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federal register

WEDNESDAY, JULY 20, 1977

highlights

EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

OFR announces workshops to be held in Boston, Massachusetts, 10–7—10–9 inclusive 37261

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for August are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, 202–523–5282.

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AID TO FAMILIES WITH DEPENDENT CHILDREN AND MEDICAID PROGRAMS

HEW/SRS reinstates requirement for State quality control review of negative case actions; effective 7–1 and 10–1–77 37205

CITIZENS BAND RADIO SERVICE

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RESEARCH AND EVALUATION IN VOCATIONAL REHABILITATION

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MARINE MAMMAL PROTECTION

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

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Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 400—DEFINITIONS

PART 413—COST ACCOUNTING STANDARDS FOR ADJUSTMENT AND ALLOCATION OF PENSION COST

AGENCY: Cost Accounting Standards Board.

ACTION: Final rule.

SUMMARY: This Cost Accounting Standard establishes the basis for assigning pension plan actuarial gains and losses to cost accounting periods and for allocating pension cost to segments of an organization. This standard is issued in furtherance of the requirements of Pub. L. 91-379.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Bernard Sacks 202-275-6136, Cost Accounting Standards Board, 441 G Street, Northwest, Washington, D.C., 20548.

SUPPLEMENTARY INFORMATION: Detailed comments relative to the Cost Accounting Standard being promulgated are set forth in the preface to the Standard.

PART 400—DEFINITIONS

MISCELLANEOUS AMENDMENTS

Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) * * *

Actuarial Valuation. The determination, as of a specified date, of the normal cost, actuarial liability, value of the assets of a pension fund, and other relevant values for the pension plan.

* * * * *

Immediate-Gain Actuarial Cost Method. Any of the several actuarial cost methods under which actuarial gains and losses are included as part of the unfunded actuarial liability of the pension plan, rather than as part of the normal cost of the plan.

* * * * *

Pension Plan Participant. Any employee or former employee of an employer or any member or former member of an employee organization, who is or may become eligible to receive a benefit from a pension plan which covers employees of such employer or members of such organization who have satisfied the plan's participation requirements, or whose beneficiaries are receiving or may be eligible to receive any such benefit. A participant whose employment status with the employer has not been terminated is an active participant of the employer's pension plan.

* * * * * *

Spread-Gain Actuarial Cost Method. Any of the several projected benefit actuarial cost methods under which actuarial gains and losses are included as part of the current and future normal costs of the pension plan.

* * * * *

Termination Gain or Loss. An actuarial gain or loss resulting from the difference between the assumed and actual rates at which plan participants separate from employment for reasons other than retirement, disability, or death.

PART 413—COST ACCOUNTING STANDARDS FOR ADJUSTMENT AND ALLOCATION OF PENSION COST

The Cost Accounting Standard on Adjustment and Allocation of Pension Cost is one of a series being promulgated by the Cost Accounting Standards Board pursuant to section 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. app. 2168, which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

This Standard is the second Standard dealing with pension costs. The first Standard, 4 CFR Part 412, establishes requirements covering the composition of pension cost and the bases to be used for measuring such cost. The Standard being promulgated today establishes the basis for assigning actuarial gains and losses to cost accounting periods and for allocating pension cost to segments of an organization.

As part of the Board's early research relating to the subject of pension cost, it submitted an issues paper to a large cross-section of companies, Government agencies, industry and professional associations, actuaries, and other interested individuals. On June 18, 1976, this staff draft Standard was sent to those interested parties who had expressed a desire to assist the Board in its research efforts. The responses to the staff draft Standard were considered in developing a proposed Standard which was published in the FEDERAL REGISTER of February 3, 1977, with an invitation to readers to submit written views and comments to the Board. The Board also supplemented the invitation in the FEDERAL REGISTER by sending copies of the proposed Standard to over 1,000 organizations and individuals.

The Board received 67 sets of written comments from companies, Government agencies, professional associations, industry associations, public accounting firms, actuaries, universities, and others in response to the FEDERAL REGISTER proposal. All of these comments have been carefully considered by the Board. The Board's views on each of the major issues discussed by commentators are outlined below, together with explanations of the changes made to the proposed Cost Accounting Standard.

The Board wishes to take this opportunity to express its appreciation for the helpful suggestions and constructive criticisms it has received, and for the time devoted to assisting the Board in this endeavor by the many organizations and individuals involved.

(1) *Relationship to the Employee Retirement Income Security Act of 1974 and to the Financial Accounting Standards Board.* The Board received a number of comments relative to the relationship between the proposed Standard and the Employee Retirement Income Security Act of 1974 (ERISA). Many of the respondents stated that the proposed Standard contained requirements which are either inconsistent with, more restrictive than, or in conflict with the provisions of ERISA.

The purpose of the Board in promulgating its Standards on pension cost is to establish the criteria for measuring the proper amount of pension cost to be assigned to cost accounting periods for subsequent allocation to negotiated Government contracts. ERISA establishes, among other things, minimum funding Standards for pension plans and provisions affecting deductibility of pension cost for tax purposes. Although there is some commonality between the funding provisions of ERISA and the Standard being promulgated today, ERISA does not provide for the measurement of pension costs for assignment among cost accounting periods or for the subsequent allocation of such costs to contracts.

Notwithstanding the differences in objectives between the proposed Standard and ERISA, the Board believes that compliance with the provisions of the Standard being promulgated today will not violate any provision of ERISA. The Internal Revenue Service confirmed the Board's view on this matter.

One commentator expressed concern over the issuance of a Cost Accounting Standard at this time in view of the active involvement by the Financial Accounting Standards Board in refining the accounting and reporting for both pension plans and employer pension

costs. The Board is aware that the FASB may issue a Standard which could be different from the Standard being promulgated today. The Board maintains constant liaison with the FASB with regard to the two Boards' respective responsibilities for developing Standards. It also maintains liaison with the legislative and regulatory bodies responsible for developing and administering ERISA. The Board will review whatever pronouncements these bodies may issue and will consider whether revisions to this Standard are appropriate.

(2) *Definitions.* The Board has received a number of comments relative to the definitions used in the proposed Standard. Some commentators were concerned that the Board is developing still another glossary of actuarial terms. One of the problems in the field of pension accounting has been the words used to express concepts used. Different meanings have been ascribed to the same terms; different terms have been used to describe the same circumstances; and some terms have inferred meanings which have not been present and have not been intended. Thus, the Board's objective in developing the definitions in this Standard is to help provide a clear understanding of the concepts used therein.

With regard to the specific definitions used in the proposed Standard, the most common problem related to the term "segment." Some commentators construed the term to mean any group of employees performing work for the Government. The definition used in the proposed Standard is the same as that set forth in 4 CFR Part 400. As defined, a segment is an organizational unit which reports directly to a home office of that organization. The designation of organizational units as segments is the responsibility of the contractor; the proposed Standard does not change such designations.

(3) *Assignment of Actuarial Gains and Losses to Cost Accounting Periods.* Section 413.50(a)(2) of the proposed Standard required that, for contractors using an immediate-gain actuarial cost method, actuarial gains and losses shall be amortized over a 15-year period. Several commentators stated that immediate recognition of actuarial gains and losses should be required when there are "abnormal forfeitures" (i.e., exceptionally large termination gains). Some commentators expressed a desire for a 10–15-year amortization period; some desired a 10–20-year period; others merely wanted sufficient flexibility to permit them to use whatever amortization period they deem appropriate.

The 15-year amortization period is the same as that set forth in the minimum funding provisions of ERISA. It is also consistent with Opinion No. 8 of the Accounting Principles Board (APB–8) covering the accounting for the cost of pension plans. The Board believes that the amortization period set forth in ERISA is a reasonable basis for adjusting past pension cost accruals without creating significant distortions to current year's accruals. The Board is opposed to the use of various amortization periods because it would be contrary to the Board's objective of attaining greater consistency and uniformity in the measurement of pension cost and the assignment of such costs to cost accounting periods.

