Meeting with NRC Staff (Open)—The Committee will hear and discuss presentations regarding recent operating experience at nuclear facilities and licensing actions, generic matters related to reactor licensing, and the future schedule for ACRS activities. This discussion will include:

Repair of the containment liner at the Midland Nuclear Plant,

Criteria regarding defects in primary coolant pump flywheels,

Development and application of IAEA reactor safety standards, and

The NRC Inspection and Enforcement Program.

11:15 A.M.—12:30 P.M: Executive Session (Closed)—The Committee will meet in closed session to prepare reports/comments regarding the following:

Preparation of ACRS report on the Phipps Bend Nuclear Station Units 1 and 2,

Preparation of ACRS supplemental comments regarding the proposed site for the Sundesert Nuclear Plant.

1:30 P.M.—5:00 P.M.: Executive Session (Open)—The Committee will discuss proposed ACRS action regarding generic matters related to the following:

Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations,

Interpretation of General Design Criterion-19, Control Room,

Development and application of the Reactor Safety Study (WASH-1400), and

Preparation of periodic ACRS report regarding matters which deserve the attention of the Commissioners.

5:00 P.M.—6:30 P.M.: Executive Session (Closed)—The Committee will prepare its report on the Phipps Bend Nuclear Station Units 1 and 2.

Saturday, May 7, 1977: 8:30 A.M.—9:30 A.M.: Executive Session (Closed)—The Committee will prepare its report on the Phipps Bend Nuclear Station Units 1 and 2.

9:30 A.M.—12:30 P.M.: Executive Session (Open)—The Committee will complete preparation of reports/comments regarding generic items discussed during this meeting.

I have determined in accordance with subsection 10(d) of Public Law 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552b.(c)(4)), and to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b.(c)(4)). That portion of the meeting during which the Committee's reports on the Phipps Bend Nuclear Station and the Sundesert Nuclear Plant site are drafted will be closed pursuant to exemption (10) of 5 U.S.C. 552b.(c) since it involves the Committee's participation in an adjudicatory proceeding. Separation of factual information and information considered exempt from disclosure under exemption (4) and exemption (10) of 5 U.S.C. 552b. during these portions of the meeting is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally deal with matters pertaining to environmental impacts outside the 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 items may do so by providing a readily reproducible copy to the Committee 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 mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 27, 1977, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the following Public Document Rooms:

Phipps Bend Nuclear Station, Kingsport Public Library, Board and New Streets, Kingsport, TN 37660.

Sundesert Nuclear Power Plant, Palo Verde Valley District Library, 125 West Chanslorway, Blythe, CA 92255.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety-related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have 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 May 4, 1977, to the Office of the Executive Director of the Committee, 202-634-1371 between 8:15 A.M. and 5 P.M., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on May 4, 1977.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, 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 of the proceedings will be permitted only during those open sessions when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards 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 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this 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 the Executive Director at 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 during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after August 5, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11324 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, JOINT MEETING OF THE WORKING GROUP ON FIRE PROTECTION AND THE SUBCOMMITTEE ON REGULATORY ACTIVITY

Notice of 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 Working Group on Fire Protection and the Subcommittee on Regulatory Activity will hold an open meeting on May 4, 1977 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to review a revision to Regulatory Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants."

The agenda for subject meeting shall be as follows: Wednesday, May 4, 1977, 1 p.m. until the conclusion of business.

Members of the Working Group, the Subcommittee, and their consultants, will hear presentations by and hold discussions with representatives of the NRC Staff, and its consultants, pertinent to a proposed revision of Regulatory Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants."

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Rector 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 Committees 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 Committees 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 Commissions Atomic Safety & Licensing Board as part of the Commissions licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group and Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committees 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 April 27, 1977 to Mr. Robert L. Wright, Jr., ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group and the Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on May 3, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1919, Attn: Mr. Robert L. Wright, Jr.) between 8:15 a.m. and 5 p.m., EST.

(d) Questions may be propounded only by members of the Working Group, the Subcommittee, and their 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 kept.

(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 May 11, 1977 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555.

Copies 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 August 4, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: April 13, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11322 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, MEETING OF THE REACTOR SAFETY STUDY WORKING GROUP

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Reactor Safety Study Working Group will hold an open meeting on May 4, 1977 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to consider further ACRS action regarding the reactor safety study WASH-1400 (NUREG-75/014).

The agenda for subject meeting shall be as follows: Wednesday, May 4, 1977, 6 p.m. until the conclusion of business.

Members of the Working Group will hold discussions pertinent to the cited reactor safety study.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports be-

come 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 safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 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 April 27, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to 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 May 3, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. John C. McKinley) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group, the Subcommittee, and their 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 kept.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 11, 1977 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555.

Copies 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 August 4, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11323 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, AD HOC WORKING GROUP OF THE SUBCOMMITTEE ON THE CLINCH RIVER BREEDER REACTOR

Meeting Postponed

The April 27, 1977 meeting of subject Working Group has been postponed indefinitely.

Announcement of this meeting was made in FR Vol. 42, Monday, April 11, 1977, page 18909.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11319 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY ACTIVITIES

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Regulatory Activities will hold an open meeting on May 4, 1977 at 20 Massachusetts Ave., NW., Washington, D.C. 20555.

The agenda for subject meeting shall be as follows: Wednesday, May 4, 1977, 9:00 a.m. until the close of business. (Open.)

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following items:

(1) A Working Paper, Regulatory Guide 1.XX, "Laboratory Investigations of Soils for Engineering and Design of Nuclear Power Plants."

(2) A Working Paper, Regulatory Guide, 1.xx, "Material for Concrete Containment."

Portions of this meeting may be closed if required to discuss proprietary material related to the design, construction, or operation of specific equipment.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it may be necessary to close portions of the meeting as noted above to proprietary data under 5 U.S.C. 552b(c)(4).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman 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 safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(A) 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 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5 p.m., EST.

(B) Questions may be propounded only by members of the Subcommittee and their consultants.

(C) 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.

(D) 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. G. R. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(E) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection at the NRC Public Document Room, 1717 H St., NW.,

Washington, D.C. 20555 on or after May 11, 1977, and August 4, 1977, respectively.

Copies may be obtained upon payment of appropriate charges.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11321 Filed 4-15-77; 8:45 am]

[Docket Nos. 50-282; 50-306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2)

Spent Fuel Pool Modification; Order Rescheduling Prehearing Conference

The Prehearing Conference originally scheduled to be held on Thursday, April 21 is hereby rescheduled to be held on Friday, April 22, 1977, at 9:30 a.m., at the U.S. Federal Courthouse, Room No. 584, 316 North Robert Street, St. Paul, Minnesota.

All of the parties to this proceeding shall attend the Prehearing Conference and shall be prepared to discuss all outstanding matters. The parties should be especially prepared to discuss the admissibility of each of the contentions asserted by the Intervenor Minnesota Pollution Control Agency.

So ordered.

Dated at Bethesda, Maryland, this 14th day of April 1977.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chariman.

[FR Doc.77-11320 Filed 4-15-77;8:45 am]

OFFICE OF THE FEDERAL REGISTER

EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

Region VIII Workshops in Denver, Colorado

The Office of the Federal Register (OFR) will hold two separate workshops on "The FEDERAL REGISTER—What It Is and How To Use It" in Denver, Colorado, as part of the General Services Administration's Consumer Representation Plan. Workshop dates: Thursday, May 19, 9:30 a.m.; Friday, May 20, 9:30 a.m.; (reservations required for each session). Location: Room 2330, Denver Federal Building, 19th and Stout, Denver, Colorado.

For reservations call Ida Martinez or Velita Bonney at 303-234-2216.

AGENDA

The content of each workshop session will be identical. Each workshop will last for approximately three hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.

2. The difference between legislation and regulations.

3. The relationship of the FEDERAL REGISTER and the CODE OF FEDERAL REGULATIONS.

4. Important elements of a typical FEDERAL REGISTER document.

5. An introduction to the finding aids of the OFR and a practical exercise using those finding aids.

The OFR does not interpret specific agency regulations and the workshops will not provide a forum for the discussion of substantitive questions. Rather, the workshops are designed as an introduction for the person who discovers that he or she must use FEDERAL REGISTER publications to keep track and to gain an understanding of Federal regulations.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.77-11171 Filed 4-15-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-0327]

CONCORDE COMMUNICATIONS CAPITAL CO., A LIMITED PARTNERSHIP

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) under the name of Concorde Communications Capital Company, a limited partnership, 425 Park Avenue, New York, New York 10022, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed members of the partnership are as follows:

Miben, Inc., (general partner), 100 West 10th Street, Wilmington, Delaware 19801.
Michael Bennahum, (limited partner), 2 Rue Dufreney, Paris, France.
Peter Victor Miller, (see below), 40 East 84th Street, New York, New York 10028.
Robert Olin McDonald (see below), 2641 Butler Drive, Norman, Oklahoma 73069.

Messrs. Bennahum, Miller and McDonald comprise the officers and shareholders of Miben, Inc., which company is to be the General Partner of the applicant, Concorde Communications Capital Company, a limited partnership.

The applicant proposes to commence operations with a minimum capitalization of $500,000 provided by Miben, Inc. ($250,000), and Michael Bennahum ($250,000), which represents two (2) limited partnership units. The applicant is authorized to issue 48 limited partnership shares for a total of $12,000,000. Applicant intends to conduct its operations principally in New York, New York, and the State of California, as well as in other areas of the United States as may be approved from time to time by the Small Business Administration. While applicant contemplates making investments in all types of qualified small business concerns, it may initially focus on communications oriented businesses.

Matters involved in SBA's consideration of the application include the general business reputation of the partnership and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 2, 1977, submit to the Small Business Administration, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 7, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-11153 Filed 4-15-77;8:45 am]

[Application No. 09/09-5196]

EIGER INVESTMENT CORP.

An Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Eiger Investment Company (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The officers and directors are as follows:

John T. Hall, President and Director, 700 South Flower Street, Los Angeles, California 90017.
Doris C. Hall, Vice President and Director, 2400 Westridge Road, Los Angeles, California 90049.
Vito A. Rotunno, Secretary-Treasurer and Director, 5995 South Sepulveda Blvd., Culver City, California 90230.

The applicant, a California corporation, will maintain an office at 700 South Flower Street, Suite 808, Los Angeles, California 90017, and will begin operations with $505,000 of paid-in capital and paid-in surplus derived from the sale of 50,500 shares of common stock to Mrs. Doris C. Hall.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of

the proposed owner and management and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Applicant intends to concentrate its investments in real estate development of low income, single family, residential dwellings and general contracting. A substantial portion of its investments will be in the form of construction loans or guarantees of such loans made by third-party lenders to the minority-owned business concerns.

Any person may, not later than May 3, 1977, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 11, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-11154 Filed 4-15-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice No. CM-7/57]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on bulk chemicals of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, May 18, 1977, in Room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to discuss preparations for the Third Session of the Intergovernmental Maritime Consultative Organization (IMCO) Subcommittee on Bulk Chemicals, tentatively scheduled for October 17-21, 1977, in London, specifically:

Review the outcome of the second session of the Subcommittee on Bulk Chemicals;

Preparation of Guidelines on Means for Ensuring the Provision of Adequate Reception Facilities in Ports;

Hazard evaluation of noxious substances;

Draft standards for procedures and arrangements.

Requests for further information on the meeting should be directed to Mr. F. Wybenga, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1217.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, JR.,
Acting Director, Office of Maritime Affairs.

APRIL 7, 1977.

[FR Doc.77-11195 Filed 4-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

REGULATION OF MOBILE OFFSHORE DRILLING UNITS ON THE OUTER CONTINENTAL SHELF OF THE UNITED STATES

Memorandum of Understanding Between the United States Coast Guard of the Department of Transportation and the Geological Survey of the Department of Interior

CROSS REFERENCE: For a document concerning the above entitled matter, see FR Doc. 77-10931, in the notices section of this issue under Department of the Interior/Geological Survey.

Federal Aviation Administration

FAA FLIGHT INFORMATION ADVISORY COMMITTEE (FIAC)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting (No. 1-77) of the Federal Aviation Administration (FAA) Flight Information Advisory Committee (FIAC) to be held beginning at 9:30 a.m., e.d.t., May 19, 1977, in Rooms 6 A & B, at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. The agenda for this meeting is as follows:

1. Approval of minutes of meeting 2-76.

2. Approval of the agenda.

3. Report on Survey of members on time of meetings.

4. Status report on consolidating oceanic procedures under one cover. See minutes of meeting 2-76.

5. Status report on profile descents. See minutes of meeting 2-76.

6. Discussion on showing terrain on Enroute Charts. See minutes of meeting 1-76.

7. Discussion on realigning H-2 and Alaska High Altitude Charts. See minutes of meeting 1-76.

a. Pivoting H-2 at the SE corner to accommodate SFO on the same chart.

b. Revising the Alaska Enroute High Altitude Charts from a 2 Chart layout to a single chart, minimizing U.S. and Canada coverage. The revised single high altitude chart will extend from Seattle northward.

8. Status report on converting the revision cycle for instrument approach procedure charts—The present 7 day cycle compared to a 14/28 day cycle. See minutes of meeting 2-76.

9. Status report on IAP Bound Volume. See minutes of meetings 1-76 and 2-76.

10. Discussion on showing waypoints on IAP Charts other than RNAV IAPs.

11. Discussion of proto-type IAP Charts. See minutes of meeting 1-76.

12. Discussion on the charting of Military Training Routes.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than May 5, 1977, and information may be obtained from, Mr. Milton Wassmann, Executive Secretary, 800 Independence Avenue SW., Washington, D.C. 20591, 202-426-3758. Any member of the public may present a written statement to the Committee at any time.

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

CHARLES V. HANNAN,
Chairman, Flight Information Advisory Committee.

[FR Doc.77-11080 Filed 4-15-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular, Public Debt Series No. 9-77]

TREASURY NOTES OF APRIL 30, 1979, SERIES P-1979

APRIL 13, 1977.

1. INVITATION FOR TENDERS

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,469,000,000 of United States securities, designated Treasury Notes of April 30, 1979, Series P-1979 (CUSIP No. 912827 GR 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each acepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2. 1. The securities will be dated May 2, 1977, and will bear interest from that date, payable on a semiannual basis on October 31, 1977, and each subsequent 6 months on April 30 and October 31 until the principal becomes payable.

They will mature April 30, 1979, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Securities held in one form (coupon, registered, or book-entry) may be exchanged for like securities held in another form in the same denomination or for different denominations. The transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect of those issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, April 19, 1977. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Monday, April 18, 1977.

3. 2. Each tender must state the face amount of securities desired. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers, if the names of the customers and the amount for each customer are furnished. Other bidders are only permitted to submit tenders for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3. 5. Immediately after the closing hour, tenders will be opened. Subsequently there will be a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After determining which tenders to accept, a coupon rate will be established at an increment of ⅛ of one percent which has an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3. 6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made or complete on or before Monday, May 2, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, April 28, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, April 26, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any diffeence between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or their assignees as provided in the general regulations governing United States securities. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should

be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

6. GENERAL PROVISIONS

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue appropriate notices, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-11273 Filed 4-15-77;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Pub. L. 94-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, May 5, 1977;
Thursday, May 19, 1977;
Thursday, June 2, 1977;
Thursday, June 16, 1977;
Thursday, June 30, 1977.

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as amended by Pub. L. 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552b(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue NW., Washington, DC.

Dated: April 12, 1977.

MAX CLELAND,
Administrator.

[FR Doc.77-11183 Filed 4-15-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 339]

AMTRAK THROUGH ROUTE AND JOINT FARE STUDY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Request for Comments.

SUMMARY: The Interstate Commerce Commission is conducting a study for submission to the Congress of the United States of through routes and joint fares between the National Railroad Passenger Corporation (Amtrak) and other intercity common carriers of passengers by rail and motor carriers of passengers. Such action is prescribed by section 106 of the Rail Transportation Improvement Act (Pub. L. 94-555). The study would be used to encourage such arrangements.

DATES: Comments must be received on or before 30 days from the service date of the attached order.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Room 5342, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Section of Rates or Harvey Gobetz, Assistant Deputy Director, Section of Rates Office of Proceedings, Interstate Commerce Commission, 202-275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Although the railroads of this nation initially commenced operations as common carriers of both passengers and freight, over the years the railroads discontinued, in whole or in part, their passenger services. Prior to the inception of the National Railroad Passenger Corporation, established by Congress[1] (hereinafter called Amtrak or the Corporation), the trend in railroad intercity operations was one of "persistently declining patronage and revenues." *Interstate Commerce Commission Eightieth Annual Report*, page 86.

The passenger rail system, as it evolved, did not contemplate either its ventual decline or the development of the presently comprehensive intercity bus industry which would serve points no longer served by rail as well as those where rail service still exists. Nor was the eventual need for intermodal connecting services and joint use of passenger terminals in order to facilitate passenger travel contemplated. The Amtrak legislation of 1970, therefore, declared as its purpose the creation of a "modern, efficient, intercity railroad passenger service" as a "necessary part of a balanced transportation system." As the Commission noted in Adequacy of Intercity Rail Passenger Service, 351 I.C.C. 883,891,

> Amtrak has achieved very important advances toward creating a credible national system of intercity rail passenger service. But it would be stretching reality much too far to say that Amtrak in the foreseeable future will be playing a major role in a balanced national transportation system.

It is now becoming increasingly apparent that a balanced national transportation system requires that the various modes and carriers engaged in transportation of passengers coordinate their efforts.

AUTHORITY FOR STUDY

Section 306 of the Rail Passenger Service Act (45 U.S.C. 4097) was amended by section 106 of the Rail Transportation Improvement Act (Amtrak Improvement Act of 1976) by adding new provisions which (1) permit the Corporation to enter into agreements with other intercity common carriers by rail and motor carriers of passengers for the establishment of through routes and joint

[1] Rail Passenger Service Act, 45 U.S.C. 4093.

fares and (2) require the Interstate Commerce Commission to submit to Congress no later than September 30, 1977, a study of through route and joint fare arrangements between Amtrak and other intercity common carriers by rail and motor carriers of passengers. Such study shall include, but is not limited to the following:

(1) A history of through route and joint fare arrangements between motor carriers of passengers and carriers of passengers by rail;

(2) Laws and regulations presently applicable or related to such through route and joint fare arrangements;

(3) Analysis of the need for intermodal terminals, through ticketing and baggage handling arrangements, and the means by which such needs should be met;

(4) The extent to which any existing arrangements have improved or lessened, or might improve or lessen, the adequacy of service and passenger convenience;

(5) Methods of formulating joint fares and divisions thereof;

(6) Views of the Corporation, other intercity common carriers by rail, and organizations representing intercity bus operators; and

(7) Recommendations relative to the establishment of through routes and joint fares between railroads, and motor carriers of passengers, including any recommendations for legislation.

Definitions

A "through route" is an agreement, express or implied, between connecting carriers for the continuous travel of persons on a single ticket from a point on the lines of one carrier to a point one the lines of the connecting carrier. A "joint fare" is a single fare extending over the lines of two or more carriers, rather than a combination of fares of the separate carriers and may be established by voluntary agreement or pursuant to an order of the Commission. Through routes generally do not exist without a joint fare.

Rail-Motor Coordination

In considering through routes and joint fares between rail passenger carriers and motor passenger carriers, attention must be given to the basic differences as well as the similarities in the two services. While the requirement of a seat is a common denominator, the facilities required for rail and motor operations are vastly different. While rail carriers require an enormous physical plant and relatively unchanging route network, motor carriers of passengers are able to use existing public highways and allow any number of buildings to serve as a depot. A primary purpose of our report to Congress, therefore, is to develop information relating to true intermodal facilities as opposed to joint-use facilities which offer little more than drive-up arrangements.

Existing Joint Fare and Through Route Arrangements

There currently exist numerous rail-to-bus connections which lack through ticketing and through baggage handling. We have, on a preliminary basis evaluated four cities where Amtrack has undertaken arrangements with passenger motor carriers for the through ticketing of passengers and through checking of baggage. There are: New Orleans Union Passenger Terminal, New Orleans, La.; South Station, Boston, Mass.; Jacksonville Terminal, Jacksonville, Fla.; and Amtrack Kalamazoo Station, Kalamazoo, Mich. Generally, the stations are well lighted, have adequate signs and other informational devices, and provide personnel to assist passengers in making bus-rail or rail-bus connections. The arrangements at these terminals afford connecting passengers the benefit of intermodal transfers although only one, the New Orleans Terminal, is a true intermodal station insofar as it houses facilities for both modes. At the other stations, passengers transferring from rail to bus or bus to rail do so at curbside. Nonetheless, passengers may be ticketed by either mode from origin to destination through the connecting point and are able to travel one-way or round-trip. The ticket developed for joint use by the Corporation and a bus line has the necessary coupons for each mode, allows for the advance reservation of rail accommodations and provides the selling carrier with approximately a ten percent commission from sales over the connecting mode. Through baggage handling, however, is not available in all instances.

In addition, there currently exist connections between the Corporation and routes of three other intercity common carriers of passengers by rail, namely, Southern Railway System, Denver and Rio Grande Western, and the Chicago, Rock Island and Pacific Railroad. The locations of connections include: cities where both the Corporation and the connecting carrier use the same station; cities where each carrier uses a different station; two cities bridged by motor carrier transfer where no direct rail connection exists; and international connections. The operations at these connecting terminals are similar to those at the rail-bus terminals except that through ticketing and through baggage checking as those terms are used in this notice, while available on select movements, are very limited.

Purpose of Study

Ultimately, the purpose of the study is to improve through travel capability, whether the connection be between bus and rail or rail and rail. The easier it is for passengers to obtain a ticket to a final destination and to check baggage through to that destination, making necessary transfers enroute, the more nearly we approach true intermodal capability.

At present, there are numerous limitations placed on passengers traveling by rail and bus because of the limited availability of through routes, joint fares, and intermodal facilities. However, through ticketing, through baggage checking, and joint fares can and have been used in rail-to-rail movements, and although significant differences exist in the manner in which one might travel by rail as opposed to bus, these differences are limited largely to the physical characteristics of the equipment associated with each mode. Because of the fixed routes and established terminals of rail passenger service, rail service will mesh comfortably with the flexibility of routes, equipment, and schedules of passenger motor carriers. The interline agreements undertaken by Amtrak and Greyhound are examples of increased passenger facility which can exist through cooperation and which can alleviate passenger transportation problems including the connection of isolated regional, State, and local communities with the rest of the nation.

Comments Invited

The concept of intermodal passenger transport is not new; however, to aid us in preparing our report to Congress and in assessing present intermodal passenger transportation, we solicit the views of the Corporation, other intercity common carriers of passengers by rail, or motor vehicle, organizations representing intercity bus operators, and the general public in any one of the following areas:

(1) Analysis of the need or demand for intermodal terminals, through ticketing, and baggage handling arrangements, and the means by which such needs should be met;

(2) The socio-economic criteria, if any, which are or should be applied in selecting locations, routes, or fares, and, in evaluating the success of the arrangement;

(3) The extent to which any existing arrangements have improved or lessened, or might improve or lessen, the adequacy of service and passenger convenience;

(4) The extent to which joint fares may be expected to be lower than the combination of the separate modal rates;

(5) Methods and principles which should be adhered to in formulating through routes and joint fares, divisions thereof, and statement of through routes and joint fares once established;

(6) Predictions regarding the ultimate effect of intermodal coordination on consumer demand for travel, quality of service, competition among modes, and structure and, financial conditions of the transport system;

(7) Recommendations, both pro and con, relative to the establishment of through routes and joint fares between railroads and motor carriers of passengers, including any recommendations for legislation.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11144 Filed 4-15-77;8:45 am]

[Notice No. 369]

ASSIGNMENT OF HEARINGS

APRIL 13, 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 pos-

sible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124878 (Sub-No. 9), Lapadula Air Freight Transfer, Inc., now assigned May 16, 1977, at New York, N.Y. is canceled and reassigned for May 16, 1977 (1 week), at Philadelphia, Pa., location of hearing room will be by subsequent notice.

MC 22301 Sub 22, Sioux Transportation Company, Inc., and MC 134477 Sub 127, Schanno Transportation, Inc., now assigned May 3, 1977, at Omaha, Nebr., will be held in Room 616, Union Plaza 110 N. 14th Street.

MC 136611 Sub 1, Red & White Market & Transfer, Inc., now asigned May 9, 1977, at Hastings, Nebr., will be held in the District Court Room, Adams County Court House, 3rd and Denver St.

MC 120472 Sub 3, Gollott & Sons Transfer & Storage, Inc. now assigned June 6, 1977 at New Orleans, Louisiana is cancelled.

No. MC 106195 (Sub-No. 9), Clark Bros. Transfer, Inc., now assigned May 5, 1977, at Omaha, Nebr., will be held in Room 616, Union Plaza, 110 N. 14th Street.

MC 82841 (Sub-No. 175), Hunt Transportation, Inc., now assigned May 4, 1977, at Omaha, Nebr., will be held in Room 616, Union Plaza, 110 N. 14th Street.

MC-C-9547, *Clark Tank Lines Co., Inc.* v. *Wycoff Company*, Inc. and MC-C-9458, *W. S. Hatch Co.* v. *Wycoff Company, Inc.* now being assigned July 7, 1977 (2 days) at Salt Lake City, Utah in a hearing room to be later designated.

MC-F-12826, F-B Truck Line Co.—Purchase (Portion)—Archer Freight Lines, Inc., MC 125433 Sub 69, F-B Truck Line Co., MC-F-12827, Lester Smith Trucking, Inc.—Purchase (Portion)—Archer Freight Lines, Inc. and MC 57697 Sub 2, Lester Smith Trucking, Inc. now being assigned July 11, 1977 (2 weeks) at Salt Lake City, Utah in a hearing room to be later designated.

MC 1074 Sub 16, Allegheny Freight Lines, Inc. now assigned May 9, 1977 at Charleston, West Virginia and will be held in Room D, Bldg. 7, 2nd Floor, 1900 Washington Street East through May 12th and on May 13th, Room E, Bldg., 2nd Floor of the same address.

MC 104523 (Sub-No. 65), Huston Truck Line, Inc., now assigned May 4, 1977, at Dallas, Texas will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 142426, C. T. Dykes, DBA Dykes Garage, now assigned May 5, 1977, at Dallas, Texas will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 120761 (Sub-No. 16), Newman Bros. Trucking Company, now assigned May 10, 1977, at Dallas, Tex. will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 139495 (Sub-No. 165), National Carriers, Inc. now assigned May 11, 1977, at Dallas, Texas will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 340 (Sub-No. 41), Querner Truck Lines, Inc., MC 127042 (Sub-No. 174) Hagen, Inc. and MC 140033 (Sub-No. 15), Cox Refrigerated Express, Inc., now assigned May 12, 1977, at Dallas, Tex. will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 129328 (Sub-No. 6), Pal Tex Transport Co., now assigned May 3, 1977, at Dallas, Tex. will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 129808 (Sub-No. 23), Grand Island Contract Carrier, Inc. now assigned May 9, 1977, at Dallas, Tex. will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 108676 (Sub-No. 97), A. J. Metler Hauling and Rigging, Inc. now assigned May 4, 1977, at Atlanta, Ga. will be held in Room 324, U.S. Court House, 56 Forsyth St., instead of Room 305, 1252 W. Peachtree St., N.W.

MC 85970 (Sub-No. 8), Sartain Truck Line, Inc., now being assigned May 16, 1977 (2 weeks), at the Biltmore Motor Hotel, Highway 51 Bypass, Union City, Tenn.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11223 Filed 4-15-77;8:45 am]

[Notice No. 152]

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 May 30, 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-MC-77034, filed March 17, 1977. Transferee: LEONARD-WHERLEY MOVING SYSTEMS, INC., 540 South George Street, York, Pennsylvania 17401. Transferor: Michael L. Wherley, doing business as Leonard's Moving and Storage, 212 North George Street, York, Pennsylvania 17401. Applicant's representative: Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, Pennsylvania 17101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-141440, issued February 10, 1976, as follows: Household goods, as defined by the Commission, between York, Pa., and points in Pennsylvania within 25 miles of York, on the one hand, and, on the other, points in Maryland, Delaware, New York, New Jersey, and the District of Columbia; and between York, Pa., and points within 25 miles of York, Pa., other than Harrisburg and Lancaster, Pa., on the one hand, and, on the other, points in Virginia, West Virginia, Ohio, Michigan, Indiana, and Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77035, filed March 16, 1977. Transferee: New Hampshire Bus Lines, Inc., P.O. Box 325, Dublin, New Hampshire 03444. Transferor: Harold A. Clukay, Dublin, New Hampshire 03444. Applicant's representative: Charles A. DeGrandpre, Attorney at Law, 40 Stark Street, Manchester, New Hampshire 03105. Authority sought for purchase by transferee of the operating rights of transferror, as set forth in Certificate No. MC 49257 issued November 10, 1959, as follows: Passengers and their baggage restricted to traffic beginning and ending at the points indicated in charter operations from points in Hillsboro and Cheshire Counties, N.H., to points in Maine, Massachusetts, Connecticut, Rhode Island, New Hampshire, and points in that part of Vermont south of U.S. Highway 4 and return. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77038, filed March 15, 1977. Transferee: Mi-Glenn Produce Corp., doing business as Mi-Glenn Corp., P.O. Drawer J, South Fallsburg, N.Y. 12710. Transferor: Glenn-Dor Products Corp., 36 Fraser Ave., South Fallsburg, N.Y. 12710. Applicants' representative: Roy D. Pinsky, Attorney at Law, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 56967 Sub-1, and 56967 Sub-4, issued June 21, 1965, and March 11, 1977, respectfully as follows: *Live poultry*, from Watkins Glen, N.Y., to New York, N.Y., serving intermediate and off-route points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line south of Waverly, N.Y., and extending along New York Highway 34 to Venice Center, N.Y., thence in a westerly direction to Benton Center, N.Y., thence along New York Highway 14-A to Pen Yan, N.Y., thence along New York Highway 54-A via Branchport, N.Y., to Hammondsport, N.Y., thence in a southwesterly

direction to Greenwood, N.Y., thence south to the New York-Pennsylvania State line, thence east along the New York-Pennsylvania State line to the point of beginning, south of Waverly, including the points specified, for pick-up only. From Watkins Glen over New York Highway 14 to Montour Falls, N.Y., thence over New York Highway 224 to Van Etten, N.Y., thence over New York Highway 34 to Spencer, N.Y., thence over New York Highway 223 to Candor, N.Y., thence over New York Highway 96 to Owego, N.Y., thence over New York Highway 17 to the New York-New Jersey State line, near Hillburn, N.Y., thence over New Jersey Highway 17 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to Fort Lee, N.J., thence across the George Washington Bridge to New York, and return over the same route with no transportation for compensation except as otherwise authorized. From Watkins Glen to the New York-New Jersey State line, as specified above, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to Jersey City, N.J., thence through the Holland Tunnel to New York, and return over the same route with no transportation for compensation except as otherwise authorized. *Empty egg and poultry crates*, from New York, N.Y., to Watkins Glen, N.Y., serving the intermediate and off-route points in the New York territory described above, for delivery only: From New York, N.Y., over the above-specified routes to Watkins Glen, and return over the same routes with no transportation for compensation except as otherwise authorized. *Groceries*, from New York, N.Y., to Elmira, N.Y., serving no intermediate points: From New York over above-specified routes to Owego, N.Y., thence over New York Highway 17 to Elmira, and return over the same routes with no transportation for compensation except as otherwise authorized. *Honey*, during the season extending from the 1st day of October to the 31st day of December, inclusive. From Watkins Glen, N.Y., to New York, N.Y., serving the intermediate point of Odessa, N.Y., and the off-route point.