The Board believes also that there is no valid basis for immediate recognition of gains or losses simply because they are exceptionally large. Recognizing gains and losses in the current year generally is not appropriate because the gains or losses are often an adjustment of costs of a number of years. In this regard, the Board notes that APB–8 states also that gains and losses should be recognized immediately only if they arise from a single occurrence not directly related to the operation of the pension plan such as the closing of a plant. The Standard is consistent with this concept. Accordingly the 15-year amortization period has been retained in the Standard being promulgated today.

(4) *Annual calculation of actuarial gains and losses.* A number of commentators objected to the requirement in § 413.40(a) of the proposed Standard that actuarial gains and losses be developed annually. They pointed out that this provision, in effect, requires an annual actuarial valuation. They stated that such a requirement may impose a burden on small contractors, is contrary to ERISA which requires a valuation no less frequently than once every three years, and will result in increased administrative costs.

The Board's primary reason for requiring annual calculations of actuarial gains and losses is to assure that the proper cost is assigned to each cost accounting period. Postponing such calculations may well obscure large fluctuations in pension costs which should be recognized on a timely basis. Because many contracts begin and end within a two or three-year period, such postponements can result in incorrect costs being allocated to these contracts. The Board notes that the overwhelming majority of contractors perform annual actuarial valuations.

In addition, it should be noted that annual actuarial valuations need not be made for all pension plans. Section 412.40(a)(2) of 4 CFR Part 412 provides that for defined-contribution pension plans, the pension cost for a cost accounting period is the net contribution required to be paid for that period. Similarly, § 412.50(a) of 4 CFR Part 412 provides that multiemployer plans, certain insured plans, and certain plans applicable to colleges and universities shall be considered to be defined-contribution pension plans. Accordingly, the requirement to develop actuarial gains and losses annually is not applicable to these plans.

With regard to small contractors, the Board notes that it has not received a single comment from a small contractor stating that the requirement for an annual actuarial valuation for certain pension plans will result in a financial hardship to the contractor. Every comment it has received on this point has come from a major contractor. As for increased actuarial fees, the Board was informed by several actuaries that the difference between the cost of three annual valuations and the cost of a single, three-year valuation is relatively small.

In view of these considerations, the Board has retained the requirement for annual development of actuarial gains and losses.

(5) *Valuation of pension fund assets.* A substantial number of commentators objected to the provision of § 413.50(b)(2) of the proposed Standard which required that the value of pension fund assets be within 80 to 120 percent of the market value of such assets. Some commentators stated that such an approach could have a significant impact on pension cost in a year in which there is a large market fluctuation. Many of these seemed particularly concerned that a substantial drop in the market value of fund assets would cause an increase in pension costs. Other commentators stated that such a requirement is inconsistent with the fundamental requirement of the proposed Standard which stated that the method in use should minimize the effect of short-term market fluctuations. Some suggested various modifications to the proposed Standard to minimize the possible impact of this provision. For example, it was suggested that the average market value of the fund on several dates be used to determine whether an adjustment is required, or that no adjustment should be required unless the value of the fund is outside of the corridor for a period of several years. Some commentators were of the opinion that the corridor approach was reasonable and should be used except in cases where certain asset valuation methods are used; the most common method cited was the 5-year moving average. Several commentators noted that ERISA requires that, for minimum funding purposes, assets shall be valued on a basis which gives consideration to fair market values. They suggested that this provision obviates a need for a corridor.

The Board notes that there is no opposition to the concept that the actuarial value of pension fund assets should take into account the market value of such assets. It recognizes that there are numerous asset valuation methods which take into account market value in varying degrees. In order to achieve an acceptable relationship between the actuarial value of pension fund assets and their market values, the Board could have restricted the use of any of these market valuation methods. In the absence of such restrictions, however, the Board believes some limits must be provided to assure that the actuarial value of fund assets on a given date gives adequate recognition to their market value. The Board reiterates its often stated concept that assignment of costs to the proper period is of paramount importance in determining con-

tract costs. Total reliance on valuation methods which fail to produce actuarial values within the specified corridor is not acceptable for contract costing purposes. For the same reasons, the Board does not accept the suggested modifications to the use of a single asset valuation date because these modifications could defeat the objective of assuring that the value of the fund bears an appropriate relationship to current market values.

The Board notes that the requirement to adjust pension fund assets to within a certain range of market value is not a new concept with this Standard. The Armed Services Procurement Regulations (ASPR) has for many years required that appreciation in equity securities be recognized to the extent that 80 percent of their market value exceeds their adjusted book value. The requirement for upward adjustments of pension fund assets in the Standard being promulgated today is thus similar to the existing ASPR provision. No known problems with this provision for upward adjustments have come to the attention of the Board. Early research in connection with the pension cost Standards did, however, indicate widespread dissatisfaction with the existing ASPR provisions because they did not permit adjustment of pension fund assets below cost. The Standard being promulgated today will correct this apparent inequity.

The Board notes also that many of the commentators apparently did not realize that the adjustment to pension fund assets required pursuant to § 413.50(b) would result in an actuarial gain or loss subject to the 15-year amortization period specified in § 413.50(a)(2). It should be recognized that the 15-year amortization period minimizes the effect of short-term market fluctuations in two ways. First, the cost impact of the actuarial gain or loss for any year is spread over 15 years. Secondly, in computing a single year's pension cost, there could be adjustments resulting from market fluctuations in as many as 15 prior years. If, as can be expected, some of these adjustments will be increases to the year's pension costs while others will be decreases, the effect of market fluctuations on a year's pension cost will be further minimized. Accordingly, § 413.50 (b)(2), in conjunction with § 413.50 (a)(2), is considered to assure adequate recognition of the market value of pension fund assets, while at the same time assuring that the effect of short-term market fluctuations is minimized.

In summary, the Board continues of the view that wide latitude should be provided for selecting an asset valuation method, but that such latitude should be coupled with the requirement that the assets valued under the method selected fall within a range of the market value of such assets. The requirement that assets be valued at least at 80 percent of market value is consistent with the present provision of ASPR. The requirement that assets be valued at no more than 120 percent of market value is a needed and equitable change to the ASPR concept. These requirements are not expected to result in severe pension cost fluctuations which concerned some of the commentators. Under the circumstances the Board has not adopted those recommendations aimed at deleting or revising the requirement that pension fund assets be valued within 80 to 120 percent of market value.

(6) *Valuation of bonds in a pension fund.* Several commentators expressed their disagreement with the provision of § 413.60(b) of the proposed Standard which required that, in establishing the corridor, market values must be used for all assets, including bonds. They stated that the use of amortized amounts will, over time, produce values less susceptible to short-term market fluctuations than will be produced by the use of market values. They noted also that, for minimum funding purposes, ERISA permits bonds to be valued at cost less amortization. The Board's research shows that assets of a pension fund are acquired for investment purposes and may be liquidated whenever pension fund managers believe that the proceeds therefrom can generate more income elsewhere. The Board's research shows also that the frequent turnover of pension fund assets is the rule rather than the exception. Therefore, the Board continues of the view, that in establishing the corridor, all assets should be valued on the basis of market and no change has been made to paragraph 413.60(b) to provide otherwise. However, the Standard permits a contractor to use amortized values for bonds as a part of the asset valuation method.

(7) *Allocation of pension cost to segments of an organization.* Section 413.40 (c) of the proposed Standard provided that pension costs for a segment may always be developed by separate computation. It further provided that composite pension costs for two or more segments may be computed and allocated by means of an allocation base "unless distortions are created." Section 433.50 (c)(2) provided that "unless an equitable allocation of pension costs to segments can be made by means of an allocation base," separate pension costs for the segment shall be calculated under certain specified conditions.

Some commentators were opposed to a requirement to calculate separate pension costs for a segment under any conditions. Others thought that the proposed Standard was unclear as to when separate segment pension cost calculations were required. A number of commentators concluded that separate calculations would have to be made in any event in order to prove that the use of an allocation base is acceptable. A number of these stated that such separate calculations would be costly.