No. MC–FC–77041, filed March 15, 1977. Transferee: Centennial Truck Lines, Inc., 2500 89th St., North Bergen, N.J. 07047. Transferor: L J P Truck Lines, Inc., 273 Meserole St., Brooklyn, N.Y. 11222. Applicants' representative: Robert B. Pepper, Registered Practitioner, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC 27965, issued August 23, 1974, to Concord Motor Lines, Inc., Brooklyn, N.Y., and acquired by transferee herein pursuant to No. MC–FC–76046, approved September 18, 1975, and consummated October 29, 1975, as follows: General commodities, with the usual exceptions, from New York, N.Y., to Boston and Lowell, Mass. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC–FC–77050, filed March 28, 1977. Transferee: Steven A. Rankin, doing business as Steven Rankin Trucking Co., Box 247, Lomax, Illinois 61454. Transferor: Alvin W. Mumm, doing business as Al Arnold Trucking Company, 2108 Ridge Row, Burlington, Iowa 52601. Applicant's representative: Thomas E. Leahy, Jr., Attorney at Law, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 113805 and MC 113805 (Sub-No. 1) issued March 22, 1954 and January 8, 1971, as follows: Brick and tile from points in Marshall, Vermillion, Madison, and Mercer Counties, Ill., to points in Des Moines, Louisa, Lee, Muscatine, Henry, and Washington Counties, Iowa and sand, gravel, and limestone from points in Muscatine, Louisa, Des Moines, and Lee Counties, Iowa to points in Rock Island, Henry, Mercer, Henderson, and Warren Counties, Illinois; and sand, gravel, limestone, and asphaltic concrete between points in Muscatine, Louisa, Des Moines, and Lee Counties, Iowa; Henderson, Warren, Hancock, McDonough, Carroll, Cass, Fulton, Mason, Knox, Bureau, Marshall, Adams, Pike, Morgan, Lee, Whiteside, Mercer, Putnam, Rock Island, and Henry Counties, Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77051, filed March 28, 1977. Transferee: Richard Williams, doing business as Thomas Williams the Mover, 59 Mechanic Street, Westfield, Massachusetts 01085. Transferror: Thomas Williams (Sophie Talashak Williams, Administratix), doing business as Thomas Williams the Mover, 59 Mechanic Street, Westfield, Massachusetts 01085. Applicant's representative: Patrick A. Doyle, Attorney at Law, 60 Robbins Road, Springfield, Massachusetts 01104. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–50878, issued March 11, 1939, as follows: Household goods between Westfield and Springfield, Mass., and environs, on the one hand, and, on the other, points and places in Maine, New Hampshire, Vermont, New York, Connecticut, and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77056, filed March 30, 1977. Transferee: J. A. Grimm & Wheeling Motor Express, Inc., 2995 Grand Avenue, Pittsburgh, Pennsylvania 15225. Transferor: Dorothy H. Loughman, doing business as Waynsburg-Pittsburgh Local Express, R.D. No. 1, Sycamore, Pennsylvania 15364. Applicant's representative: John A. Pillar, Attorney at Law, 205 Ross Street, Pittsburgh, Pennsylvania 15219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–19000, issued December 20, 1965, as follows: General commodities with the usual exceptions over specified regular routes between Waynesburg, Pa. and specified points in Pennsylvania; between Carmichaels, Pa. and Uniontown, Pa.; and over irregular routes, household goods and specified commodities used in the development and operation of facilities for the discovery and production of natural gas between points in Greene County, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, New York, West Virginia, Virginia, Ohio, and the District of Columbia. Transferee is presently authorized to operate as a common carrier under Certificate No. MC–21788. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77057, filed March 31, 1977. Transferee: Joseph S. Horaneck, 416 Belgrove Drive, Kearny, New Jersey 07032. Transferor: Stanley Sleminski, 364 Walnut Street, Newark, New Jersey 07105. Applicant's representative: Nathaniel H. Yohalem, Attorney at Law, Sutton Metropark, Woodbridge, New Jersey 07095. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–14502, issued August 27, 1943, as follows: Leather and material and supplies used in the manufacture of leather goods from New York, N.Y., to Newark, Passaic, and Paterson, N.J. and leather goods from Newark, Passaic, and Paterson, N.J. to New York, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77058, filed March 31, 1977. Trainsferee: Stewart Truck Line, Inc., P.O. Box 109, U.S. Highway 25, Dry Ridge, Kentucky 41035. Transferor: William A. Stewart, doing business as Stewart Truck Line, P.O. Box 109, U.S. Highway 25, Dry Ridge, Kentucky 41035. Applicant's representative. William P. Whitney, Jr., Attorney at Law, Suite 708, McClure Building, Frankfort, Kentucky 40601. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 76429, MC 76429 (Sub-No. 5), and MC 76429 (Sub-No. 6) issued October 29, 1973, December 18, 1973, and July 10, 1975 respectively, as follows: General commodities with the usual exceptions over specified regular routes between Sherman, Ky. and Cincinnati, Ohio; between Sherman, Ky. and Corinth, Ky.; between Corinth, Ky. and Lexington, Ky.; between Holbrook, Ky. and Owenton, Ky. and farm products from E.Y. Randall Farm near Hebron, Ky. to Cincinnati, Ohio; over irregular routes general commodities between points in Kenton County, Ky., on the one hand, and, on the other, Cincinnati, Ohio. Transferee presently holds no authority from

this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77069, filed April 11, 1977. Transferee: H S Universal Tours, Inc., 485 Madison Ave., New York, N.Y. 10022. Transferor: Robert S. LeBeau, Harry S. LeBeau and Winifred LeBeau, LeBeau Tours, Inc., 6 East 43rd St., New York, N.Y. 10017. Applicants' representatives: David A. Sutherlund, Esq., Attorney for Transferee, Fulbright & Jaworski, 1150 Connecticut Ave. N.W., Washington, D.C. 20036. Hynam Wolfson, Esq., Attorney for Transferor, 637 Michelle Place, North Woodmere, N.Y. 11576. Authority sought for purchase by transferee of the stock of transferors in LeBeau Tours, Inc., a broker holding authority from this Commission under License No. MC 12461, issued September 10, 1962, authorizing operations as a broker at New York, N.Y., in connection with the transportation of passengers and their baggage in round trip all-expense tours, beginning and ending at New York, N.Y., and extending to points in the United States (except Alaska and Hawaii.) Transferee presently holds no authority from this Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11224 Filed 4-15-77;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

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

COMMISSION MEETING

Notice is hereby given, pursuant to Section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552(b)(e)(3), and 17 CFR 147.4(e), that the Commodity Futures Trading Commission will conduct a meeting of the Commission on April 19, 1977, at 2033 K Street NW., Washington, D.C., in Room 520, beginning at 10:00 a.m. The Commission intends to consider the following items in open session:

1. The Live Cattle Futures Contract.
2. Rosenthal & Co. Request for Exemption from the Segregation Requirement of the Option Rules.
3. Section 5a(12) Approval of New Rule 60.13 and amendments to Rule 44.02 of the New York Mercantile Exchange.

The Commission also intends to consider the following items in closed session:

1. Enforcement matters.

Questions concerning the agenda for the April 19, 1977, Commission meeting, or possible changes therein, may be directed to the Commission's Office of the Secretariat at 202–254–6126.

Dated: April 13, 1977.

JANE K. STUCKEY,
Director, Office of the Secretariat, Commodity Futures Trading Commission.

[S–173–77 Filed 4–13–77;3:06 pm]

2

AGENCY HOLDING THE MEETING: Federal Power Commission.

TIME AND DATE: April 20, 1977, 2:00 p.m.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone 202–275–4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA, 7587TH MEETING—APRIL 20, 1977, REGULAR MEETING—PART I (2:00 P.M.)

G–1 Docket No. RP75–102, Panhandle Eastern Pipe Line Company.
G–2 Docket No. RP76–66, McCulloch Interstate Gas Company.
G–3 Docket No. RP76–13, Cities Service Gas Company.
G–4 Docket No. RP73–89 (PGA76–1), Sea Robin Pipeline Company.
G–5 Docket No. RP76–86, *General Motors Corporation* v. *Natural Gas Pipeline Company of America.*
G–6 Docket No. RI76–144, Aztec Oil and Gas Company.
G–7 Docket No. RI77–11, Gruy Management Service Company (Operator), for V. A. Hughes, et al.
G–8 Docket No. RI77–21, Bettis, Boyle and Stovall (Operator), et al.
G–9 Docket No. RI77–9, Kentucky Ohio Gas Company.
G–10 Docket No. RI76–146, Equipment, Inc. and Anneo Petroleum, Inc.
G–11 Docket No. RI77–14, S.S.C. Gas Producing Company.
G–12 Docket No. C174–319, James M. Forgotson, Operator for Gulf Coast Venture.
G–13 Docket Nos. CI76–208, CI76–525, and CI76–627, South Louisiana Production Company, Inc., et al.
G–14 Docket No. CP74–299, Kansas-Nebraska Natural Gas Company, Inc.
G–15 Docket CP77–71, Natural Gas Pipeline Company of America; Docket No. CP77–118, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company; Docket No. CP77–125, Texas Gas Transmission Corporation.
G–16 Docket No. CP76–448, National Fuel Gas Distribution Corporation.
G–17 Docket Nos. CP76–408 and CP75–232, Northwest Pipeline Corporation.
G–18 Docket No. CP77–126, Columbia Gas Transmission Corporation.
G–19 Docket No. CP76–511, Natural Gas Pipe Line Company of America; Docket No. CP77–106, Mississippi River Transmission Corporation; Docket No. CP77–131, Natural Gas Pipe Line Company of America.

MISCELLANEOUS AGENDA, 7587TH MEETING—APRIL 20, 1977, REGULAR MEETING—PART I

M–1 Docket No. RM77–8, Deletion of requirement for physical removal of emergency facilities contemplated in §§ 157.22 and 157.29 of the regulations under the Natural Gas Act.

GAS AGENDA, 7587TH MEETING—APRIL 20, 1977, REGULAR MEETING—PART II

CG–1 Docket No. RP72–110 (PGA No. 77–7), Algonquin Gas Transmission Company.
CG2 Docket No. RP77–38, Texas Gas Transmission Corporation.
CG–3 Docket No. RP77–39, Consolidated Gas Supply Corporation.
CG–4 Docket No. RP76–155, United Gas Pipe Line Company.
CG–5 Docket No. CI76–736, Union Oil Company of California.
CG–6 Docket Nos. G–11854 and CI77–74, Sun Oil Company.
CG–7 Docket No. G–11138, Texas Gas Transmission Corporation, Southern Natural Gas Company.
CG–8 Docket No. CP77–268, CNG Transmission Company.
CG–9 Docket No. CP77–171, Columbia Gas Transmission Corporation.
CG–10 Docket No. CP77–231, Transcontinental Gas Pipe Line Corporation; Docket No. CP77–256, United Gas Pipe Line Company.
CG–11 Docket No. CP77–259, Columbia Gas Transmission Corporation.
CG–12 Docket No. CP77–95, United Gas Pipe Line Company, Mid Louisiana Gas Company.
CG–13 Docket No. CP77–215, Cities Service Gas Company.
CG–14 Docket No. CP77–112, Panhandle Eastern Pipe Line Company.
CG–15 Docket No. CP77–222, Arkansas Louisiana Gas Company.
CG–16 Docket No. CP77–134, Mississippi River Transmission Corporation.
CG–17 Docket No. CP77–211, Consolidated Gas Supply Corporation.
CG–18 Docket No. CP74–126, El Paso Natural Gas Company; Docket No. CP74–162, Natural Gas Pipeline Company of America.
CG–19 Docket No. CP75–137, Granite State Gas Transmission, Inc.
CG–20 Docket No. CP61–79, United Gas Pipe Line Company, Texas Gas Transmission Corporation.
CG–21 Docket No. CP74–177, Washington Natural Gas Company, as project operator.
CG–22 Docket Nos. RP77–26 and RP76–136, Transcontinental Gas Pipe Line Corporation.

KENNETH F. PLUMB,
Secretary.

[S–174–77 Filed 4–13–77;3:40 pm]

3

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

MEETINGS OF THE NUCLEAR REGULATORY COMMISSION DURING THE WEEK OF APRIL 18, 1977 (CHANGE NOTICE)

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies changes in previously announced meetings.

MONDAY, APRIL 18

The Briefing on the Mid-Year Financial Review has been rescheduled to Friday, April 22, at 2:30 p.m. (Public Meeting.)

The Affirmation scheduled for Monday at 4:30 p.m. will be held at 3:00 p.m. Monday. (Public Meeting.)

FRIDAY, APRIL 22

The Discussion of Tarapur Consolidation Petition and Export License scheduled for 10:00 a.m., (closed meeting), and the Briefing on American Physical Society Study on Nuclear Fuel Cycles and Waste Management (public meeting) are cancelled.

The meetings will be held in the Commissioner's Conference Room, 1717 H Street NW, Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634–1410.

Dated at Washington, D.C. this 14th day of April 1977.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S–183–77 Filed 4–15–77;8:45 am]

federal register

MONDAY, APRIL 18, 1977
PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

FLOTATION STANDARDS FOR BOATS

Final Rule

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-168]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Flotation Standards for Boats

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: These amendments to the Coast Guard flotation standard are designed to increase the visibility and survivability of boaters following a boating accident, by requiring manufacturers to design certain boats less than 20 feet in length to float in an approximately level attitude when swamped, thus providing a platform from which the occupants can be rescued.

EFFECTIVE DATE: This regulation is effective on August 1, 1978, however, manufacturers may voluntarily comply with the regulations at the time of this publication.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking for this amendment was published in the FEDERAL REGISTER on April 29, 1976. The public comment period ended July 30, 1976. All of the comments received were carefully considered, and some changes have been made to the regulation as a result of the comments.

The principal persons involved in drafting this rule are: Mr. Lars Granholm, Project Manager and Lieutenant Edward J. Gill, Jr., Project Attorney.

DISCUSSION OF COMMENTS

Passenger carrying area. One commentor requested that §§ 183.205 and 183.305, which define passenger carrying areas, be modified to include an explanation of how the length of the passenger carrying area is established on a boat that has a cabin. The commentor pointed out that the passenger carrying area extends into the cabin of the boat, but the proposed regulation does not specify how the length of the passenger carrying area inside the cabin is determined. The commentor suggested that the length of the passenger carrying area should extend into the cabin of the boat to a place where there is a clearance dimension of at least two feet between the cabin top and the waterline in the swamped boat. The commentor pointed out that tests with persons demonstrated a strong reluctance by passengers in swamped boats to enter low, cuddy-cabins where the headroom above the water inside the boat is less than 12 inches. However, the tests indicated that people are willing to enter the cabin area if the clearance is more than 12 inches.

The merits of this comment have been evaluated and the comment is accepted. Paragraphs 183.205(c) and 183.305(c) and new illustration, Figure 6, are added to this rule to indicate that the length of the passenger carrying area extends into the cabin to a place where there is a minimum vertical distance of two feet between the inside cabin top and the surface of the water inside the swamped boat.

Test weight. One commentor requested that the requirement in §§ 183.230(c)(2) and 183.330(c)(2), which requires that test weights have their center of gravity four inches above the floor or seat, be reduced to two inches. The commentor had participated in some tests where the weights used had a center of gravity two inches above the floor or seat.

This comment is rejected. The weights are used in the stability test to simulate the center of gravity of persons sitting on the boat seats or kneeling on the floor while helping somebody climb into the boat. If the regulation were changed by making the center of gravity two inches above floor or seats, the test would no longer simulate the distribution and weight of people inside a swamped boat.

One error was, however, noticed in §§ 183.230(c)(2) and 183.330(c)(2). The proposal required that each weight placed on floor or seat must have its center of gravity at least four inches above the floor or seat. This is in error. The intent of the rule is not that each individual weight must meet the requirement, but that the mass of weight, which is composed of all of the individual weights that are placed on a seat or on the floor, have its center of gravity located at least four inches above the floor or seat. Paragraphs 183.230(c)(2) and 183.330(c)(2) are modified by replacing the word "each," which appears before the words "weight placed on the floor in" and "weight placed on a seat," with the phrase "the amount of."

Quantity of flotation required. A manufacturer suggested that a formula for determining the required amount of flotation be included as an alternative to having to test a boat by submerging it in a test tank in order to determine compliance with this rule. The formula approach is based on variable factors such as density of construction material and expansion of flotation foam. Because of these variable factors, this suggestion is not accepted. Unless a manufacturer actually tests his boat by swamping it, he cannot be absolutely sure that the boat has sufficient flotation to comply with this rule.

One commentor asked if the proposed standards have been thoroughly tested to determine whether or not a boat that meets the requirements of §§ 183.202 or 183.302 will be difficult to right if it capsizes. The commentor is concerned, because he feels that a boat that floats level upside down will be difficult to right, and that a boat in this condition will not provide a platform from which the victims can be rescued.

Extensive testing was performed to establish that a boat that complies with these rules is very unlikely to turn upside down and that it can be turned right side up in case it capsizes. For these reasons, the rule is not changed in response to this comment.

One commentor proposed that a label that states how much inherent buoyancy the boat has be placed on the boat. This comment is rejected. A boat's inherent buoyancy is taken into consideration in determining the amount of flotation the boat is required to have under these regulations. The persons capacity is stated on the boat's capacity label. The addition of a boat's inherent buoyancy to the label might mislead the occupants into believing that the boat can carry a heavier load than is safe for it to carry.

Preconditioning for tests. One commentor suggested that §§ 183.220(b)(2) and 183.320(b)(2) be modified by deleting the reference to the weight shown in column 6 of Table 4. Column 6 of Table 4 contains the weight of various sized outboard motors and their related equipment. If the reference to Table 4 is removed from §§ 183.220(b)(2) and 183.320(b)(2), the weight of the motor and its related equipment would not be included when the boat is tested for compliance with these rules. The result of this change would require the persons in a swamped boat to remove the engine before the boat would assume the level floating attitude required by these rules. The commentor argues that this result is desirable because it lessens the weight the boat has to support and because it is easy to jettison an outboard engine from a swamped boat.

If a boat will float level only when the outboard engine is removed, the swamped boat, with the engine attached, will float at an angle with the engine below the water surface. In order to jettison the engine without altering the boat's stability, a person would have to dive down into the water to release the engine from the boat. This would be extremely difficult for a person wearing a personal flotation device (PFD). For this reason, the comment is rejected.

Flotation test for persons capacity. One commentor suggested that the flotation test for persons capacity in §§ 183.225 and 183.325 be changed to include different floating attitude requirements for dinghies than for larger boats. He claimed that it is possible to design a six-foot long boat which would pass the proposed test while floating absolutely upright with the bow pointed to the sky.

This comment is rejected. Under §§ 183.220(f) and 183.320(f) a boat has to be keel down in the water. Furthermore, tests have shown that a boat in an attitude with the bow extremely high does not pass the stability test.

Flotation materials and air chambers. One commentor suggested that the physical properties of foam flotation material be specified in §§ 183.110, 183.222 and 183.322. These sections contain requirements for flotation materials. This suggestion is being studied and may be the subject of future rulemaking.

One commentor suggested that rigid hull boats under 10 feet in length be permitted to use flotation air chambers that are integral with the hull. The commentor's reason is that air chambers provide more buoyancy and are less expensive than foam.

Under these rules, only boats that are rated for two horsepower or less are allowed to use integral air chambers for flotation. The reason for this rule is that because of their slow speed, boats with low horsepower engines are less likely to puncture an integral hull air chamber than are boats with high horsepower engines. If boats are allowed to use integral air chambers regardless of motor size, they will be less safe than if they meet the requirements of this regulation. For these reasons, this comment is rejected.

Table of Outboard Motor Weights. One commentor suggested that Table 4, which lists weights of outboard engines, include an additional category for engines of two horsepower or less. The lowest weights listed in the table are for 3.9 horsepower engines. The commentor claimed that these weights are excessive if a boat is rated for two horsepower or less because it requires the boat to have an unnecessary amount of flotation. This suggestion is accepted. A new weight category for engines rated for two horsepower or less is added to the regulation to give boat manufacturers the benefit of using less flotation in boats rated for two horsepower or less.

Visibility. Another commentor suggested that the Coast Guard initiate a rulemaking project that would require retroreflective treatments on all personal flotation devices. This treatment would enhance the objective of the level flotation regulation by increasing the visibility of a boater in distress at night. This suggestion is being considered in connection with a project on night time visibility.

PREPARATION OF COMPLIANCE GUIDELINE

A grant has been awarded to the American Boat and Yacht Council, Inc. (ABYC) under §§ 25 and 27(d) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451.) Under the grant, ABYC is preparing a compliance manual for these regulations. The manual will contain explanatory and interpretative information, illustrations, and diagrams to aid manufacturers in complying with the regulations. The manual will not dictate the method a manufacturer must follow to comply with the regulations, but it will be a guide to methods that, if followed, will be acceptable to the Coast Guard as meeting the intent and purpose of the rules. The manual will be distributed by the Coast Guard through the National Technical Information Service and will be available to the public at cost before this rule is effective.

ECONOMIC IMPACT

This rule has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 CFR 16200). The economic impacts, and the evaluation of benefits of these regulations have been carefully evaluated. The regulations should result in a cost to industry of approximately $5 million to 16 million per year. These industry costs should result in an increased cost to the consumer of 1 percent to 5 percent, depending on the size of the boat purchased. The benefit of the regulations is a savings of several hundred lives per year.

AUTHORITY

This regulation is adopted under authority of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454). The authority vested in the Secretary of the Department of Transportation by the Act is delegated to the Commandant of the Coast Guard at 49 CFR 1.46(n)(1).

Accordingly, the amendments are adopted with changes as set forth below.

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

Dated: April 8, 1977.

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

Subpart E—Flotation

1. By amending Subpart E by revising § 183.61 to read as follows:

§ 183.61 Applicability.

This subpart applies to monohull boats, the construction or assembly of which is begun after July 31, 1973, but before August 1, 1978, that are less than 20 feet in length, except monohull boats that meet the requirements of Subparts F, G, or H of this Part, sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

2. By adding new subparts F, G, and H to follow Subpart E and to read as follows:

Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

Sec.
183.101 Applicability.
183.105 Quantity of flotation required.
183.110 Flotation materials and air chambers.

Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

§ 183.101 Applicability.

This subpart applies to monohull inboard boats, inboard/outdrive boats, and airboats less than 20 feet in length, the construction or assembly of which is begun after July 31, 1978, except sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.105 Quantity of flotation required.

(a) Each boat must have enough flotation to keep any portion of the boat above the surface of the water when the boat has been submerged in calm, fresh water for at least 18 hours and loaded with—

(1) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) A weight in pounds that, when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation.

(b) For the purpose of this section, "dead weight" means the maximum weight capacity marked on the boat minus the persons capacity marked on the boat.

§ 183.110 Flotation materials and air chambers.

(a) As installed in a boat, flotation materials must withstand—

(1) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(2) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

GENERAL

Sec.
183.201 Applicability.
183.202 Flotation requirements.
183.205 Passenger carrying area.
183.210 Reference areas.
183.215 Reference depth.
183.220 Preconditioning for tests.
183.222 Flotation material and air chambers.

TESTS

183.225 Flotation test for persons capacity.
183.230 Stability test.
183.235 Level floation test without weights for persons capacity.

Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

GENERAL

§ 183.201 Applicability.

(a) This subpart applies to monohull outboard boats that are—

(1) Less than 20 feet in length;

(2) Rated for outboard engines of more than 2 horsepower; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.202 Flotation and certification requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in §§ 183.225 (a), 183.230(a), and 183.235(a).

§ 183.205 Passenger carrying area.

(a) For the purpose of this section a boat is level when it is supported on its keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of the passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where there is a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.220 as illustrated in Figure 6.

(d) The breadth of each passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 8.

§ 183.210 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck, as illustrated in Figure 9.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 9.

§ 183.215 Reference depth.

Reference depth is the minimum distance between the upper most surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.220 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.225, 183.230, and 183.235:

(a) Manufacturer supplied permanent appurtenances such as windshields and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) The sum of 50 percent of 550 pounds of the persons capacity marked on the boat and 12½ percent of the remainder of the persons capacity.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in Column 6 of Table 4 for maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section must be placed in the boat so that the center of gravity of each amount of weight required by paragraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) the shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) the length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) the breadth of the shaded area, measured at the midlength of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls and the battery in lieu of this equipment. The required quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Columns 2 and 4 of Table 4 for the swamped weight of the motor and controls and for the submerged weight of the battery, respectively.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

(h) Water must flood the two largest air chambers and all air chambers integral with the hull.

§ 183.222 Flotation material and air chambers.

(a) As installed in a boat, flotation materials must withstand—

(1) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(2) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

TESTS

§ 183.225 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.220 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§ 183.230 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.220 (a), (d) through (h) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) One-half of the quantity of weight required by § 183.220(b)(1).

(2) The quantity of weight required by § 183.220(b)(2).

(c) *Placement of quantity of weight: starboard side.* Place the weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.220(b)(2) is positioned in accordance with § 183.220(c); and

(2) One-half the quantity of weight required by § 183.220(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor, and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

§ 183.235 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.220(a), (d) through (h) are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

GENERAL

Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

GENERAL

§ 183.301 Applicability.

(a) This subpart applies to monohull boats that are—

(1) Less than 20 feet in length;

(2) Rated for manual propulsion or outboard engines of 2 horsepower or less; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.302 Flotation requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in § 183.325(a), 183.330(a), and 183.335(a).

§ 183.305 Passenger carrying area.

(a) For the purpose of this section, a boat is level when it is supported on its keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of each passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level; as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where there is a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.220 as illustrated in Figure 6.

(d) The breadth of the passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 7.

§ 183.310 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck as illustrated in Figure 9.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 9.

§ 183.315 Reference depth.

Reference depth is the minimum distance between the upper most surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.320 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.325, 183.330, and 183.335:

(a) Manufacturer supplied permanent appurtenances such as windshields, and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) Two-fifteenths of the persons capacity marked on the boat.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in column 6 of Table 4 for the maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section are placed in the boat so that the center of gravity of each amount of weight required by subparagraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) the shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) the length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) the breadth of the shaded area, measured at the mid-length of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls in lieu of this equipment. The quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Column 2 of Table 4 for the swamped weight of the motor and controls.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and the outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

§ 183.322 Flotation materials.

As installed in a boat, flotation materials must withstand—

(a) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(b) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

§ 183.325 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.320 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§ 183.330 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.320(a), (d) through (g) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with quantity of weight that, when submerged is equal to the sum of the following:

(1) One-half the quantity of weight required by § 183.320(b)(1).

(2) The quantity of weight required by § 183.320(b)(2).

(c) *Placement of quantity of weight starboard side.* Place the quantity of weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.320(b)(2) is positioned in accordance with § 183.320(c); and

(2) One-half the quantity of weight required by § 183.320(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

§ 183.335 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.320(a), (d) through (g) are met, the boat must float in fresh, calm water as follows:

(a) The angle of the heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

TABLE 4.—*Weights (pounds) of outboard motor and related equipment for various boat horsepower ratings*

Boat horsepower rating	Column No. 1	2	3	4	5	6
	Motor and control weight		Battery weight		Full portable fuel tank weight	1+3+5
	Dry	Swamped	Dry	Submerged		
0.1 to 2	25	20				25
2.1 to 3.9	35	30				35
4.0 to 7	55	48			25	80
7.1 to 15	75	65	20	11	50	145
15.1 to 25	100	88	45	25	50	195
25.1 to 45	155	135	45	25	100	300
45.1 to 80	240	210	45	25	100	385
80.1 to 150	315	275	45	25	100	460
150.1 to 250	420	300	45	25	100	565
TRANSOMS DESIGNED FOR TWIN MOTORS						
80.1 to 90	310	270	90	50	100	500
90.1 to 160	480	420	90	50	100	670
160.1 to 300	630	550	90	50	100	820

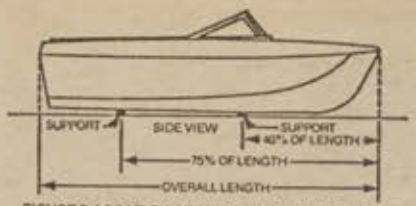

FIGURE 2. LOCATION OF SUPPORTS FOR LEVEL BOAT

FIGURE 3. BOAT WITH DECK

FIGURE 4. BOAT WITH CENTER CONSOLE

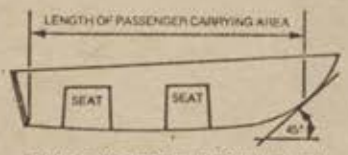

FIGURE 5. OPEN BOAT WITH CURVED STEM

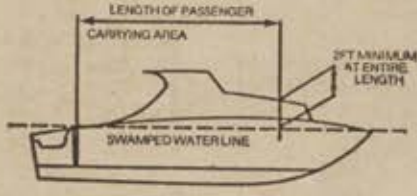

FIGURE 6. BOAT WITH CABIN

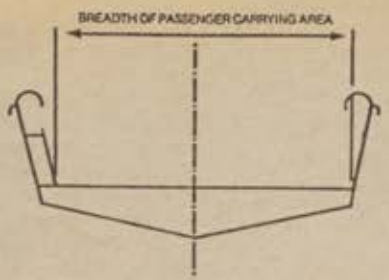

FIGURE 7.

FIGURE 8. BOAT WITH ROUND CHINE

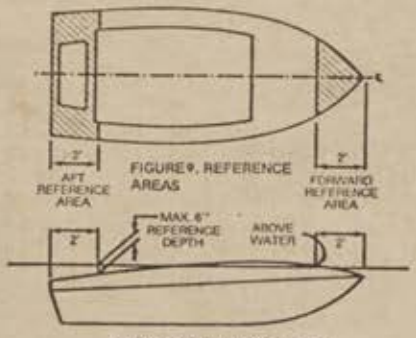

FIGURE 10. REFERENCE DEPTH

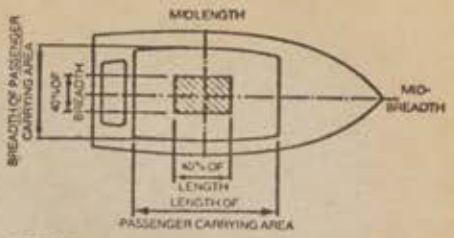

FIGURE 11. PASSENGER CARRYING AREA: LOCATION OF CENTER OF GRAVITY OF WEIGHTS

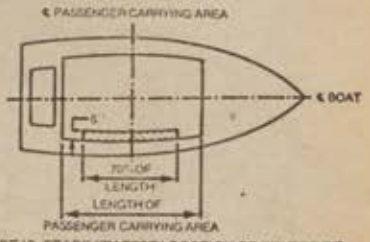

FIGURE 12. STABILITY TEST LOCATION OF CENTER OF GRAVITY OF WEIGHTS: STARBOARD SIDE

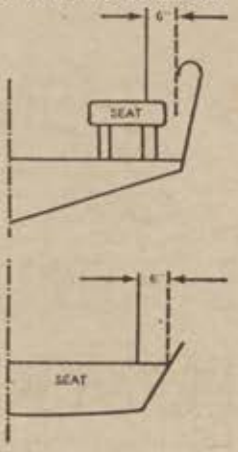

FIGURE 13. LOCATION OF CENTER OF GRAVITY OF WEIGHTS ON SEATS

[FR Doc.77-11074 Filed 4-15-77;8:45 am]

federal register

MONDAY, APRIL 18, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule amends the Community Development Block Grant Program by defining "Centers for the Handicapped" to take into account the definition recommended by various handicapped assistance groups. It also amends the regulations which describe ineligible activities under the program. The amendments respond to public comments that were received as a result of the invitation in a notice of proposed rulemaking. The purpose is to clarify the requirement of public ownership and to establish standards for determining the type of facilities eligible to receive assistance under the provision.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William Hammer, Program Standards Division, Office of Community Planning and Development, 202–755–6304.

SUPPLEMENTARY INFORMATION: On October 4, 1976, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER (41 FR 43887) interim regulations for determining the eligibility of activities related to centers for the handicapped to be carried out under the community development block grant program under Title I of the Housing and Community Development Act of 1974, as amended by section 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94–375). Interested persons were given until December 31, 1976, to submit written comments. Subsequently, on January 17, 1977, HUD published in the FEDERAL REGISTER (42 FR 3292) a notice of proposed rulemaking that contained certain corollary amendments for determining the eligibility of other activities related to centers for the handicapped. Interested persons were given until February 18, 1977, to submit written comments. All comments with respect to the interim regulations and notice of proposed rulemaking were given due consideration.

As a result of the comments received, the following changes were made:

1. Paragraph (a)(2)(xii) of § 570.200 has been changed to provide a definition of the term "center for the handicapped." The definition indicates that a center for the handicapped may be either single or multipurpose in nature to assist persons with physical, mental, developmental and/or emotional impairments to become more functional members of the community. The services and programs offered by such a facility may include, but, are not limited to, recreation, education, health care, social development, independent living, physical rehabilitation and vocational rehabilitation. A facility providing residential accommodations or 24-hour care or supervision for its service group is specifically excluded from the definition of facilities eligible for assistance as a center for the handicapped.

Several comments requested clarification whether a center for the handicapped may be either single or multipurpose in nature. The definition of center for the handicapped in § 570.200 (a)(xii) indicates that such a facility may be either single or multipurpose in nature. For example, a sheltered workshop which provides a single program of vocational rehabilitation is considered a single purpose center for the handicapped, and a facility which provides several services or programs is considered a multipurpose center for the handicapped.

Several comments requested clarification whether a park district and nonprofit agencies are eligible to apply directly to the Department for assistance under the community development block grant program. Direct assistance under this part is provided only to "units of general local government" (as defined in § 570.3(v)) which are responsible for determining, within statutory requirements, the activities for which grant funds are to be expended.

Several comments requested clarification whether centers for the handicapped otherwise eligible for assistance pursuant to § 570.200(a)(2)(xii) may be communitywide in nature or are limited to serving a neighborhood area as are neighborhood facilities pursuant to § 570.200(a)(2)(i). A center for the handicapped is not restricted to serving a particular neighborhood area and may provide communitywide benefits.

Several comments requested clarification of the "public" status of centers for the handicapped. Section 15(b) of the Housing Authorization Act of 1976 amended section 105(a)(2) of the Housing and Community Development Act of 1974 by adding centers for the handicapped to the list of public facilities eligible for assistance under the community development block grant program. Under the prior categorical programs recognized as precedents for this program and under the meaning applied to other public facilities eligible for assistance pursuant to § 570.200(a)(2), a public facility is a facility the ownership of which is vested in a public body such as a unit of general local government. The Department recognizes that many services provided by centers for the handicapped have traditionally been performed by private groups and nonprofit agencies. Although ownership of a center for the handicapped assisted under this Part cannot be vested in such a private group or nonprofit agency the operation of such a facility on behalf of a public body by private or nonprofit groups would be acceptable.

Several comments also requested clarification whether a center for the handicapped could be constructed or acquired by a public body for disposition to a private or nonprofit group. The disposition of such a public facility to a private or nonprofit group would contravene the requirement that ownership be vested in a public body and is not permitted.

A number of comments indicated that group homes, halfway houses and similar transitional living arrangements should be included among those facilities eligible for assistance as centers for the handicapped. The Department recognizes that many efforts are being made with these types of facilities to provide alternatives to institutionalization, as steps toward a return to society, and to assist those persons who cannot function successfully without supervision.