Normally, pension costs are "central payments or accruals" as that term is used in 4 CFR Part 403. Therefore, where pension costs can be computed for an individual segment, 4 CFR Part 403 would ordinarily require that the amount so computed be the amount allocated to such segment. The calculation of individual segment costs is, in effect, a direct allocation which is not only consistent with CAS 403 but is also consistent with the Board's cost allocation concepts as set forth in the Board's Restatement of Objections, Policies and Concepts (May 1977). Under the circumstances, the Board does not agree with those commentators who are of the view that computation of separate segments pension costs should never be required. Nevertheless, the Board recognizes that the calculation of separate segments pension costs cannot be made without some additional cost and effort. Consistent with its long-standing concepts on materiality, the Board believes that the calculation of separate segment pension cost should be mandatory only when such separate calculations produce materially different results than would result from the use of an allocation base. Therefore the Board sought to provide, in the proposed Standard, criteria to determine when separate calculations would be required.

It is evident that many reviewers of the proposed Standard were uncertain as to when separate segment pension cost calculations would be required and when an allocation base could be used. Accordingly, § 413.40(c) has been revised to clearly state that a separate calculation of pension cost for a segment is required only when the conditions set forth in § 413.50(c) (2) and (3) are present. Appropriate changes have also been made in these paragraphs.

The Board recognizes whether separate segment pension cost calculations are required depends in the final analysis on what is considered to be "material" for the purposes of § 413.50(c) (2) and (3). The proposed Standard provided that separate segment costs are to be computed for a segment which had "significant" termination gains; "significantly" different than average benefits, eligibility criteria, or age distribution; or "significantly" different actuarial assumptions.

The concern of many commentators that they would have to make separate segment pension cost calculations in order to prove that the use of a base is acceptable apparently stemmed in part from uncertainty as to what was meant by "significant." The Board is on record as stating that Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of costs. The Board has previously published in its Statement of Operating Policies, Procedures and Objectives certain criteria to be considered in determining whether a transaction or a decision about an accounting practice is material. Such criteria have also been proposed for inclusion in the Board's regulations. It is intended that these criteria be considered in determining whether separate segment pension cost calculations are required.

To clarify that the Board's existing materiality criteria apply in this instance, § 413.50(c) (2) and (3) in the Standard being promulgated today use the words "material" or "materially" in lieu of the words "significant" or "significantly" contained in the proposed Standard. More importantly, a statement has been added to § 413.50(c)(2) to state that separate pension cost calculations are required when the listed conditions are present only if "such conditions materially affect the amount of pension costs allocated to the segment." The Board believes that, in most cases, it will be obvious to the contracting parties whether the presence of one or more of these conditions for a segment will materially affect the pension cost for that segment. In cases where the impact is not obviously known, the Board contemplates that the contracting parties will rely on summary estimates as a basis for determining whether separate calculations are required. The Board believes that over time, the need for such summary estimates will diminish. The Board emphasizes that separate calculations are not routinely required, even though no two segments are likely to be identical with respect to the actuarial factors set forth in the Standard. The Board intends that separate segment calculations will be required only in those instances where they would result in a materially different pension cost allocation to a segment.

Several commentators noted that there are pension plans covering several segments that are almost completely devoted to performing work for the Government. Others noted that they had segments which perform a relatively negligible amount of Government work. In either case, according to these commentators, even significant differences in pension cost factors among segments covered by the plan would not materially affect the amount of pension costs allocated to Government contracts. Accordingly, they recommended that the provisions of the Standard relative to separate computations for a segment not be applicable to such segments.

One of the Board's primary objectives in the Standard being promulgated today is to allocate the proper amount of pension costs to each segment. This objective is appropriate, irrespective of the mix of Government and commercial work of a segment or among all segments covered by a pension plan. Even if several segments are entirely devoted to performing work for the Government, the allocation of pension costs among such segment could materially affect the amount of pension costs that are allocated to particular types of contracts in a cost accounting period. The Board recognizes, however, that if a relatively immaterial amount of a segment's work is performed for the Government, any revised allocation of pension cost for that segment would probably have little or no effect on the costs allocated to Government contracts. In such a case, the Board urges the contracting parties give due consideration to the Board's views on materiality.

(8) *Allocation bases.* The proposed Standard required in § 413.50(c)(1) that contractors who compute a composite pension cost for two or more segments must allocate such costs on a base consisting either of the salary and wages of the participants or the number of participants, except where the contracting parties agree to the use of a different base. A number of commentators stated that in certain cases a better beneficial or causal relationship can be obtained by the use of other than the specified bases. The most commonly listed practice was the use of one base to allocate normal cost and another base to allocate unfunded actuarial liabilities. The Board recognizes that in many cases the use of other bases or a combination of bases would provide an equitable means for allocating pension costs to segments. The Board believes that it should not preclude the use of any appropriate base. Therefore, § 413.50(c)(1) of the Standard being promulgated today has been revised to provide that the base to be used for allocating composite pension costs shall be representative of the factors on which the pension benefits are based.

The Board still believes, however, that under certain circumstances, a specific base provides the best means for allocating pension cost. Accordingly, § 413.50 (c)(1) still requires the use of salaries and wages as an allocation base where costs are calculated as a percentage of salaries and wages, and the use of a base consisting of the number of employees where costs are calculated as an amount per employee.

(9) *Allocation of pension fund assets to segments.* When pension cost must be separately calculated for a segment, it will generally be necessary to allocate pension fund assets to such segments. Section 413.50(c)(5)(iii) of the proposed Standard provided that if contractors used different actuarial cost methods in prior years, the allocation of assets must be based on actuarial liabilities developed under the Accrued Benefit actuarial cost method. Several commentators noted that this provision could result in an allocation of assets to segments which is inconsistent with the bases used to accumulate the assets. The Board agrees with this observation. Accordingly, § 413.50(c)(5) of the Standard being promulgated today provides that the allocation of assets shall be made in a manner consistent with the actuarial cost method or methods used to give rise to such assets. It should be noted, however, that such an allocation is permitted only when contributions, disbursements, income, and expenditures made by, or in behalf of, a segment are not readily determinable.

Several commentators suggested that the Standard should be clarified with regard to whether the value of the assets to be allocated shall be the cost of the assets, the actuarial value of the assets, or the market value of the assets. Accordingly, the Board has provided in § 413.50(c)(5)(ii) of the Standard that the allocation shall be the actuarial value of the assets.

Several other commentators expressed concern that the Standard would require that specific assets be allocated to segments. The Board never intended an allocation of specific assets; rather, it intended that there be an initial allocation of assets for accounting purposes only. All of the assets of a pension fund remain available to provide benefit payments for participants in any segment. To clarify this point, § 413.50(c)(5) of the Standard being promulgated today has been revised to state that there shall be an initial allocation of a share in the undivided pension fund assets.

During the course of the Board's research several contractors and actuaries questioned whether the proposed asset allocation requirements prohibited contractors from establishing a separate fund for a segment. The Board does not intend such a prohibition in the Standard being promulgated today.

(10) *Pension costs of inactive participants.* The proposed Standard provided in § 413.50(c)(7) that inactive pension plan participants shall be considered as constituting a separate segment. This provisions was included on the basis of research indicating that the accumulation of pension costs applicable to inactive employees would facilitate the allocation of such costs. However, a large number of commentators objected to this provision, stating that it would be much simpler and less costly to merely assign inactive participants to segments. The Board continues to believe that in certain cases the use of a separate segment to accumulate costs applicable to inactive employees will facilitate cost allocation. It recognizes, however, that in other cases assignment of inactive employees to active segments will ease administrative problems. The Board believes that either technique should result in an equitable allocation of pension cost. Accordingly, the Standard being promulgated today specifically provides in § 413.50(c)(9) for the use of either technique.

Paragraph 413.50(c)(10) of the proposed Standard required that the pension cost calculated for the segment created for inactive participant shall be allocated to the active segments on the basis of the pension cost calculated for those segments. Several commentators pointed out that such a basis may be inappropriate in some cases. The Board concurs and has revised § 413.50 (c)(9) of the Standard to permit more flexibility in selecting an allocation base under such circumstances.