Therefore, a careful review of the legislative history on this matter was again conducted. This review of the legislative history indicated a clear Congressional intent not to fund the construction of facilities which are residential. For HUD to permit the development of housing in the form of residential centers for the handcapped with community development block grant assistance would frustrate the legislative intent against the provision of newly constructed housing with these funds. Accordingly, residential care facilities such as group homes and halfway houses have been specifically excluded from the definition of those facilities eligible for assistance as centers for the handicapped. This exclusion is, however, not intended to preclude the location of a center for the handicapped, which is otherwise eligible for assistance, in close proximity to a complex where its users may reside so long as community development block grant assistance is not used for the construction of such housing facilities.

2. Paragraph (a)(3) of § 570.201 is not being adopted in final form with this amendment. Rather, other changes relating to communitywide facilities were published in the FEDERAL REGISTER (42 FR 3292) on January 17, 1977, for public comment. As indicated above, centers for the handicapped are not limited to serving a neighborhood area and may be communitywide in nature.

3. Several comments also indicated that paragraph (a)(4) of § 570.201 should be revised to indicate that a center for the handicapped which provides educational services should not be considered as an educational facility, which is ineligible for assistance under the provisions of that paragraph, to the same extent as a senior center is excluded from this prohibition. As a part of the notice of proposed rulemaking, a revision was published for public comment conforming to § 570.201(a)(4) which indicates that a center for the handicapped which provides certain practical and vocational programs is not to be considered as an educational facil-

ity, which is ineligible for assistance. Accordingly, as the period for public comment on this proposed revision has now closed and all comments have been considered, the revision is being adopted as a part of this amendment in order to provide for a comprehensive adoption of changes that relate to centers for the handicapped.

4. Paragraph (a)(6) of § 570.201, has been revised to clarify that neighborhood facilities, senior centers and centers for the handicapped where general health services are provided are not to be considered medical facilities which are ineligible for assistance under the provisions of this paragraph.

5. In the notice of proposed ruling, conforming amendments were proposed to § 570.201(f) which included group homes and halfway houses as examples of residential facilities which cannot be constructed with community development block grant program assistance. A number of comments requested a modification of this position. However, representatives of several national organizations concerned with services to the handicapped expressed support for the HUD position. In view of the expressed intent of the legislative history which precludes the construction of residential facilities with community development block grant program assistance, HUD has determined that this prohibition will be retained.

Other comments on the proposed rulemaking issued January 17, 1977, requested clarification regarding the eligibility of activities that may be conducted in support of the development of low- or moderate-income housing. Accordingly, the examples have been clarified to indicate that clearance, site assemblage, provision of sites and provision of public improvements may be assisted, but that payment of preconstruction costs such as architectural fees and processing fees for obtaining commitments of mortgage insurance may not be assisted. These costs are considered a part of the costs of construction.

Therefore, the period for comment having closed and all comments having been carefully considered, Paragraph (f) of § 570.201 is being adopted as a part of this amendment in order to provide for a comprehensive adoption of changes that relate to centers for the handicapped.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1 (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular A-107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94-375); sec. 7(d), **Housing and Urban Development Act (42** U.S.C. 3535(d)).)

In consideration of the foregoing, 24 CFR Part 570 is amended as follows:

1. By amending § 570.200(a)(2)(xii) as follows:

§ 570.200 Eligible activities.

(a) * * *

(2) * * *

(xii) Centers for the handicapped. For the purpose of this paragraph, the term "center for the handicapped" shall mean any single or multipurpose facility which seeks to assist persons with physical, mental, developmental and/or emotional impairments to become more functional members of the community by providing programs or services which may include, but are not limited to, recreation, education, health care, social development, independent living, physical rehabilitation and vocational rehabilitation; but excluding any facility, the primary function of which is, to provide residential care on a 24-hour day basis (such as a group home or halfway house). For example, a sheltered workshop would be a single purpose center for the handicapped, and a facility providing several services for the handicapped would be a multipurpose center for the handicapped, both of which are eligible for assistance.

2. By amending § 570.201(a)(4), (a)(6) and (f) as follows:

§ 570.201 Ineligible activities.

(a) * * *

(4) Schools and educational facilities (including elementary, secondary, college and university facilities). For the purpose of this paragraph,

(i) A neighborhood facility, senior center or center for the handicapped in which classes in practical and vocational activities (such as first aid, homemaking, crafts, independent living, etc.) are among the services provided, is not considered as a school or educational facility; and

(ii) [Reserved]

* * * * *

(6) Hospitals, nursing homes, and other medical facilities. For the purpose of this paragraph, a neighborhood facility, senior center, or center for the handicapped which provides general health services is not considered to be a medical facility.

* * * * *

(f) *New housing construction.* The use of assistance provided under this Part for the construction of new permanent residential structures or facilities (such as dormitories, group homes and halfway houses), or for any program to subsidize or finance such new construction is not permitted, except as provided under the last resort housing provisions set forth in 24 CFR Part 43. For the purpose of this paragraph, activities in support of the development of low- or moderate-income housing which may include clearance, site assemblage, and provision of site and public improvements (but may not include housing preconstruction costs such as payment of architectural fees and payment of costs associated with processing of FHA insured loan commitments), are not considered as programs to subsidize or finance new residential construction.

* * * * *

JOHN J. TUITE,
Acting Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.77-11211 Filed 4-15-77;8:45 am]

federal register

MONDAY, APRIL 18, 1977

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Areawide Programs; Final Rule

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Areawide Programs; Final Rule

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This final rule sets forth application requirements and procedures for community development block grants for two types of areawide programs. (1) Grants in support of Areawide Housing Opportunity Plans (§ 570.404(b)) will be made to participating units of general local government to carry out activities that aid or further the implementation of selected Areawide Housing Opportunity Plans. (2) Grants in Nonmetropolitan Rural Areas (§ 570.404(c)) will be made to selected States for activities which will further the coordinated delivery of combined resources and programs to lower income persons and families living in nonmetropolitan rural areas, with a heavy reliance on State community development and housing agencies.

EFFECTIVE DATE: May 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Grants in support of Areawide Housing Opportunity Plans.—Mary E. Youle, Office of Community Planning and Program Coordination, HUD/Community Planning and Development, Room 7233, 451—7th Street SW., Washington, D.C. 20410 (202–472–3980).

Grants in nonmetropolitan rural areas.—Robert L. Blake, Office of Policy Planning, HUD/Community Planning and Development, Room 7164, 451—7th Street SW., Washington, D.C. 20410 (202–755–5970).

SUPPLEMENTARY INFORMATION: Section 107(a)(2) of the Housing and Community Development Act of 1974 authorizes community development block grants to States and units of general local government which join in carrying out housing and community development programs that are areawide in scope. On September 29, 1976, HUD published for comment in the FEDERAL REGISTER (41 FR 43104) interim regulations regarding the application requirements and selection policies and procedures for grants for areawide programs authorized by section 107(a)(2). The interim regulations described requirements and procedures for two types of grants: (1) Grants in support of Areawide Housing Opportunity Plans (§ 570.404(b)) and (2) Grants in Nonmetropolitan Rural Areas (§ 570.404(c)).

First, under § 570.404(b), Grants in support of Areawide Housing Opportunity Plans, grants will be made available to assist in the implementation of Areawide Housing Opportunity Plans which were selected as the basis for supplemental allocations of housing assistance in the corresponding fiscal year pursuant to 24 CFR Part 891, Subpart E. These grants will be made to units of general local government identified as Participating Jurisdictions in the selected Areawide Housing Opportunity Plans and will be used to carry out eligible activities that aid or further the implementation of the selected Areawide Housing Opportunity Plans. Proposed activities will be given preference according to priorities and recommendations submitted by the appropriate Areawide Planning Organization. Policies, procedures and requirements for the selection of Areawide Housing Opportunity Plans as a basis for supplemental allocations of housing assistance are described in final regulations for 24 CF Part 891 published on August 23, 1976 (41 FR 35660). Proposed amendments to Subpart E of Part 891 were published on January 27, 1977 (42 FR 5099).

Second, under § 570.404(c), Grants in Nonmetropolitan Rural Areas, community development block grants will be made available for eligible activities that are part of a program for the coordinated delivery of combined resources and programs to lower-income persons and families living in nonmetropolitan rural areas, with a heavy reliance on State community development and housing agencies. The Department of Housing and Urban Development has been cooperating with the U.S. Department of Agriculture agencies, including the Farmers Home Administration and the Extension Service, to develop ways to coordinate Federal programs with State and local agencies to support community development activities and provide housing assistance to meet the needs of lower income families living in substandard housing in nonmetropolitan rural areas. Accordingly, grants will be made to States, selected by HUD and USDA, that will utilize the technical assistance, processing and financing capacities of State agencies to implement community development and housing programs administered by HUD, USDA, and other Federal departments to improve the quality of life in nonmetropolitan rural areas.

A Notice published on September 28, 1976 (41 FR 42692) stated that applications for Grants in support of Areawide Housing Opportunity Plans and letters of intent for Grants in Nonmetropolitan Rural Areas were to be submitted to HUD by December 31, 1976. A Notice published on November 23, 1976 (41 FR 51658) postponed the closing date for submission of letters of intent pursuant to FY 1976 Grants in Nonmetropolitan Rural Areas (§ 570.404(c)) to February 28, 1977. A more recent Notice has further postponed this submission deadline to April 8, 1977. The deadline for submission of applications for FY 1976 Grants in support of Areawide Housing Opportunity Plans (§ 570.404(b)) was postponed to April 13, 1977 in a Notice published on December 17, 1976 (41 FR 55243).

Section § 570.404 was published as an interim regulation effective on the date of publication in order to make discretionary grants for areawide programs out of appropriations for fiscal year 1976 in a timely manner. However, interested persons were invited to participate in the development of final regulations for these two types of areawide grants by submitting comments on the interim regulations. HUD received seven comments concerning § 570.404(b), Grants in support of Areawide Housing Opportunity Plans, and four comments concerning § 570.404(c), Grants in Nonmetropolitan Rural Areas. All of these comments were seriously considered and have resulted in revisions to the regulations.

DISCUSSION OF COMMENTS REGARDING GRANTS IN SUPPORT OF AREAWIDE HOUSING OPPORTUNITY PLANS

Following is a summary of comments received concerning § 570.404(b), Grants in support of Areawide Housing Opportunity Plans, and the resulting changes:

1. Several comments requested a change in the definition of "eligible applicants" in § 570.404(b)(1). As a result, the regulations have been amended to include as eligible applicants all units of general local government identified as Participating Jurisdictions in an Areawide Housing Opportunity Plan selected as the basis for a supplemental allocation of housing assistance during the corresponding year pursuant to 24 CFR Part 891, Subpart E. This change has been made in recognition of the fact that, first, Participating Jurisdictions may be making a significant contribution to the implementation of the Areawide Housing Opportunity Plan whether or not they actually receive supplemental housing assistance and, secondly, that the allocation and actual commitment of the supplemental housing assistance may not have been completed prior to the time at which Participating Jurisdictions must begin to develop and process their applications for community development areawide grants. In addition, a provision has been added which allows States to develop applications on behalf of eligible Participating Jurisdictions.

2. Other comments requested that eligibility be expanded to include jurisdictions participating in Areawide Housing Opportunity Plans which met the general criteria for acceptable plans under 24 CFR Part 891.502, but which were not selected as the basis for supplemental housing assistance. Some comments requested that eligibility be expanded to support other types of areawide housing programs besides Areawide Housing Opportunity Plans. These changes cannot be made with regard to the FY 1976 community development block grants for areawide programs since the notice of fund availability published in the FEDERAL REGISTER on September 28, 1976 (41 FR 42692) stated that FY 1976 funds were being made available only for the two areawide programs described under § 570.404(b), Grants in support of Areawide Housing

Opportunity Plans and § 570.404(c), Grants in Nonmetropolitan Rural Areas. However, the Secretary has reserved the right to make areawide grants for other purposes in the future.

3. Provisions are being added to § 570.404(b)(3) to clarify the Areawide Planning Organizations' procedures for submitting consolidated application packages for grants in support of Areawide Housing Opportunity Plans on behalf of eligible participating jurisdictions.

DISCUSSION OF COMMENTS REGARDING GRANTS IN NONMETROPOLITAN RURAL AREAS

As a result of the four letters of comment received pertaining to § 570.404(c), Grants in Nonmetropolitan Rural Areas, the following changes were made:

1. Several comments requested a clarification of the term "nonmetropolitan rural areas" and suggested definitions linking Title I and USDA program requirements. For the purposes of these areawide grants, it has been determined that a nonmetropolitan rural area must be an area outside the boundaries of an SMSA. Inasmuch as the demonstration program envisions high use of Farmers Home Administration (FmHA) loan and grant programs, the target area should be within an FmHA service area, as defined by current FmHA regulations. Accordingly, § 570.404(c) has been amended to clarify the term nonmetropolitan rural areas and the use of program resources in the demonstration.

2. Several comments requested clarification regarding the eligibility requirement that the State or State agency be authorized to process Section 8 projects. The authority to process Section 8 projects means that the State or State agency is formally authorized by HUD to use special procedures in processing Section 8 projects. The term also implies approval by the appropriate legislative and executive bodies of the State to process Section 8 projects. Accordingly, § 570.404(c)(2)(ii) has been amended to clarify this requirement.

3. Several comments expressed concern that special Section 8 set-asides were not earmarked for use in these areawide grants. It is intended, however, that the States be encouraged to use Section 8 funds which may be allocated by the responsible Area Office to the appropriate State agency.

4. A number of States requested an extension in the date for submission of letters of intent because of the time needed for planning coordination involved with local governments and other agencies and the preparation of high quality letters of intent. Accordingly, HUD published a Notice in the FEDERAL REGISTER extending the due date for submission of letters of intent to April 8, 1977. The Notice also clarified the requirements for the designation of a single State agency to be responsible for the State's program and the A-95 clearinghouse procedure.

5. The majority of comments questioned the purpose of the basic eligibility requirements contained in § 570.404(c)(2) of the interim regulations. The purpose of the requirements is to promote the broadest coordination of relevant Federal, State, local and private resources by the grantee in this demonstration effort and especially to maximize the use of the additional Federal resources made available. Further, the grantee's ability to contribute housing and community development resources and to use Section 8 resources increases the potential for success and transferability of the demonstration.

IMPACT STATEMENTS

The interim regulations included a Finding of Inapplicability with respect to environmental review under HUD Handbook 1390.1 (38 FR 19182). The interim regulations also certified that the economic and inflation impacts were carefully evaluated in accordance with Office of Management and Budget Circular No. A-107. Inasmuch as there are only minor changes to the final regulations for clarification purposes, which do not affect these findings, the original findings stand. Copies of these findings are available for public inspection at the above address.

Accordingly, § 570.404 appearing in 24 CFR Part 570, Subpart E is amended and adopted as follows:

§ 570.404 Areawide programs.

(a) *General.* This section covers grants made to States and units of general local government which join in carrying out housing and community development programs that are areawide in scope. Subject to a reservation by the Secretary to make areawide grants for other purposes consistent with the Act, grants will be made for two basic purposes. First, grants will be made, as described in paragraph (b) of this section, to assist in the implementation of Areawide Housing Opportunity Plans selected as the basis for supplemental allocations of housing assistance under 24 CFR Part 891, Subpart E (published in 41 FR 35660 on August 23, 1976; amendments proposed in 42 FR 5099 on January 27, 1977). Second, grants will be made, as described in paragraph (c) of this section, to States which are carrying out their housing and community development activities in conjunction with HUD and the U.S. Department of Agriculture (USDA).

(b) *Grants in support of Areawide Housing Opportunity Plans.*—(1) *Eligible applicants.* Eligible applicants are only those units of general local government which are Participating Jurisdictions in an Areawide Housing Opportunity Plan at the time the Plan is selected as the basis for supplemental allocations in the corresponding fiscal year pursuant to 24 CFR Part 891, Subpart E. A Participating Jurisdiction as defined in § 891.102(1), published on January 27, 1977 (42 FR 5099), is a jurisdiction, whether or not it is covered by a Housing Assistance Plan (including counties and other local governments), with which the Areawide Planning Organization (APO) (defined in 24 CFR 891.102(e)) has reached agreement on numerical or percentage goals for the distribution of lower income housing assistance and on measures for the implementation of the Areawide Housing Opportunity Plan. States may develop applications on behalf of the eligible Participating Jurisdictions.

(2) *Use of grant funds.* Grants will be made for eligible activities under the community development block grant program which will aid or further the implementation of Areawide Housing Opportunity Plans (defined in 24 CFR 891.102(d) of Subpart A) in accordance with the recommendations made by the APO.

(3) *Application requirements.* (i) The State or local government applicant shall develop an application which will consist of the following items:

(A) A Community Development Program as described in § 570.303(b);

(B) A Housing Assistance Plan (HAP) as described in § 570.303(c) which is consistent with the Areawide Housing Opportunity Plan, or a reference to an existing HUD approved HAP whose goals are not less than or inconsistent with the goals identified in the Areawide Housing Opportunity Plan;

(C) A community development budget as described in § 570.303(d); and

(D) The assurances described in § 570.303(e), except for (e)(4). Although the citizen participation assurance (§ 570.303(e)(4)) is not required, applicants are encouraged to involve citizens in the development of the application.

(ii) The State or local government application shall be submitted to the APO which developed the Areawide Housing Opportunity Plan selected as the basis for supplemental allocations of housing assistance under 24 CFR Part 891, Subpart E. The APO shall then develop a consolidated application package for submission to HUD. The application package submitted by the APO to HUD shall include:

(A) all applications (described in § 570.404(b)(3)(i)) which are submitted to the APO by eligible applicants;

(B) a cover memo signed by the executive director or the chairman of the APO which provides recommendations and ranks the applications according to funding priority;

(C) comments or information which support the priority ranking, indicating how the proposed activities aid and further the implementation of the selected Areawide Housing Opportunity Plan and relate to any preferential selection criteria which HUD may set forth for community development block grants in support of Areawide Housing Opportunity Plans for that fiscal year.

(iii) *A-95 review and comment.* The normal OMB Circular No. A-95 notification and review procedures (requiring that applicants notify all appropriate clearinghouses of their intent to apply at least 60 days prior to submitting their applications and that the applications be submitted for review at least 30 days prior to submission to HUD) shall apply for purposes of these areawide grants in

support of Areawide Housing Opportunity Plans.

(4) The Secretary shall announce through a notice in the FEDERAL REGISTER, the amount of funds to be made available for grants under § 570.404(b) during any fiscal year, any additional or special criteria which may be established for grants for areawide programs for a particular fiscal year, the number of copies and the closing date and address for submission of application packages to HUD.

(c) *Grants in Nonmetropolitan rural areas.* HUD will make grants to States for eligible community development block grant activities which will further the coordinated delivery of the combined resources and programs of HUD, the Department of Agriculture and other Federal agencies, to lower income persons and families living in nonmetropolitan rural areas, with a heavy reliance on State community development and housing agencies. For the purposes of these areawide grants, HUD has determined that a nonmetropolitan rural area must be an area outside the boundaries of a Standard Metropolitan Statistical Area (SMSA). Inasmuch as the demonstration program envisions high use of Farmers Home Administration (FmHA) loan and grant programs, the target area should be within an FmHA service area, as defined by current FmHA regulations.

(1) *Eligible applicants.* Only States are eligible applicants under this paragraph. As provided in § 570.500, the Governor of a State may designate one or more public agencies to undertake housing and community development activities.

(2) *Basic requirements.* The eligibility requirements for funding under this paragraph are:

(i) The State shall have established a State housing or other agency (or a combination of State agencies) which is authorized to finance, insure, or otherwise implement housing projects without HUD mortgage insurance; and

(ii) The State or the State agency is authorized to process section 8 projects. For purposes of this demonstration program, authority to process section 8 projects means that the State or State agency is formally authorized by HUD to use special procedures in processing section 8 projects. The term also implies approval by the appropriate legislative or executive bodies of the State to process section 8 projects.

(3) *Criteria for selection.* Grants will be made for activities eligible under the community development block grant program. In selecting among applicants, priority will be given to those States which:

(i) Have demonstrated experience in providing housing assistance to lower income persons and families in nonmetropolitan rural areas;

(ii) Have a general plan and capability for contacting and assisting lower income persons and families living in nonmetropolitan rural areas who are not being adequately assisted; and

(iii) Have developed a plan for coordinating the delivery of housing assistance for lower income families living in substandard housing, with the provision of public facilities and/or supportive social services on an areawide intergovernmental basis.

(4) *Application requirements.* (i) *Letter of Intent.* States meeting the requirements of paragraph (c)(2) of this section may submit a letter of intent which:

(A) Describes how the State meets the basic requirements in paragraph (c)(2) of this section;

(B) Describes how the State meets the criteria for selection in paragraph (c)(3) of this section; and

(C) Describes the area or jurisdictions to be served, and identifies the units of general local government with which it proposes to enter into cooperation agreements for carrying out community development and housing activities. The Secretary shall announce through a notice in the FEDERAL REGISTER, the amount of funds to be made available during any fiscal year, any additional or special criteria which may be established for grants for areawide programs, and the closing date for submission of letters of intent.

(ii) *Full application.* Based upon a joint review by HUD and the Department of Agriculture of the letter of intent, a limited number of full applications will be invited. A full application shall consist of the following:

(A) A description of community development needs and objectives to be served in the area or jurisdictions in which activities are to be carried out;

(B) A Community Development Program as described in § 570.303(b);

(C) A plan for providing housing assistance in the area to be served;

(D) A community development budget as described in § 570.303(d);

(E) The assurances described in § 570.303(e), except for (e)(4); and

(F) Evidence of execution of cooperation agreements with those units of general local government in which community development and housing activities will be carried out. The application submission deadline will be established at the time HUD invites full applications. The Secretary may, in the letter of invitation, establish additional or specific submission requirements. Full applications will be reviewed jointly by HUD and the Department of Agriculture. Due to the limited resources and the demonstration nature of grants for areawide programs, no more than four States will be funded.

(5) *A-95 Review and Comment.* In accordance with OMB Circular No. A-95, a copy of the letter of intent shall be sent to the appropriate State and areawide clearinghouses at least 30 days prior to being sent to HUD. A copy of the full application shall also be sent to the appropriate State and areawide clearinghouses at least 30 days prior to being sent to HUD.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

JOHN J. TUITE,
Acting Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.77-11233 Filed 4-15-77;8:45 am]

federal register

MONDAY, APRIL 18, 1977

PART V

FEDERAL COMMUNICATIONS COMMISSION

■

PUBLIC SAFETY RADIO, INDUSTRIAL RADIO, AND LAND TRANSPORTATION RADIO SERVICES

Reallocation of Land Mobile Channels 470-512 MHz Band

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20909; FCC 77-226]

PUBLIC SAFETY RADIO, INDUSTRIAL RADIO, AND LAND TRANSPORTATION RADIO SERVICES

Reallocation of Land Mobile Channels 470–512 MHz Band

AGENCY: Federal Communications Commission

ACTION: Report and Order

SUMMARY: In September, 1976, the Commission initiated rule making in Docket No. 20909. This rule making looked toward reallocation of certain radio channels in the 470–512 MHz band from the "service pools" (in which they were currently available to eligibles in the Public Safety, Industrial and Land Transportation Radio Services) to a newly created "General Access Pool."

Under the new plan, the channels were to become available on a more flexible basis, permitting licensing of some of the "unassigned" channels to users whose communication requirements could not be satisfied under existing, more rigid assignment policies.

Upon consideration of comments and replies of interested parties, it was determined that adoption of the rule changes to permit this would be in the public interest; and, accordingly, the amendments to §§ 89.123, 91.114, and 93.114 of the Commission's Rules to accomplish this were adopted on March 24, 1977.

EFFECTIVE DATE: May 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John B. Letterman, Federal Communications Commission, Safety and Special Radio Services Bureau, 202–632–6497.

In the matter of amendment of Parts 89, 91, and 93 of the Rules to reallocate land mobile channels in the 470–512 MHz band in the Boston, Chicago, Cleveland, Detroit, Los Angeles, New York, Philadelphia, Pittsburgh, San Francisco, and Washington, D.C. urbanized areas. (41 FR 41719)

Adopted: March 24, 1977.

Released: March 31, 1977.

By the Commission: 1. We initiated this proceeding in September, 1976,[1] proposing to reallocate "unassigned" frequencies in the 470–512 MHz band[2] to a "General Access Pool."[3] Our plan called for making channels in this pool available to applicants when all previously assigned frequencies in the "service group"[4] in which they were eligible were "substantially" loaded. Further, once an assignment had been made from the "General Access Pool," then that channel, too, was to be loaded, in accordance with practices described in our Notice, before other frequencies were to be made available.[5]

2. Additionally, assignments from the "General Access Pool" were to be made sequentially, beginning with licensing of channel parts at the low end of the band to eligibles in the Public Safety Services and licensing pairs at the high end to eligibles in the Industrial and Land Transportation Radio Services. This methodology, we pointed out, would permit assignments at the lower and upper ends of the band to coverage towards the center of the "General Access Pool," giving greater flexibility to the way licensing could be carried out.[6]

3. With respect to the Cleveland and Detroit urbanized areas, we observed that no assignments of 470–512 MHz channels had been made, because of pending negotiations with Canada on the use of UHF frequencies in this band in border zones. We said, however, that when these matters were resolved, we would follow (in Cleveland and Detroit) the plan developed for, and used in, the Dallas/Fort Worth-Houston-Miami urbanized areas.[7]

4. Finally, we pointed out that in the Chicago Region the Channel 15 frequencies allocated there could not be used extensively for "normal" base/mobile operations, because of UHF-TV protection requirements. In view of this, we proposed to authorize use of Channel 15 frequencies for radio "paging" in addition to the low-power mobile operations presently allowed.[8]

5. Comments on the rule making were filed by a number of parties.[9] The major points made are discussed below. Generally, those who supported our proposal agreed that the plan would permit a greater degree of flexibility in assigning channels in the 470–512 MHz band to meet urgent and critical needs as they developed in the several urbanized areas involved. Moreover, it was observed that the "unassigned" channels (the subject of reallocation) had been available in the several "service pools" for some time, that is, since 1971. In view of this, it was acknowledged that "reserving" them further (for use exclusively by persons eligible in the respective "service pools") would not be consistent with fostering more effective and efficient use of the 470–152 MHz spectrum.

6. Some of the parties indicated that, because of special circumstances, they had not been able to apply for facilities at 470–512 MHz; and they asked that the "service pools" be continued.[10] We would

[1] Notice of Proposed Rule Making, Docket No. 20909, 41 F.R. 41719 (September 23, 1976).

[2] Frequencies in the 470–512 MHz band had been made available for land mobile use in the ten urbanized areas set out in the caption in the prior proceeding in Docket No. 18261. See *Land Mobile-UHF TV Channel Sharing*, 30 FCC 2d 221 (1971). See also *Land Mobile/UHF-TV Sharing Plan*, 48 FCC 2d 360 (1974). In that rule making, the sharing plan (modified in certain respects) was extended to three additional urbanized areas, namely, Dallas/Fort Worth and Houston, Texas, and Miami, Florida.

[3] The term, "General Access Pool," is used broadly to refer to the frequency resource to be available at 470–512 MHz in each of the urbanized areas affected. The specified channels and the number of frequency pairs involved in the reallocation vary, depending upon current usage and demand.

[4] At present, there are seven "service groups" or "pools," namely: Public Safety (all of Part 89 services except the State Guard and Special Emergency Radio Services); the Utility group (Power and Telephone Maintenance Radio Services); Special Industrial (Special Industrial Radio Service); Business (Business Radio Service); Taxicab (Taxicab Radio Service); Land Transportation (Automobile Emergency, Motor Carrier, and Railroad Radio Services); and the Petroleum-Manufacturers group (Forest Products, Manufacturers, and Petroleum Radio Services).

[5] Notice, op. cit. fn. 1, supra, at paras. 4–5 and 7.

[6] Notice, op. cit. fn. 1, supra, at para. 4.

[7] Negotiations with Canada on the use of the UHF spectrum in border zones are in progress, but we cannot, at this time, give a definite indication as to the specific terms under which the channels allocated can be employed. Decisions on this, of course, must await agreements with Canada. Nevertheless, as stated, assuming such an agreement is reached, we will follow closely the allocation scheme developed for Dallas/Fort Worth, Houston, and Miami, as it is described in our Fifth Report and Order in Docket No. 18262. See op. cit., supra, fn. 2.

[8] Notice, op. cit. supra, fn. 1, at para. 8. ATA has suggested expanding this concept to Channel 20 assignments in Philadelphia and Channel 17 assignments in Washington, D.C., but this goes beyond the scope of our proposal, here, and we will not consider it further at this time. RTA also has asked consideration of an alternative plan to use of Channel 15 frequencies in Chicago. It recognized that its proposal was beyond the scope of the present proceeding; and, for that reason, as in the case of ATA, we will not go into that matter further, here.

[9] Timely Comments were filed by: American Trucking Associations, Inc. (ATA); Associated Public-Safety Communications Officers, Inc. (APCO); International Taxicab Association (ITA); National Association of Business and Educational Radio, Inc. (NABER); and Regional Transportation Authority (RTA). Timely Reply Comments were filed by: Associated Public-Safety Communications Officers, Inc. (APCO); California Mobile Radio Association (CMRA); and Office of Frequency Coordination, State of New Jersey (OFCNJ). Other pleadings were submitted by: County of Los Angeles Department of Communications; County of Los Angeles Fire Department; County of Los Angeles Sheriff; Greater Boston Police Council; and Northern California Chapter of the Associated Public-Safety Communications Officers, Inc. (NAPCO). While this latter group of pleadings was not submitted within the time allowed for the purpose and, hence, cannot be considered specifically (Section 1.415 of the Rules), the arguments made in them, nevertheless, were advanced in substance in the comments and replies of others, and they are covered in our decision.

[10] APCO and ITA took this position. ITA added that the 470–512 MHz channels were made available in the "service pools" under a long-range program; and it felt that the present proposal was not consistent with that plan. However, as pointed out, ITA users are not being denied access to the band. They will be at parity with all other eligibles in this regard. In these circumstances, then, we do not, as we have said, find public interest reasons for continuing the "service pool" reservation any longer.

point out, however, that these channels have now been available for over five years, and we do not believe it would be in the public interest to continue holding the frequencies in "storage," particularly in the presence of a demonstrated need for them. Further, all frequencies in the "General Access Pool" will be available to all now eligible; and, for long-range requirements, frequencies at 806–821 MHz and 851–866 MHz are, and will be, available.[11] In these circumstances, we do not find the relief asked justified.

7. Additionally, in our Notice, we indicated that where a channel had been previously assigned from one of the "service pools," and where, after a period of time, it was not being used (such as, when the authorized facility had not been constructed), then that channel would also be made available in the "General Access Pool."[12] On this point, Public Safety groups have expressed concern.[13] They feel that such action might be taken without giving consideration to the difficulties governmental agencies have in developing plans for communication systems; having them approved by legislative bodies; securing the necessary funding; and then implementing the plan through special procedures which they are required to follow under local law. We are aware of these problems, of course, and we do not intend to take any action, here, which would change existing practices and procedures for handling questions raised by delays in implementation of frequency assignment plans by Public Safety or other land mobile licensees. We did not propose any changes in our administrative practices in that regard. Rather, we intended to indicate only that where a frequency pair was presently assigned and for some reason it became available again, then it would go into the "General Access Pool" and not revert back to the "service pool" in which it had been allocated under the rules prior to amendment. Accordingly, the concern expressed by these parties in this connection does not appear to be well founded.

8. Further, there is a feeling on the part of some Public Safety groups that should channels "unassigned" in the "Public Safety Pool" be reallocated to the "General Access Pool," they will be totally absorbed by eligibles in faster growing radio services, such as the Business Radio Service. Eligibles in the Public Safety Services, it is said, are not always able to act as speedily as others, because of the nature of the process they must go through to have plans approved and funded. While that may be the case in many instances, we would point out that this has not been our experience in the 470–512 MHz band. There, in a number of urbanized areas, all Public Safety Pool allocations have been exhausted. Thus, none are now available in Boston (Channels 15 and 16); in Chicago (Channel 14); in Los Angeles (Channels 14 and 20); in New York (Channels 14 and 15); and in Washington, D.C. (Channel 18). Significantly, in some of these urbanized areas, frequencies allocated in other "service pools" are "unassigned" and would go into the "General Access Pool," and this would provide additional frequencies to Public Safety eligibles where none now exist.[14] We see this as an advantage to that group and, accordingly, not prejudicial to Public Safety licensees or to eligibles in that service category. Therefore, we find in these arguments no bar to the adoption of the plan as proposed.

9. Other comments were directed to the method under in which users employing channels in the "General Access Pool" would be grouped.[15] It was felt that this might be done in a way that would lead to operating conflicts, due to inherent incompatibilities in the manner in which some users might employ their respective facilities. Channel assignments must be shared, of course; but, as is the practice now, we would guard against assigning frequencies to applicants so as to give rise to the kinds of problems memtioned. In this regard, as we have mentioned, we plan to license channels at the low end of the band to eligibles in the Public Safety Services and license those at the high end to eligibles in the Industrial and Land Transportation Radio Service; and through this approach and by careful screening, we will avoid conflicts of the type mentioned.

10. Overall, then we are persuaded that the rule changes proposed should be adopted, because we believe that they will lead to more effective and efficient use of the channels we have made available for land mobile radio systems at 470–512 MHz; and that the creation of the "General Access Pool" will provide frequency relief where it is needed. Accordingly, the plan, essentially as it is set out in our Notice, will be adopted. As to Cleveland and Detroit, the allocation scheme will follow that developed for assignments in the Dallas/Fort Worth-Houston-Miami urbanized areas, as mentioned; but implementation of this aspect of the rule making must await resolution of the border problems with Canada. When this is accomplished, we will take such additional procedural steps as may be required to carry out this decision.