(11) *Other cost allocation matters.* Several commentators questioned whether contractors must always allocate assets, and continue developing fund data for a segment simply for the purpose of amortizing an identified one-time actuarial gain or loss attributable to a segment. If an equitable allocation of pension cost can be achieved without allocating assets, it is not necessary to do so. For example, in the case of a one-time termination gain or loss, a contractor could isolate this gain or loss from the other composite actuarial gains or

losses and separately credit or charge the former gain or loss over the next fifteen years to the segment from which it arose. The contractor could then continue using the composite cost allocation method (except for such separate adjustment) so long as there is no further unusual experience for that segment. The Board has amended the illustration in § 413.60(c)(1) of the Standard to embody this concept.

Paragraph 413.50(c)(1) of the proposed Standard contained a requirement that costs shall be calculated on a segment basis under circumstances where (1) a pension plan for a segment was, or becomes, merged with that of another segment, and (2) the ratioc of assets to actuarial liabilities for each of the merged plans are significantly different from one another after applying the benefits in effect after the merger. In illustrating this point in § 413.36 (c)(3), it was indicated that this provision is applicable to mergers which occurred prior to the effective date of the Standard. Several commentators expressed concern over the provision, stating that retroactivity was inequitable. They stated that it would be difficult and expensive to analyze prior years' pension cost, especially in cases where the mergers arose many years ago. The Board believes that these comments have merit. Accordingly, the Standard being promulgated today specifically provides in § 413.50(c)(4) that a requirement for separate segment pension cost calculations for mergers shall have prospective impact only and that pension costs need not be adjusted for prior years. Paragraph 413.60(c)(5) has also been revised.

One commentator noted that its segments performing Government work had different pension cost factors than did the other segments of the company. However, the commentator noted that these factors were homogeneous for the segments performing Government work. The commentator asked whether the Standard requires a separate cost calculation for each segment under such circumstances. The contractor can make a composite calculation for the Government segments and allocate the cost to these segments by means of an allocation base. The contractor can, of course, do this for the other segments. To highlight this point the Board has added an illustration in § 413.60(c)(4) of the Standard.

Two commentators asked whether a difference between the amount of pension cost required to be funded under ERISA, and the sum of the pension costs developed for all segments could be allocated to the various segments. The Board recognizes that it is theoretically possible for the sum of all pension costs calculated for segments of an organization to be materially less than the minimum amount required to be funded pursuant to ERISA. However, such a difference may not be assigned to the period for which funding is required. The Board has previously emphasized that the amount of pension cost assignable to a cost accounting period is not necessarily the same as the amount funded for that period. If the amount required to be funded exceeds the amount calculated, the excess amount funded is subject to the provisions of 4 CFR Part 412 (§ 412.50(c)(1)) which states that "Amounts funded in excess of the pension cost computed for a cost accounting period pursuant to the provisions of this Standard shall be applied to pension costs of future cost accounting periods."

(12) *Closing of a segment.* The proposed Standard contained a requirement in § 413.50(c)(13) that when a segment is closed and a significant number of employees are terminated, the contractor shall calculate a gain or loss from the plan applicable to that segment, irrespective of whether the pension plan is terminated. A number of commentators express their concern over this provision. Some questioned whether the "net gain or loss" was an actuarial gain or loss and, if so, how it related to other sections of the Standard. Other commentators presumed that this section dealt with the termination of a plan; they stated that, in such an event, the provisions of ERISA and regulations of the Pension Benefit Guarantee Corporation would prevail. They suggested that this section of the Standard be made applicable only to pension plans that are being continued.

As a general rule, the Standard being promulgated today is based on the concept that material actuarial gains and losses applicable to a segment will be taken into account in future cost accounting periods in determining the costs for the segment. However, a problem arises in cases where a segment is closed. Because there are no future periods in which to adjust previously-determined pension costs applicable to that segment, a means must be developed to provide a basis for adjusting such costs. This adjustment is not an actuarial gain or loss as defined in the Standard. To clarify its intent, the Board has revised § 413.50 (c)(12) of the Standard and the related illustration in § 413.60(c)(8). The Standard now states that when a segment is closed, the contractor shall determine the difference between the actuarial liability for the segment and the market value of the assets allocated to the segment.

The Board recognizes that, in some cases, the closing of a segment could be associated with a termination of a plan. Several commentators noted that, in such a case, the actuarial liability for that segment could be greatly influenced by regulations developed pursuant to the provisions of ERISA. The Standard specifically permits the effect of such regulations to be considered in determining the actuarial liability for the segment.

It should be noted that the provisions of this section are appropriate whenever a segment performing a material amount of Government business is closed, irrespective of whether the closing is caused by the completion of a contract or an organizational change, or whether the closing results in a complete or partial termination of the plan. The Board emphasizes that the purpose of this provision is to serve as a basis for recognizing and adjusting pension costs previously allocated to the segment being terminated. Such a requirement is independent of whether employees are terminated from the plan.

(13) *Application to defined-contribution and certain other plans.* A number of commentators questioned whether the provisions of the proposed Standard are applicable to defined-contribution and multiemployer pension plans. The Board notes that Standard 412 specifically provides that, for a defined contribution pension plan, the pension cost for a cost accounting period is the net contribution required to be made for that period. Standard 412 provides also that a multiemployer pension plan established pursuant to the terms of a collective bargaining agreement shall be considered to be a defined-contribution pension plan for purposes of this Standard. Thus, the only provisions of this Standard that are applicable to these plans are those dealing with the allocation of costs to segments.

Specific questions were raised with regard to the applicability of the asset valuation requirements to insured plans. Paragraph 413.50(b)(4) of the proposed Standard provided that the asset valuation requirements therein are not applicable to insured plans whose funds are commingled with those of the insurance company. Several commentators stated that this provision was unclear; they questioned whether group deposit administration annuity contracts, immediate participation guarantee contracts, or separate accounts deposit administration contracts are subject to the asset valuation provisions of the Standard. The Board intends that such contracts be subject to these provisions of the Standard. However, the asset valuation provisions do not apply to contracts under which insurance companies guarantee a rate of return. The Board believes that, in such circumstances, the recognition of unrealized appreciation or depreciation on pension fund assets does not alter the basic contractual agreement entered into between the plan sponsor and the insurance company. Paragraph 413.50(b)(4) of the Standard has been revised to clarify this point.

(14) *Costs and benefits.* The anticipated benefits of this Standard are increased consistency and uniformity in measuring actuarial gains and losses and assigning them to cost accounting periods, and better allocation of pension costs to segments of an organization. The Board believes that such improved measurements and allocations will result in more equitable allocation of pension costs to cost objectives, including Government contracts. By providing criteria for controversial aspects of pension cost accounting, the Standard is also expected to reduce disagreements among contracting parties.

In its research leading to the development of this Standard, the Board noted a number of disagreements between contracting parties relating to the disposition of termination gains attributable to segments performing Government contracts. The Board believes that the

Standard will diminish, if not eliminate, such disagreements.

On May 19, 1977, the Comptroller General of the United States issued a report to the Congress entitled "Contractor Pension Plan Costs: More Control Could Save the Department of Defense Millions." The General Accounting Office selected, at random, nine Department of Defense prime contractors and examined the pension costs of these contractors. The report states that a substantial amount of questionable pension plan costs were, or may be, charged to Government contracts. The report attributes much of the questionable pension costs to the inequitable allocation of pension plan costs between Government and commercial business. The report states that the Standard being promulgated today deals with, and should correct, many of the problems cited. The following are examples of these problems and the provision of the Standard which deals with them.

(a) A contractor, which calculates pension cost by segment, does not equitably allocate assets to these segments each year; the amounts allocated do not recognize net annual capital contributions by the segments nor the segments shares in the capital growth of pension fund investments. Section 413.50(c) (5), (6) and (7) deals with this subject.

(b) The pension fund of a contractor which acquired a commercial subsidiary is in a surplus position. As a result, pension contributions are not being made for either the Government segments or the commercial subsidiary. Because the surplus was accumulated mainly through Government reimbursements that exceeded the amounts required, the Government's proportional share of the surplus has been diluted by the annual pension plan costs of the commercial subsidiary. Section 413.50(c) (3) deals with this subject.