11. In the Chicago Region, as pointed out, the 476–482 MHz, Channel 15 frequencies can be employed for paging and low-power mobile operations. They cannot be used for normal base/mobile facilities. In these circumstances, we conclude that the proposal to use these channels in this way to be in the public interest. Accordingly, our practices are modified to permit this.

12. In light of all of the foregoing considerations, we find that the public interest would be served by adopting the rules set forth below.

13. Accordingly, *it is ordered*, That, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, Parts 89, 91, 93 of the Commission's Rules are amended, effective May 18, 1977, as set out below.

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

(Secs. 4, 303, 48 Stat., as amended; 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX B

Parts 89, 91, and 93 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICE

1. Section 89.123 of the Commission's Rules is amended by deleting paragraphs (c), (d), (e), (f), (i), and (j); redesignating paragraphs (g) and (h) as paragraphs (e) and (f); and adding new paragraphs (c) and (d) to read as follows:

§ 89.123 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

* * * * *

(c) Table:

[11] In the proceedings in Docket No. 18262, we allocated 30 MHz for use by eligibles in the Public Safety, Industrial, and Land Transportation Radio Services. This spectrum is available now and can be employed in most areas to meet any developing communication requirement of private land mobile users. See Land Mobile Radio Service, 46 FCC 2d 752 (1974); and Land Mobile Service, 51 FCC 2d 945 (1975). Thus, those who for some reason cannot now implement their plans to add communication capacity to existing systems or to build new systems can look to the 900-MHz channels for this purpose.

[12] Notice, op. cit., supra, fn. 1, at para 7.

[13] APCO, in its comments, addressed itself to this subject on behalf of its member organizations and entities.

[14] See Notice, op. cit., supra, fn. 1, at Appendix "A."

[15] APCO and ATA commented on this point.

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS								LAND TRANSPORTATION POOLS				GENERAL ACCESS POOL	
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE			
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
BOSTON Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	471.3125 to 471.3875	474.3125 to 474.3875	471.4625 & 471.4875	474.4625 & 474.4875	471.8125 to 472.0625 & 472.1125 to 472.2125 & 472.2625	474.4625 to 475.0625 & 475.1125 to 475.2125 & 475.2625	NONE		472.4625 to 472.5375 & 472.5875 to 472.6875 & 472.7375 472.7875	475.4625 to 475.5375 & 475.5875 to 475.6875 & 475.7375 475.7875	472.3625 to 472.4375	475.3625 to 475.4375	470.3125 to 472.9875	473.3125 to 475.9875
Channel 16	482.3125 to 483.1375	485.3125 to 486.1375	NONE		483.4875 to 484.3375	486.4875 to 487.3375	NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875
CHICAGO Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	NONE		471.4375 to 471.6375	474.4375 to 474.6375	471.8125 to 472.3375 & 472.6375 to 472.7875 & 472.9125 472.9625 472.9875	474.8125 to 475.3375 & 475.6375 to 475.7875 & 475.9125 475.9625 475.9875	472.8125	475.8125	472.4625 to 472.6125 & 472.9375	475.4625 to 475.6125 & 475.9375	NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
CLEVELAND Channel 14	NONE		NONE		NONE		NONE		NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 481.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 475.9875
DETROIT Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
Channel 16	NONE		NONE		NONE		NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		INDUSTRIAL POOLS: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		INDUSTRIAL POOLS: SPECIAL INDUSTRIAL RADIO SERVICE		INDUSTRIAL POOLS: BUSINESS RADIO SERVICE		INDUSTRIAL POOLS: PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		LAND TRANSPORTATION POOLS: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		LAND TRANSPORTATION POOLS: TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
LOS ANGELES Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	473.3125 & 471.4125	474.3125 & 474.4125	471.4375 to 471.6375	474.4375 to 474.6375	471.1625 to 471.2875 & 471.6625 to 472.4375	474.1625 to 474.2875 & 474.6625 to 475.4375	472.8375 & 472.8875	475.8375 & 475.8875	472.4625 to 472.7875	475.4625 to 475.7875	472.9875	475.9875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 20	506.3125 to 507.2625	509.3125 to 510.2625	507.3125 & 507.4125	510.3125 & 510.4125	507.4375 to 507.6375	510.4375 to 510.6375	507.4625 to 508.4375 & 507.2875	510.4625 to 511.4375 & 510.2875	508.8125 & 508.8875	511.8125 & 511.8875	508.4625 to 508.7875	511.4625 to 511.7875	508.9125	511.9125	506.3125 to 508.9875	509.3125 to 511.9875
NEW YORK Channel 14	470.3125 to 471.4125	473.3125 to 474.4125	472.9625 & 472.9875	475.9625 & 481.9875	471.4375 to 471.6375	474.4375 to 474.6375	471.6625 to 472.3375 & 472.7625 to 472.8875	474.6625 to 475.3375 & 475.7625 to 475.8875	NONE		472.4625 to 472.6125	511.4625 to 475.6125	472.3625 to 472.4375 & 472.6375 to 472.6625 472.7375 472.6875	475.3625 to 475.4375 & 475.6375 to 475.6625 475.7375 475.6875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	476.3125 to 477.4125	479.3125 to 480.4125	478.9625 & 478.9875	481.9625 & 481.9875	477.4375 to 477.6375	480.4375 to 480.6375	477.6625 to 478.3375 & 478.7625 to 478.8875	480.6625 to 481.3375 & 481.7625 to 481.8875	NONE		478.5125 to 478.4875 & 478.6875	481.5125 to 481.4875 & 481.6875	478.3625 to 478.6625	481.5125 to 481.6625	476.3125 to 478.9875	479.3125 to 481.9875
Channel 19	500.3125 to 500.4375 & 500.5625 & 500.6625 & 500.6875 500.7375 & 500.7875 to 500.9125 500.9625 500.9875 & 501.0625 &	503.3125 to 503.4375 & 503.5625 & 503.6625 & 503.6875 503.7375 & 503.7875 to 503.9125 503.9625 503.9875 & 504.0625 &	NONE		501.4375 to 501.4875 & 501.5375 501.6125	504.4375 to 504.4875 & 504.5375 504.6125	501.8125 to 502.3375	504.8125 to 505.3375	NONE		502.4625 to 502.7875	505.4625 to 505.7875	NONE		500.3125 to 502.9875	503.3125 to 505.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
PHILADELPHIA Channel 20	NONE		NONE		NONE		507.8125 to 508.1875 & 508.2375 to 508.3375	510.8125 to 511.1875 & 511.2375 to 511.3375	NONE		NONE		NONE		506.3125 to 508.9875	509.3125 to 511.9875
PITTSBURG Channel 14	NONE		NONE		NONE		471.8125	474.8125	NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 18	NONE		NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
SAN FRANCISCO	482.3125 482.3375 482.3875 to 482.4875 482.5375 482.5625 482.6125 482.6875 to 482.7625 482.8125 to 482.9125 482.9625 483.0125	485.3125 485.3375 485.3875 to 485.4875 485.5375 485.5625 485.6125 485.6875 to 485.7625 485.8125 to 485.9125 485.9625 486.0125	NONE		483.4375 to 483.6375	486.4375 to 486.6375	483.8125 to 484.3375	486.8125 to 486.3375	NONE		484.4625 to 484.7875	487.4625 to 487.7875	NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		INDUSTRIAL POOLS: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		INDUSTRIAL POOLS: SPECIAL INDUSTRIAL RADIO SERVICE		INDUSTRIAL POOLS: BUSINESS RADIO SERVICE		INDUSTRIAL POOLS: PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		LAND TRANSPORTATION POOLS: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		LAND TRANSPORTATION POOLS: TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
SAN FRANCISCO Channel 17	488.3625 to 488.4625 488.5125 488.5625 488.6125 to 488.6875 488.7375 488.7625 488.8375 488.8625 488.9125 488.9625 489.0125 to 489.0625 489.1125 489.1375	491.3625 to 491.4625 491.5125 491.5625 491.6125 to 491.6875 491.7375 491.7625 491.8375 491.8625 491.9125 491.9625 492.0125 to 492.0625 492.1125 492.3125	NONE		489.4375 to 489.6375	492.4375 to 492.6375	488.8125 to 489.3375	491.8125 to 492.3375	490.8375 490.8625 490.9125 490.9625	493.8375 493.8625 493.9125 493.9625	490.4625 to 490.5625 490.6125 to 490.6625 490.7125 490.7625	493.4625 to 493.5625 493.6125 to 493.6625 493.7125 493.7625	NONE		488.3125 to 490.9875	491.3125 to 493.9875
WASHINGTON D.C. Channel 17	488.3125	491.3125	NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
Channel 18	494.3125 to 495.4125	497.3125 to 498.4125	NONE		495.5875 to 495.6375	498.5875 to 498.6375	495.6875 to 496.2125	498.6875 to 499.2125	NONE		496.4625 to 496.6125	499.4625 to 499.6125	496.3625 & 496.3875	499.3625 & 499.3875	494.3125 to 496.9875	497.3125 to 499.9875

NOTES:

1. Frequencies in the 470–512 MHz band are assigned in 25 KHz channels with 3 MHz separation between the base and mobile transmit frequencies for two frequency operation.

2. A channel pair may be reassigned at distances 40 miles (20 miles for Channel 20, Philadelphia; and Channel 17, Washington, D.C.) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

3. The channel loading for assignments to eligibles in the Public Safety Pool is 50 units, except for channels primarily used in connection with the operation of buses, street cars, and other intra-urban mass transit (passenger carrying) vehicles, where the channel loading is 150 units. A unit is defined as one vehicular mobile unit or two hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before that licensee may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity, it will be available for assignment to other users in the same area.

4. Channel availability in the General Access Pool in any of the urbanized areas referred to in the table depends upon whether that channel is presently assigned to users in one of the several service pools. If unassigned, or should a channel subsequently become unassigned, it will be treated as available in the General Access Pool.

5. In the Chicago, Illinois, urbanized area, Channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for UHF television stations are met.

6. Use of allocations in Channels 14 and 15 in the Cleveland, Ohio, urbanized area and Channel 15 and 16 allocations in the Detroit, Michigan, urbanized area is deferred pending completion of negotiations with Canada relating to licensing of frequencies in the 470–512 MHz band for land mobile operations in these areas.

(d) Frequencies in the General Access Pool will be made available to applicants eligible in the Public Safety Radio Services after all channels presently assigned in the Public Safety Pool are substantially loaded in accordance with the standards set out above at Note 3 to paragraph (c) of this section. Channels from the General Access Pool will be assigned starting with the lowest frequency available at the time and progress towards the high end of the General Access Pool. Normally, each channel should be substantially filled before the next one will be assigned.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

2. Section 91.114 of the Commission's Rules is amended by deleting paragraphs (c), (d), (e), (f), (g), (h), and (i); redesignating paragraphs (j) and (k) as paragraphs (e) and (f); and adding new paragraphs (c) and (d) to read as follows:

§ 91.114 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

* * * * *

(c) Table:

FREQUENCIES ASSIGNED IN SERVICE POOLS

ORGANIZED AREA (Channel designation)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
BOSTON Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	471.3125 to 471.3875	476.3125 to 476.3875	471.4625 & 471.4875	476.4625 & 476.4875	471.8125 to 472.0625 & 472.1125 to 472.2125 & 472.2625	476.4625 to 476.0625 & 475.1125 to 475.2125 & 475.2625	NONE		472.4625 to 472.5375 & 472.5875 to 472.6875 & 472.7375 472.7875	475.4625 to 475.5375 & 475.5875 to 475.6875 & 475.7375 475.7875	472.3625 to 472.4375	475.3625 to 475.4375	470.3125 to 472.9875	473.3125 to 475.9875
Channel 16	482.3125 to 483.1375	485.3125 to 486.1375	NONE		481.4875 to 484.3375	486.4875 to 487.3375	NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875
CHICAGO Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	NONE		471.4375 to 471.6375	476.4375 to 476.6375	471.8125 to 472.3375 & 472.6375 to 472.7875 & 472.9125 472.9625 472.9875	476.8125 to 475.3375 & 475.6375 to 475.7875 & 475.9125 475.9625 475.9875	472.8125	475.8125	472.4625 to 472.6125 & 472.9375	475.4625 to 475.6125 & 475.9375	NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
CLEVELAND Channel 14	NONE		NONE		NONE		NONE		NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 481.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 475.9875
DETROIT Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
Channel 16	NONE		NONE		NONE		NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS								LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
LOS ANGELES Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	473.3125 & 471.4125	474.3125 & 474.4125	471.4375 to 471.6375	474.4375 to 474.6375	471.1625 to 471.2875 & 471.6625 to 472.4375	474.1625 to 474.2875 & 474.6625 to 475.4375	472.8375 & 472.8875	475.8375 & 475.8875	472.4625 to 472.7875	475.4625 to 475.7875	472.9875	475.9875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 20	506.3125 to 507.2625	509.3125 to 510.2625	507.3125 & 507.4125	510.3125 & 510.4125	507.4375 to 507.6375	510.4375 to 510.6375	507.6625 to 508.4375 & 507.2875	510.6625 to 511.4375 & 510.2875	508.8125 & 508.8875	511.8125 & 511.8875	508.4625 to 508.7875	511.4625 to 511.7875	508.9125	511.9125	506.3125 to 508.9875	509.3125 to 511.9875
NEW YORK Channel 14	470.3125 to 471.4125	473.3125 to 474.4125	472.9625 & 472.9875	475.9625 & 481.9875	471.4375 to 471.6375	474.4375 to 474.6375	471.6625 to 472.3375 & 472.7625 to 472.8875	474.6625 to 475.3375 & 475.7625 to 475.8875	NONE		472.4625 to 472.6125	511.4625 to 475.6125	472.3625 to 472.4375 & 472.6375 to 472.6625 472.7375 472.6875	475.3625 to 475.4375 & 475.6375 to 475.6625 475.7375 475.6875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	476.3125 to 477.4125	479.3125 to 480.4125	478.9625 & 478.9875	481.9625 & 481.9875	477.4375 to 477.6375	480.4375 to 480.6375	477.6625 to 478.3375 & 478.7625 to 478.8875	480.6625 to 481.3375 & 481.7625 to 481.8875	NONE		479.5125 to 478.4875 & 478.6875	481.5125 to 481.4875 & 481.6875	478.3625 to 478.6625	481.5125 to 481.6625	476.3125 to 478.9875	479.3125 to 481.9875
Channel 19	500.3125 to 500.4375 & 500.5625 & 500.6625 & 500.6875 509.7375 & 500.7875 to 500.9125 500.9625 500.9875 & 501.0625 & 501.1125 501.1375	503.3125 to 503.4375 & 503.5625 & 503.6625 & 503.6875 503.7375 & 503.7875 to 503.9125 503.9625 503.9875 & 504.0625 & 504.1125 504.1375	NONE		501.4375 to 501.4875 & 501.5375 501.6125	504.4375 to 504.4875 & 504.5375 504.6125	501.8125 to 502.3375	504.8125 to 505.3375	NONE		502.4625 to 502.7875	505.4625 to 505.7875	NONE		500.3125 to 502.9875	503.3125 to 505.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS				GENERAL ACCESS POOL	
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE			
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	None and Mobile	Mobile	Base and Mobile	Mobile
PHILADELPHIA Channel 20	NONE		NONE		NONE		507.8125 to 508.1875 & 508.2375 to 508.3375	510.8125 to 511.1875 & 511.2375 to 511.3375	NONE		NONE		NONE		506.3125 to 508.9875	509.3125 to 511.9875
PITTSBURG Channel 14	NONE		NONE		NONE		471.8125	474.8125	NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 18	NONE		NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
SAN FRANCISCO	482.3125 482.3375 482.3875 to 482.4875 482.5375 482.5625 482.6125 482.6875 to 482.7625 482.8125 to 482.9125 482.9625 483.0125	485.3125 485.3375 485.3875 to 485.4875 485.5375 485.5625 485.6125 485.6875 to 485.7625 485.8125 to 485.9125 485.9625 486.0125	NONE		483.4375 to 483.6375	486.4375 to 486.6375	483.8125 to 484.3375	486.8125 to 486.3375	NONE		484.4625 to 484.7875	487.4625 to 487.7875	NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		INDUSTRIAL POOLS: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		INDUSTRIAL POOLS: SPECIAL INDUSTRIAL RADIO SERVICE		INDUSTRIAL POOLS: BUSINESS RADIO SERVICE		INDUSTRIAL POOLS: PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		LAND TRANSPORTATION POOLS: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		LAND TRANSPORTATION POOLS: TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
SAN FRANCISCO Channel 17	488.3625 to 488.4625 488.5125 488.5625 488.6125 to 488.6875 488.7375 488.7625 488.8375 488.8625 488.9125 488.9625 489.0125 to 489.0625 489.1125 489.1375	491.3625 to 491.4625 491.5125 491.5625 491.6125 to 491.6875 491.7375 491.7625 491.8375 491.8625 491.9125 491.9625 492.0125 to 492.0625 492.1125 492.3125	NONE		489.4375 to 489.6375	492.4375 to 492.6375	488.8125 to 489.3375	491.8125 to 492.3375	490.8375 490.8625 490.9125 490.9625	493.8375 493.8625 493.9125 493.9625	490.4625 to 490.5625 490.6125 to 490.6625 490.7125 490.7625	493.4625 to 493.5625 493.6125 to 493.6625 493.7125 493.7625	NONE		488.3125 to 490.9875	491.3125 to 493.9875
WASHINGTON D.C. Channel 17	488.3125	491.3125	NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
Channel 18	496.3125 to 495.4125	497.3125 to 498.4125	NONE		495.5875 to 495.6375	498.5875 to 498.6375	495.6875 to 496.2125	498.6875 to 499.2125	NONE		496.4625 to 496.6125	499.4625 to 499.6125	496.3625 & 496.3875	499.3625 & 499.3875	496.3125 to 496.9875	497.3125 to 499.9875

NOTES.—1. Frequencies in the 470–512 MHz band are assigned in 25 KHz channels with 3 MHz separation between the base and mobile transmit frequencies for two frequency operation.