(c) One contractor used corporate-wide assumptions to calculate pension cost. However, the Government-oriented segments had much higher employee termination rates than did the other segments. The cost to the Government would have been much less if separate pension cost calculations were made for the Government-oriented segments, using the appropriate termination assumptions. Section 413.50(c) (2) deals with this subject.

The Board recognizes that the implementation of this Standard may result in some increased administrative costs by defense contractors. The Board's research shows that any incremental administrative costs incurred will be predominantly related to increased actuarial fees. After discussing with actuaries the nature and scope of increased actuarial work required, the Board is confident that the increased aadministrative costs required to implement the proposed Standard are relatively small and do not approach the benefits that will be achieved by the proposed Standard.

As required by 719(g) of the Defense Production Act of 1950, as amended, the Board has evaluated the potential inflationary effect of this Standard. The Standard may cause a shift of pension costs from earlier periods to later periods or vice versa. It may also cause a shift of pension costs among various portions of a contractor's business. In the long run, however, total pension costs will not increase or decrease as a result of this Standard. As already noted, increased administrative costs attributable to the Standard are expected to be minimal. Accordingly, the Board concludes that this Standard will have no inflationary effect.

(15) *Effective date.* At the time of promulgation of each previous Standard, the Board followed the policy of reserving the effective date of the Standard, pending the expiration of 60 calendar days of continuous session of the Congress following the date on which the Standard was transmitted. Section 413.80 of the Standard being promulgated today specifies the effective date. The date is included at this time to afford contractors and contracting agencies the earliest possible notification so that they can begin to make implementation plans. In the event any subsequent event makes it necessary to rescind or amend that date, such action will be taken by appropriate notice in the FEDERAL REGISTER.

PART 413—ADJUSTMENT AND ALLOCATION OF PENSION COST

Sec.

413.10 General applicability.
413.20 Purpose.
413.30 Definitions.
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413.50 Techniques for application.
413.60 Illustrations.
413.70 Exemptions.
413.80 Effective date.

AUTHORITY: 84 Stat. 796, Sec. 103, 50 U.S.C. App. 2168.

§ 413.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 413.20 Purpose.

A purpose of this Standard is to provide guidance for adjusting pension cost by measuring actuarial gains and losses and assigning such gains and losses to cost accounting periods. The Standard also provides the bases on which pension cost shall be allocated to segments of an organization. The provisions of this Cost Accounting Standard should enhance uniformity and consistency in accounting for pension costs.

§ 413.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(2) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(3) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(4) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(5) *Actuarial valuation.* The determination, as of a specified date, of the normal cost, actuarial liability, value of the assets of a pension fund, and other relevant values for the pension plan.

(6) *Immediate-gain actuarial cost method.* Any of the several actuarial cost methods under which actuarial gains and losses are included as part of the unfunded actuarial liability of the pension plan, rather than as part of the normal cost of the plan.

(7) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(8) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement, provided that the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(9) *Pension plan participant.* Any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit from a pension plan which covers employees of such employer or members of such organization who have satisfied the plan's participation requirements, or whose beneficiaries are receiving or may be eligible to receive any such benefit. A participant whose employment status with the employer has not been terminated is an active participant of the employer's pension plan.

(10) *Projected benefit cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(11) *Segment.* One of two or more divisions, product departments, plants, or

other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(12) *Spread-gain actuarial cost method.* Any of the several projected benefit actuarial cost methods under which actuarial gains and losses are included as part of the current and future normal costs of the pension plan.

(13) *Termination gain or loss.* An actuarial gain or loss resulting from the difference between the assumed and actual rates at which plan participants separate from employment for reasons other than retirement, disability, or death.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 413.40 Fundamental requirement.

(a) *Assignment of actuarial gains and losses.* Actuarial gains and losses shall be calculated annually and shall be assigned to the cost accounting period for which the actuarial valuation is made and subsequent periods.

(b) *Valuation of the assets of a pension fund.* The value of all pension fund assets shall be determined under an asset valuation method which takes into account unrealized appreciation and depreciation of pension fund assets, and shall be used in measuring the components of pension cost.

(c) *Allocation of pension cost to segments.* Contractors shall allocate pension cost to each segment having participants in a pension plan. A separate calculation of pension cost for a segment is required when the conditions set forth in § 413.50 (c) (2) and (3) are present. When these conditions are not present, allocations may be made by calculating a composite pension cost for two or more segments and allocating this cost to these segments by means of an allocation base.

§ 413.50 Techniques for application.

(a) *Assignment of actuarial gains and losses.* (1) In accordance with the provisions of 4 CFR Part 412, actuarial gains and losses shall be identified separately from unfunded actuarial liabilities being amortized.

(2) Actuarial gains and losses determined under a pension plan whose costs are measured by an immediate-gain actuarial cost method shall be amortized over a 15-year period in equal annual installments, beginning with the date as of which the actuarial valuation is made. The installment for a cost accounting period shall consist of an element for amortization of the gain or loss and an element for interest on the unamortized balance at the beginning of the period. If the actuarial gain or loss determined for a cost accounting period is not material, the entire gain or loss may be included as a component of the current or ensuing year's pension cost.

(3) Actuarial gains and losses applicable to a pension plan whose costs are measured by a spread-gain actuarial cost method shall be included as part of current and future normal cost and spread over the remaining average working lives of the work force.

(b) *Valuation of the assets of a pension fund.* (1) The actuarial value of the assets of a pension fund shall be used (i) in measuring actuarial gains and losses, and (ii) for purposes of measuring other components of pension cost.

(2) The actuarial value of the assets of a pension fund may be determined by the use of any recognized asset valuation method which provides equivalent recognition of appreciation and depreciation of pension fund assets. However, the total asset value produced by the method used shall fall within a corridor from 80 to 120 percent of the market value of the assets, determined as of the valuation date. If the method produces a value that falls outside the corridor, the value of the assets shall be adjusted to equal the nearest boundary of the corridor.

(3) The method selected for valuing pension fund assets shall be consistently applied from year to year within each plan.

(4) The provisions of paragraphs (b) (1) through (3) of this section are not applicable to plans that are funded with insurance companies under contracts where the insurance company guarantees benefit payments.

(c) *Allocation of pension cost to segments.* (1) For contractors who compute a composite pension cost covering plan participants in two or more segments, the base to be used for allocating such costs shall be representative of the factors which the pension benefits are based. For example, a base consisting of salaries and wages shall be used for pension costs that are calculated as a percentage of salaries and wages; a base consisting of the number of employees shall be used for pension costs that are calculated as an amount per employee.

(2) Separate pension cost for a segment shall be calculated whenever any of the following conditions exist for that segment, provided that such condition(s) materially affect the amount of pension cost allocated to the segment: (i) There is a material termination gain or loss attributable to the segment, (ii) The level of benefits, eligibility for benefits, or age distribution is materially different for the segment than for the average of all segments, or (iii) The appropriate assumptions relating to termination, retirement age, or salary scale are, in the aggregate, materially different for the segment than for the average of all segments. Calculations of termination gains or losses shall give consideration to factors such as unexpected early retirements, benefits becoming fully vested, and reinstatements or transfers without loss of benefits. An amount may be estimated for future reemployments.

(3) Pension cost shall also be separately calculated for a segment under circumstances where (i) The pension plan for that segment becomes merged with that of another segment, and (ii) The ratios of assets to actuarial liabilities for each of the merged plans are materially different from one another after applying the benefits in effect after the merger.

(4) Whenever the pension cost of a segment is required to be calculated separately pursuant to paragraphs (c) (2) and (3) of this section, such calculations shall be prospective only; pension costs need not be redetermined for prior years.

(5) For a segment whose pension costs are required to be calculated separately pursuant to paragraph (c) (2) of this section, there shall be an initial allocation of a share in the undivided pension fund assets to that segment, as follows: (i) If the necessary data are readily determinable, the amount of assets to be allocated to the segment shall be the amount of funds contributed by, or on behalf of, the segment, increased by income received on such funds, and decreased by benefits and expenses paid from such funds; (ii) if the data specified in subdivision (i) of this subparagraph, are not readily determinable, the actuarial value of the pension fund's assets shall be allocated to the segment in a manner consistent with the actuarial cost method or methods used to compute pension cost. For a segment whose pension costs are required to be calculated separately pursuant to paragraph (c) (3) of this section, the initial allocation of assets to the segment shall be the market value of the segment's assets as of the date of the merger.

(6) If prior to the time a contractor is required to use this Standard, it has been calculating pension cost separately for individual segments, the amount of assets previously allocated to those segments need not be changed.

(7) After the initial allocation of assets, the contractor shall maintain a record of the portion of subsequent contributions, income, benefit payments, and expenses attributable to the segment and paid from the pension fund; income and expenses shall include a portion of any investment gains and losses attributable to the assets of the pension fund. Fund income and expenses shall be allocated to the segment in the same proportion that the assets allocated to the segment bears to total fund assets as of the beginning of the period for which fund income and expenses are being allocated.

(8) If plan participants transfer among segments, contractors need not transfer assets or liabilities unless a transfer is sufficiently large to distort the segments' ratio of fund assets to actuarial liabilities.

(9) Contractors who separately calculate the pension cost of one or more segments may calculate such cost either

for all pension plan participants assignable to the segment(s) or for only the active participants of the segment(s). If costs are calculated only for active participants, a separate segment shall be created for all of the inactive participants of the pension plan and the cost thereof shall be calculated. When a contractor makes such an election, assets shall be allocated to the segment for inactive participants in accordance with paragraphs (c) (5), (6), and (7) of this section. When an employee of a segment becomes inactive, assets shall be transferred from that segment to the segment established to accumulate the assets and actuarial liabilities for the inactive plan participants. The amount of funds transferred shall be that portion of the actuarial liabilities for these inactive participants that have been funded. If inactive participants become active funds and liabilities shall similarly be transferred to the segments to which the participants are assigned. Such transfers need be made only as of the last day of a cost accounting period. The total annual pension cost for a segment having active lives shall be the amount calculated for the segment plus an allocated portion of the pension cost calculated for the inactive participants. Such an allocation shall be on the same basis as that set forth in paragraph (c)(1) of this section.

(10) Where pension cost is separately calculated for one or more segments, the actuarial cost method used for a plan shall be the same for all segments, as required by 4 CFR 412.50(b). Unless a separate calculation of pension cost for a segment is made because of a condition set forth in paragraph (c)(2)(iii) of this section, the same actuarial assumptions may be used for all segments covered by a plan.

(11) If a pension plan has participants in the home office of a company, the home office shall be treated as a segment for purposes of allocating the cost of the pension plan. Pension cost allocated to a home office shall be a part of the costs to be allocated in accordance with the appropriate requirements of 4 CFR Part 403.

(12) If a segment is closed, the contractor shall determine the difference between the actuarial liability for the segment and the market value of the assets allocated to the segment, irrespective of whether or not the pension plan is terminated. The determination of the actuarial liability shall give consideration to any requirements imposed by agencies of the United States Government. In computing the market value of assets for the segment, if the contractor has not already allocated assets to the segment, such an allocation shall be made in accordance with the requirements of paragaraph (c)(5)(i) and (ii) of this section. The market value of the assets allocated to the segment shall be the segment's proportionate share of the total market value of the assets of the pension fund. The calculation of the difference between the market value of the assets and the actuarial liability shall be made as of the date of the event (e.g., contract termination) that caused the closing of the segment. If such a date cannot be readily determined, or if its use can result in an inequitable calculation, the contracting parties shall agree on an appropriate date. The difference between the market value of the assets and the actuarial liability for the segment represents an adjustment of previously-determined pension costs.

§ 413.60 Illustrations.

(a) *Assignment of actuarial gains and losses.* Contractor A has a defined-benefit pension plan whose costs are measured under an immediate-gain actuarial cost method. The contractor makes actuarial valuations every other year. In the past, at each valuation date, the contractor has calculated the actuarial gains and losses that have occurred since the previous valuation date and has merged such gains and losses with the unfunded actuarial liabilities that are being amortized. Pursuant to § 413.40(a), the contractor must make an actuarial valuation annually. Any actuarial gains or losses measured must be separately amortized over a 15-year period beginning with the period for which the actuarial valuation is made (§ 413.50(a)(1) and (2)).

(b) *Valuation of the assets of a pension fund.* Contractor B has a defined benefit pension plan, the assets of which are invested in equity securities, debt securities, and real property. The contractor, whose cost accounting period is the calendar year, has an annual actuarial valuation of the pension fund in June of each year; the effective date of the valuation is the beginning of that year. The contractor's method for valuing the assets of the pension fund is as follows: debt securities expected to be held to maturity are valued on an amortized basis running from initial cost at purchase to par value at maturity; land and buildings are valued at cost less depreciation taken to date; all equity securities and debt securities not expected to be held to maturity are valued on the basis of a 5-year moving average of market values. In making an actuarial valuation, the contractor must compare the values reached under the asset valuation method used with the market values of all of the assets (§ 413.40(b)). In this case, the assets are valued as of January 1 of that year. The contractor established the following values as of the valuation date.

	Asset valuation method	Market
Cash	$100,000	$100,000
Equity securities	6,000,000	7,800,000
Debt securities expected to be held to maturity	550,000	600,000
Other debt securities	600,000	750,000
Land and buildings, net of depreciation	400,000	750,000
Total	7,650,000	10,000,000

Section 413.50(b)(2) requires that the total value of the assets of the pension fund fall within a corridor from 80 to 120 percent of market. The corridor for the plan's assets as of January 1 is from $12 million to $8 million. Because the asset value reached by the contractor—$7,650,000—falls outside the corridor, the value reached must be adjusted to equal the nearest boundary of the corridor: $8 million. In subsequent years the contractor must continue to use the same method for valuing assets (413.50(b)(3)). If the value produced falls inside the corridor, such value shall be used in measuring pension cost.

(c) *Allocation of pension cost to segments.* (1) Contractor C has a defined-benefit pension plan covering employees at five segments. Pension cost is computed by use of an immediate-gain actuarial cost method. One segment (X) is devoted primarily to performing work for the Government. During the current cost accounting period, Segment X had a large and unforeseeable reduction of employees because of a contract termination at the convenience of the Government and because the contractor did not receive an anticipated follow-on contract to one that was completed during the period. As a result, the plan has a large net termination gain. As a consequence of this gain a separate calculation of the pension cost for Segment X would result in a materially different allocation of costs to that segment than would a composite calculation and allocation by means of a base. Accordingly, pursuant to § 413.50(c)(2), the contractor must calculate a separate pension cost for Segment X. In doing so, the entire termination gain must be assigned to Segment X and amortized over 15 years. If the actuarial assumptions for Segment X continue to be substantially the same as for the other segments, the termination gain may be separately amortized and allocated only to Segment X; all other Segment X computations may be included as part of the composite calculation. After the gain is amortized, the contractor is no longer required to separately calculate the costs for Segment X unless subsequent events require such separate calculation.

(2) Contractor D has a defined-benefit pension plan covering employees at ten segments, all of which have some contracts subject to Cost Accounting Standards. The contractor uses a spread-gain actuarial cost method and calculates pension cost by developing a pension cost rate and applying that rate to the salaries and wages of the work force. One of the segments (Segment Y) is entirely devoted to Government work. The contractor's policy is to place junior employees in this segment. The age distribution of the employees of the segment is so different from that of the other segments that the pension cost for Segment Y would be materially different if computed separately than if computed as part of a computation which averages the ages of all employees covered by the plan. Pursuant to § 413.50(c)(2), the contractor must compute the pension cost for Segment Y as if it were a separate pension plan. Accordingly, the contractor must allocate a portion of the pension fund's assets to Segment Y. Memorandum records may be used in

making the allocation. However, because this portion cannot be readily determined, § 413.50(c)(5)(ii) permits the allocation to be made on the basis of the actuarial cost method or methods used to calculate prior years' pension cost for the plan. Once the assets have been allocated, in future cost accounting periods the contractor shall make separate pension cost calculations for Segment Y based on the actual age distribution for the segment. Because the factors comprising pension cost for the other nine segments are relatively equal, the contractor may compute pension cost for these nine segments by using composite factors and developing a percentage of payroll for the nine segments. The pension cost allocated to each of the nine segments shall be the product of the percentages developed and the payroll of each segment (§ 413.50(c)(1)).