2. A channel pair may be reassigned at distances 40 miles (20 miles for Channel 20, Philadelphia; and Channel 17, Washington, D.C.) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

3. The channel loading for assignments to eligibles in the Industrial Pools is 70 units, except in the Business Pool, Channel loading is 90 units. For channels used primarily in connection with the operation of buses, street cars and other intra-urban mass transit (passenger carrying) vehicles, the loading is 150 units. A unit is defined as one vehicular mobile unit or three hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before that licensee will be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity, it will be available for assignment to other users in the same area. Notwithstanding the foregoing, if, in the Business Radio Service, the base station facility is to be used by more than a single licensee, the frequency assigned to it will not be reassigned for use by another facility within 40 miles (or 20 miles where applicable) for a period of 12 months; Provided, That the facility is constructed within 90 days from the date of the first grant; meets the loading standards to at least 50 percent within 9 months; and meet all loading standards within 12 months.

4. Channel availability in the General Access Pool in any of the urbanized areas referred to in the table depends upon whether that channel is presently assigned to users in one of the several service pools. If unassigned, or should a channel subsequently become unassigned it will be treated as available in the General Access Pool.

5. In the Chicago, Illinois, urbanized area, Channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for UHF television stations are met.

6. Use of allocations in Channels 14 and 15 in the Cleveland, Ohio, urbanized area and Channel 15 and 16 allocations in the Detroit, Michigan, urbanized area is deferred pending completion of negotiations with Canada relative to the licensing of frequencies in the 470–512 MHz band for land mobile operations in these areas.

(d) Frequencies in the General Access Pool will be made available to applicants eligible in the Industrial Radio Services after all channels presently assigned in the Industrial Pools are substantially loaded in accordance with the standards set out above at Note 3 to paragraph (c) of this section. Channels from the General Access Pool will be assigned starting with the highest frequency available at the time and progress towards the low end of the General Access Pool. Normally, each channel shall be substantially filled before the next one will be assigned.

* * * * *

PART 93—LAND TRANSPORTATION RADIO SERVICES

3. Section 93.114 of the Commission's Rules is amended by deleting paragraphs (c), (d), (e), (f), (g), and (j); redesignating paragraphs (h) and (i) as paragraphs (e) and (f); and adding new paragraphs (c) and (d) to read as follows:

§ 93.114 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

* * * * *

(c) Table:

FREQUENCIES ASSIGNED IN SERVICE POOLS

Urbanized Area (Channel Assignment)	Public Safety Pool		Industrial Pools					Land Transportation Pools				Other Pools	
	Fire, Police, Local Government, Highway Maintenance and Forestry-Conservation Radio Service		Power and Telephone Maintenance Radio Service		Special Industrial Radio Service		Business Radio Service	Petroleum, Forest Products and Manufacturers Radio Service		Railroad, Motor Carrier and Automobile Emergency Radio Service		Taxicab Radio Service		General Access Pool	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
BOSTON															
Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	471.3125 to 471.3875	474.3125 to 474.3875	471.4625 & 471.4875	474.4625 & 474.4875	471.8125 to 472.0625 & 472.1125 to 472.2125 & 472.2625	474.4625 to 475.0625 & 475.1125 to 475.2125 & 475.2625	NONE	472.4625 to 472.5375 & 472.5875 to 472.6875 & 472.7375 472.7875	475.4625 to 475.5375 & 475.5875 to 475.6875 & 475.7375 475.7875	472.3625 to 472.4375	475.3625 to 475.4375	470.3125 to 472.9875	473.9125 to 475.9875
Channel 16	482.3125 to 483.1375	485.3125 to 486.1375	NONE		483.4875 to 484.3375	486.4875 to 487.3375	NONE		NONE	NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875
CHICAGO															
Channel 14	470.9125 to 471.1375	473.3125 to 474.1375	NONE		471.4375 to 471.6375	474.4375 to 474.6375	471.8125 to 472.3375 & 472.6375 to 472.7875 & 472.9125 472.9625 472.9875	474.8125 to 475.3375 & 475.6375 to 475.7875 & 475.9125 475.9625 475.9875	472.9125 475.8125	472.4625 to 472.6125 & 472.9375	475.4625 to 475.6125 & 475.9375	NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	NONE		NONE		NONE		NONE		NONE	NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
CLEVELAND															
Channel 14	NONE		NONE		NONE		NONE		NONE	NONE		NONE		470.3125 to 472.9875	473.3125 to 481.9875
Channel 15	NONE		NONE		NONE		NONE		NONE	NONE		NONE		476.3125 to 478.9875	479.3125 to 475.9875
DETROIT															
Channel 15	NONE		NONE		NONE		NONE		NONE	NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
Channel 16	NONE		NONE		NONE		NONE		NONE	NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS								LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
LOS ANGELES Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	473.3125 & 471.4125	474.3125 & 474.4125	471.4375 to 471.6375	474.4375 to 474.6375	471.1625 to 471.2875 & 471.6625 to 472.4375	474.1625 to 474.2875 & 474.6625 to 475.4375	472.8375 & 472.8875	475.8375 & 475.8875	472.4625 to 472.7875	475.4625 to 475.7875	472.9875	475.9875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 20	506.3125 to 507.2625	509.3125 to 510.2625	507.3125 & 507.4125	510.3125 & 510.4125	507.4375 to 507.6375	510.4375 to 510.6375	507.6625 to 508.4375 & 507.2875	510.6625 to 511.4375 & 510.2875	508.8125 & 508.8875	511.8125 & 511.8875	508.4625 to 508.7875	511.4625 to 511.7875	508.9125	511.9125	506.3125 to 508.9875	509.3125 to 511.9875
NEW YORK Channel 14	470.3125 to 471.4125	473.3125 to 474.4125	472.9625 & 472.9875	475.9625 & 481.9875	471.4375 to 471.6375	474.4375 to 474.6375	471.6625 to 472.3375 & 472.7625 to 472.8875	474.6625 to 475.3375 & 475.7625 to 475.8875	NONE		472.4625 to 472.6125	511.4625 to 475.6125	472.3625 to 472.4375 & 472.6375 to 472.6625 & 472.7375 to 472.6875	475.3625 to 475.4375 & 475.6375 to 475.6625 & 475.7375 to 475.6875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	476.3125 to 477.4125	479.3125 to 480.4125	478.9625 & 478.9875	481.9625 & 481.9875	477.4375 to 477.6375	480.4375 to 480.6375	477.6625 to 478.3375 & 478.7625 to 478.8875	480.6625 to 481.3375 & 481.7625 to 481.8875	NONE		479.5125 to 478.4875 & 478.6875	481.5125 to 481.4875 & 481.6875	478.3625 to 478.6625	481.5125 to 481.6625	476.3125 to 478.9875	479.3125 to 481.9875
Channel 19	500.3125 to 500.4375 & 500.5625 & 500.6625 & 500.6875 500.7375 & 500.7875 to 500.9125 500.9625 500.9875 & 501.0625 & 501.1125 501.1375	503.3125 to 503.4375 & 503.5625 & 503.6625 & 503.6875 503.7375 & 503.7875 to 503.9125 503.9625 503.9875 & 504.0625 & 504.1125 504.1375	NONE		501.4375 to 501.4875 & 501.5375 501.6125	504.4375 to 504.4875 & 504.5375 504.6125	501.8125 to 502.3375	504.8125 to 505.3375	NONE		502.4625 to 502.7875	505.4625 to 505.7875	NONE		500.3125 to 502.9875	503.3125 to 505.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS			
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
PHILADELPHIA Channel 20	NONE		NONE		NONE		507.8125 to 508.1875 & 508.2375 to 508.3375	510.8125 to 511.1875 & 511.2375 to 511.3375	NONE		NONE		NONE		506.3125 to 508.9875	509.3125 to 511.9875
PITTSBURG Channel 14	NONE		NONE		NONE		471.8125	476.8125	NONE		NONE		NONE		470.3125 to 472.9875	475.3125 to 475.9875
Channel 18	NONE		NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
SAN FRANCISCO	482.3125 482.3375 482.3875 to 482.4875 482.5375 482.5625 482.6125 482.6875 to 482.7625 482.8125 to 482.9125 482.9625 483.0125	485.3125 485.3375 485.3875 to 485.4875 485.5375 485.5625 485.6125 485.6875 to 485.7625 485.8125 to 485.9125 485.9625 486.0125	NONE		483.4375 to 483.6375	486.4375 to 486.6375	483.8125 to 484.3375	486.8125 to 486.3375	NONE		484.4625 to 486.7875	487.4625 to 487.7875	NONE		482.3125 to 486.9875	487.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

ORGANIZED AREA (Channel Assignment)	Public Safety Pool		Industrial Pools								Land Transportation Pools					
	Fire, Police, Local Government, Highway Maintenance and Forestry-Conservation		Power and Telephone Maintenance Radio Service		Special Industrial Radio Service		Business Radio Service		Petroleum, Forest Products and Manufacturers Radio Service		Railroad, Motor Carrier and Automobile Emergency Radio Service		Taxicab Radio Service		General Access Pool	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
SAN FRANCISCO Channel 17	488.3625 to 488.4625 488.5125 488.5625 488.6125 to 488.6875 488.7375 488.7625 488.8375 488.8625 488.9125 488.9625 489.0125 to 489.0625 489.1125 489.1375	491.3625 to 491.4625 491.5125 491.5625 491.6125 to 491.6875 491.7375 491.7625 491.8375 491.8625 491.9125 491.9625 492.0125 to 492.0625 492.1125 492.3125	NONE		489.4375 to 489.6375	492.4375 to 492.6375	488.8125 to 489.3375	491.8125 to 492.3375	490.8375 490.8625 490.9125 490.9625	493.8375 493.8625 493.9125 493.9625	490.4625 to 490.5625 490.6125 to 490.6625 490.7125 490.7625	493.4625 to 493.5625 493.6125 to 493.6625 493.7125 493.7625	NONE		488.3125 to 490.9875	491.3125 to 493.9875
WASHINGTON D.C. Channel 17	488.3125	491.3125	NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
Channel 18	494.3125 to 495.4125	497.3125 to 498.4125	NONE		495.5875 to 495.6375	498.5875 to 498.6375	495.6875 to 496.2125	498.6875 to 499.2125	NONE		496.4625 to 496.6125	499.4625 to 499.6125	496.3625 & 496.3875	499.3625 & 499.3875	494.3125 to 496.9875	497.3125 to 499.9875

NOTES.—1. Frequencies in the 470–512 MHz band are assigned in 25 KHz channels with 3 MHz separation between the base and mobile transmit frequencies for two frequency operation.

2. A channel pair may be reassigned at distances 40 miles (20 miles for Channel 20, Philadelphia; and Channel 17, Washington, D.C.) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

3. The channel loading for assignments to eligibles in the Land Transportation Pools is 70 units, except in the Taxicab Pool, the loading shall be 150 units in all urbanized areas except New York-N.E. New Jersey, where it shall be 200 units, and for the intra-urban passenger carrier sub-category of the Motor Carrier Radio Service, the channel loading shall be 150 units. A unit is defined as one vehicular mobile unit or three hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before that licensee will be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity, it will be available for assignment to other users in the same area.

4. Channel availability in the General Access Pool in any of the urbanized areas referred to in the table depends upon whether that channel is presently assigned to users in one of the several service-pools. If unassigned, or should a channel subsequently become unassigned, it will be treated as available in the General Access Pool.

5. In the Chicago, Illinois, urbanized area, Channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for UHF television stations are met.

6. Use of allocations in Channels 14 and 15 in the Cleveland, Ohio, urbanized area and Channel 15 and 16 allocations in the Detroit, Michigan, urbanized area is deferred pending completion of negotiations with Canada relative to the licensing of frequencies in the 470–512 MHz band for land mobile operations in these areas.

(d) Frequencies in the General Access Pool will be made available to applicants eligible in the Land Transportation Radio Services after all channels presently assigned in the Land Transportation Pools are substantially loaded in accordance with the standards set out above at Note 3 to paragraph (c) of this section. Channels from the General Access Pool will be assigned starting with the highest frequency available at the time and progress towards the low end of the General Access Pool. Normally, each channel shall be substantially filled before the next one will be assigned.

* * * * *

APPENDIX "A"

BOSTON, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	4	1
Special Industrial	9	2	7
Reserve Pool "B"	6	0	6
Business	22	17	5
Taxicab	4	4	
RR/MC/AE	14	11	3
Pet./F.P./Mfr.	8	0	8
Totals	108	72	36

BOSTON, Channel 16

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	1	8
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	57	51

CHICAGO, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	9	0
Reserve Pool "B"	6	0	6
Business	32	32	0
Taxicab	4	0	4
RR/MC/AE	8	8	0
Pet./F.P./Mfr.	4	1	3
Totals	108	84	24

LOS ANGELES, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Power & Tel. Maint.	5	2	3
Special Industrial	9	9	0
Business	38	38	0
Taxicab	4	1	3
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	4	2	2
Totals	108	100	8

LOS ANGELES, Channel 20

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	39	39	0
Power & Tel. Maint.	5	2	3
Special Industrial	9	9	0
Business	33	33	0
Taxicab	4	1	3
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	4	2	2
Totals	108	100	8

NEW YORK, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	45	45	0
Power & Tel. Maint.	2	2	0
Special Industrial	9	9	0
Business	34	34	0
Taxicab	9	8	1
RR/MC/AE	7	7	0
Pet./F.P./Mfr.	2	0	2
Totals	108	105	3

NEW YORK, Channel 15

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	45	45	0
Power & Tel. Maint.	2	2	0
Special Industrial	9	9	0
Business	34	34	0
Taxicab	9	7	2
RR/MC/AE	7	7	0
Pet./F.P./Mfr.	2	0	2
Totals	108	104	4

PHILADELPHIA, Channel 19

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	22	12
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	3	6
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	8	0	8
Totals	108	61	47

PHILADELPHIA, Channel 20

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	21	1
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	21	77

PITTSBURGH, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	1	21
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	1	107

PITTSBURGH, Channel 18

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	0	22
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	0	108

SAN FRANCISCO, Channel 16

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	21	13
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	9	0
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	8	0	8
Totals	108	66	42

SAN FRANCISCO, Channel 17

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	22	12
Reserve Pool "A"	6	0	6'
Power & Tel. Maint.	5	0	5
Special Industrial	9	9	0
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	10	4
Pet./F.P./Mfr.	8	4	4
Totals	108	67	37

WASHINGTON, Channel 17

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	1	21
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	1	107

WASHINGTON, Channel 18

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Reserve Pool "C"	9	0	9
Public Safety	45	45	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	2	0	2
Special Industrial	4	3	1
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	3	2	1
RR/MC/AE	7	7	0
Pet./F.P./Mfr.	4	0	4
Totals	108	79	29

[FR Doc.77-11280 Filed 4-15-77;8:45 am]

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1976]

This useful reference tool, compiled from agency regulations and U.S. Statutes, is designed to assist industry and the public with their recordkeeping obligations.

The various digests in the 96-page "Guide" tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest also carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index lists for ready reference the categories of persons, groups, and products affected by Federal record retention requirements.

Price: $2.00

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

MAIL ORDER FORM To: Superintendent of Documents, Government Printing Office Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons). Please send me ..... copies of the GUIDE TO RECORD RETENTION REQUIREMENTS, 1976, *at $2.00 per copy.*
(Catalog No. GS 4.107/a:R245/976) (Stock No. 022-003-00915-9)

Please charge this order to my Deposit Account No. .....

Name .....

Street address .....

City and State .....ZIP Code.....