(3) Contractor E has a defined-benefit pension plan which covers employees at 12 segments. The contractor uses composite actuarial assumptions to develop a pension cost for all segments. Three of these segments primarily perform Government work; the work at the other nine segments is primarily commercial. Employee turnover at the segments performing commercial work is relatively stable. However, employment experience at the Government segments has been very volatile; there have been large fluctuations in employment levels and the contractor assumes that this pattern of employment will continue to occur. It is evident that separate termination assumptions for the Government segments and the commercial segments will result in materially different pension costs for the Government segments. Therefore, the cost for these segments must be separately calculated, using the appropriate termination assumptions for these segments (§ 413.50(c)(2)(iii)).

(4) Contfactor F has a defined-benefit pension plan covering employees at 25 segments. Twelve of these segments primarily perform Government work; the remaining segments perform primarily commercial work. The contractor's records show that the termination experience and projections for the 12 segments are so different from that of the average of all of the segments that separate pension cost calculations are required for these segments pursuant to § 413.50(c)(2). However, because the termination experience and projections are about the same for all 12 segments, contractor F may calculate a composite pension cost for the 12 segments and allocate the cost to these segments by use of an appropriate allocation base.

(5) After this Standard becomes applicable to Contractor G, it acquires Contractor H and makes it Segment H. Prior to the merger, each contractor had its own defined-benefit pension plan. Under the terms of the merger, Contractor H's pension plan and plan assets were merged with those of Contractor G. The actuarial assumptions, current salary scale, and other plan characteristics are about the same for Segment H and Contractor G's other segments. However, based on the same benefits at the time of the merger, the plan of Contractor H had a disproportionately larger unfunded actuarial liability than did Contractor G's plan. Any combining of the assets and actuarial liabilities of both plans would result in materially different pension cost allocation to Contractor G's segments than if pension cost were computed for Segment H on the basis that it had a separate pension plan. Accordingly, pursuant to § 413.50(c)(5), Contractor G must allocate to Segment H a portion of the assets of the combined plan. The amount to be allocated shall be the market value of Segment H's pension plan assets at the date of the merger, adjusted for subsequent receipts and expenditures applicable to the segment (§ 413.50(c)(7)). Contractor G must use these amounts of assets as a basis for calculating the annual pension cost applicable to Segment H.

(6) Contractor I has a defined-benefit pension plan covering employees at seven segments. The contractor has been making a composite pension cost calculation for all of the segments. However, the contractor determines that, pursuant to this Standard, separate pension costs must be calculated for one of the segments. In accordance with § 413.50(c)(9), the contractor elects to allocate fund assets only for the active participants of that segment. The contractor must then create a segment to accumulate the assets and actuarial liabilities for the plan's inactive participants. When active participants of a segment become inactive, the contractor must transfer assets to the segment for inactive participants to cover the actuarial liabilities for the participants that become inactive. However, the amount to be transferred shall be proportionate to the percentage of such liabilities that are funded.

(7) Contractor J has a defined-benefit pension plan covering employees at ten segments. The contractor makes a composite pension cost calculation for all segments. The contractor's records show that the termination experience for one segment—primarily performing Government work—has been significantly different from the average turnover experience of the other segments. Moreover, the contractor assumes that such different experience will continue. Because of this fact, and because the application of a different termination assumption would result in significantly different costs being charged to the Government, the contractor must develop separate pension cost for that segment. In accordance with § 413.50(c)(2), the amount of pension cost must be based on an acceptable termination assumption for that segment; however, as provided in § 413.50(c)(10), all other assumptions for that segment may be the same as those for the remaining segments.

(8) Contractor K has a five-year contract to operate a Government-owned facility. The employees of that facility are covered by the contractor's overall defined-benefit pension plan which covers salaried and hourly employees at other locations. At the conclusion of the five-year period, the Government decides not to renew the contract. Although some employees are hired by the successor contractor, as far as Contractor K is concerned, the facility is closed. Pursuant to § 413.50(c)(12), Contractor K must compute an unfunded actuarial liability for the pension plan for that facility. The contractor first calculates the actuarial liability as of the date the contract expired. Because many of Contractor K's employees are terminated from the pension plan, the Internal Revenue Service considers it to be a partial plan termination, and thus requires that the terminated employees become fully vested in their accrued benefits to the extent such benefits are funded. Taking this factor into consideration, the actuary calculates the actuarial liability as amounting to $12.5 million. The contractor must then determine the market value of the pension fund assets allocable to the facility, pursuant to § 413.50(c)(5), as of the date agreed to by the contracting parties (§ 413.50(c)(12))—the date the contract expired. In making this determination the contractor establishes the ratio of the actuarial value of the assets allocable to the segment to the total actuarial value of the assets of the pension fund. The product of this ratio and the market value of all pension fund assets is the market value of the assets allocated to the segment. In this case, the market value of the segment's assets amounted to $13.8 million. Thus, for this facility the value of pension fund assets exceeded the actuarial liability by $1.3 million. This amount indicates the extent to which the Government over-contributed to the pension plan for the segment and, accordingly, indicates the extent to which prior years' pension costs are subject to adjustment.

§ 413.70 Exemptions.

None for this Standard.

§ 413.80 Effective date.

(a) The effective date of this Standard is March 10, 1978.

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.77-20913 Filed 7-19-77;8:45 am]

Title 7—Agriculture

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

[Lemon Regulation 100, Amendment 2]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the quantity of California-Arizona

lemons that may be shipped to fresh market during the weekly regulation period July 10–16, 1977. The amendment recognizes that demand for lemons has improved, since the regulation was issued. This action will increase the supply of lemons available to consumers.

DATES: Weekly regulation period July 10–16, 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. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon Administrative Committee, established under the marketing agreement and order, and other available information, it is found that the limitation of handling of lemons, as provided in this amendment will tend to effectuate the declared policy of the act.

(2) Demand in the lemon markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit lemon handlers to ship a larger quantity of lemons to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 15,000 cartons, in the interest of producers and consumers.

(3) It is futher 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 on the handling of lemons.

(b) *Order, as amended.*—Paragraph (b)(1) of § 910.400 Lemon Regulation 100 (42 FR 35142, July 8, 1977; amended at 42 FR 36990, July 19, 1977) is amended to read as follows:

§ 910.400 Lemon Regulation 100.

* * * * *

(b) *Order.*—(1) The quantity of lemons grown in California and Arizona which may be handled during the period July 10, 1977, through July 16, 1977, is established at 330,000 cartons.

* * * * *

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

Dated: July 15, 1977.

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

[FR Doc.77-20793 Filed 7-19-77;8:45 am]

[Docket No. AO–198–A9]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Order Amending the Order, as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final order amends the Federal marketing agreement and order, as amended, covering California raisins to improve procedural operations. It is based on proposals submitted by the Raisin Administrative Committee and considered at a public hearing last November.

EFFECTIVE DATE: All changes are effective August 1, 1977, except for the deletions of §§ 989.96 and 989.97 (Exhibit B) which are effective October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued October 21, 1976; published October 27, 1976 (41 FR 47059).

Notice of Recommended Decision—Issued March 28, 1977; Published April 1, 1977 (42 FR 17463).

Final Decision—Issued May 28, 1977; Published June 1, 1977 (42 FR 27913).

A principal change would make each "varietal type" of raisin covered under the order broad enough to include all raisins with similar characteristics and market uses regardless of the grape variety or method of drying used in producing the raisins. Another change would provide for grading requirements and grower district representation provisions to be moved from the order to the rules and regulations to facilitate reference. Minor changes in provisions pertaining to offers of reserve tonnage raisins to handlers would also be made for easier administration and authority would be added to designate certain raisins for production, processing, and marketing research and development projects, and for exempting these raisins from any or all regulation under the order. The raisin growers voted to amend the order in a referendum conducted by the Department by mail ballot June 2–9, 1977.

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. Except the findings as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR 989), regulating the handling of raisins produced from grapes grown in California.

Upon the basis of the record it is found that:

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

(2) The order, as amended, and as hereby further amended, regulates the handling of raisins produced from grapes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(4) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of raisins produced from grapes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make all of the amendatory provisions except those dealing with the deletion of §§ 989.96 and 989.97 (Exhibit B) effective not later than August 1, 1977. The 1977–78 crop year begins August 1, 1977, and all of the amendatory changes, except those dealing with the aforementioned deletion, should be effective on that date so that the improvements in program operations and procedures provided by these amendatory changes can be utilized when that crop year begins. Also, several of the amendatory changes require rule-

making which would be delayed beyond the time when deliveries of 1977 crop raisins begin if these amendatory changes are made effective later than August 1.

The requirements in §§ 989.96 and 989.97 (Exhibit B) will be established in the rules and regulations after August 1, 1977, but before October 1, 1977. Therefore, to assure continuous regulation and to provide time for relocating these requirements into the rules and regulations, the deletion of these two sections is effective October 1, 1977.

In view of the foregoing, it is hereby found and determined that good cause exists for making the amendatory changes effective as hereinafter specified, and that it would be contrary to the public interest to delay the effective date of all of the amendatory changes, except those dealing with the deletion of §§ 989.96 and 989.97 (Exhibit B), for 30 days after its publication in the FEDERAL REGISTER (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping raisins covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1975, through July 31, 1976, handled not less than 50 percent of the volume of such raisins covered by the said order, as amended, and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1975, through July 31, 1976 (which has been deemed to be a representative period), have been engaged within the State of California in the production of grapes which were sun-dried or dehydrated by artificial means until they became raisins for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of raisins shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 989.2 is revised to read:

§ 989.2 **Act.**

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 989.6 **[Deleted]**

2. Section 989.6 is deleted.

§ 989.8 **[Amended]**

3. Section 989.8 is amended by deleting the phrase "with or without bleaching".

4. Section 989.10 is revised to read:

§ 989.10 **Varietal types.**

"Varietal types" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. Varietal types are the following: Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), Sultana, Zante Currant and Monukka: *Provided*, That the committee may, subject to approval of the Secretary, change this list of varietal types.

§ 989.13 **[Amended]**

5. Section 989.13 is amended by deleting the phrase "(as defined in paragraph (f) of § 989.59)".

6. Section 989.22 is revised to read:

§ 989.22 **District.**

"District" means any one of the geographical areas referred to in §§ 989.26 or 989.43, and designated in the rules and regulations.

7. Section 989.24 is amended by revising the section heading and paragraph (b), and adding new paragraphs (c) and (d), to read:

§ 989.24 **Standard raisins, off-grade raisins, other failing raisins, and raisin residual material.**

(a) * * *

(b) "Off-grade raisins" means raisins which do not meet the then effective minimum grade and condition standards for natural condition raisins: *Provided*, That raisins which are certified as off-grade raisins shall continue to be such until successfully reconditioned or become "other failing raisins".

(c) "Other failing raisins" means any raisins received or acquired by a handler, either as standard raisins or off-grade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins.

(d) "Raisin residual material" means defective raisins, stemmer waste, sweepings, and other residue accumulated by a handler from reconditioning raisins or from processing standard raisins and other failing raisins.

8. The second sentence of § 989.26 is revised to read:

§ 989.26 **Establishment and membership.**

* * *. The producer members shall be selected in the number and for the districts as designated in the rules and regulations, or as such number or districts may be authorized pursuant to § 989.26a. * * *

9. The first sentence of § 989.26a is revised to read:

§ 989.26a **Changes in producer representation.**

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee, may change the number of districts designated in the rules and regulations, may redefine such districts into which the production area is divided, or may change the number of producer members which shall be selected to represent particular districts. * * *

10. Paragraphs (a) and (b) and the proviso in paragraph (d)(1) of § 989.58 are revised to read:

§ 989.58 **Natural condition raisins.**

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet such minimum grade and condition standards as the committee may establish, with the approval of the Secretary, in applicable rules and regulations: *Provided*, That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning and may receive or acquire off-grade raisins for disposition in eligible non-normal outlets: *And provided further*, That a handler may acquire natural condition raisins which exceed the tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the committee and approved by the Secretary. Nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade and condition standards are not applicable or then in effect pursuant to this part.

(b) *Changes in minimum grade and condition standards for natural condition raisins.* The committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins of any varietal type and may recommend to the Secretary that minimum grade and condition standards for any varietal type be added or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of the data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

* * * * *

(d)(1) * * *: *Provided*, That the initial inspection for infestation shall not be required if the raisins are fumigated in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. * * *

* * * * *

11. Paragraphs (a) and (b) of § 989.59 are revised to read:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulations.* Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective and applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet such minimum grade standards established by the committee, with the approval of the Secretary, in applicable rules and regulations or as later changed or prescribed pursuant to the provisions of paragraph (b) of this section: *Provided,* That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins of a particular varietal type for which minimum standards are not applicable or then in effect pursuant to this part; *And provided further,* That a handler may grind raisins, which do not meet the minimum grade standards for packed raisins because of mechanical damage or sugaring into a raisin paste.

(b) The committee may recommend changes in the minimum grade standards for packed raisins of any varietal type and may recommend to the Secretary that minimum grade standards for any varietal type be added or deleted. The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

* * * * *

§ 989.59 [Amended]

12. Section 989.59(f) is amended by deleting the phrase "(including defective raisins, stemmer waste, sweepings, and other residue)" from the first sentence and by deleting the comma following "standard raisins", and the second sentence.

13. The note following § 989.60(b) is deleted and a new paragraph (c) is added to § 989.60 to read:

§ 998.60 Exemption.

* * * * *

(c) The committee may designate such raisins as it deems appropriate for production, processing, and marketing research and development. The period of such designation shall be for not more than five years unless extended by the committee. The volume which may be acquired by all handlers shall not exceed 500 natural condition tons annually for each designated project, unless increased by the Secretary upon a recommendation of the committee. Such designated raisins may be acquired and disposed of free from those regulations specified by the committee. In any crop year, when the total industry acquisitions of the designated raisins exceed 500 natural condition tons or a larger quantity approved by the Secretary upon a recommendation of the committee, the exemption shall not apply.

14. Section 989.61 is revised to read:

§ 989.61 Above parity situations.

The provisions of this part relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement of the order, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the act.

15. The first sentence of subparagraph (3) in § 989.66(b) is revised to read:

§ 989.66 Reserve tonnage generally.

* * * * *

(b) * * *

(3) Each handler may, under the direction and supervision of the committee, substitute for any reserve tonnage raisins a like quantity of standard raisins of the same varietal type and of the same or a more recent year's production. * * *

* * * * *

16. The last sentence of § 989.67(d)(1) is deleted, and the second sentences of paragraphs (f) and (j) of § 989.67 are revised to read:

§ 989.67 Disposal of reserve raisins.

* * * * *

(f) * * *. The committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for reserve tonnage in the first offer of the crop year. * * *

* * * * *

(j) * * *. Any quantities of reserve raisins offered to handlers for free use, except as provided in § 989.54(d), may be offered to them on the basis of handler shipments or acquisitions in the same manner as in subparagraph (1) of paragraph (d), of this section. If offered on the basis of acquisitions, shares shall be determined pursuant to subparagraph (2) of paragraph (d) of this section. If offered on the basis of shipments, the same formula shall be used, except that shipments shall be used as the basis instead of acquisitions in computing handlers' shares. * * *

§ 989.79 [Amended]

§ 989.80 [Amended]

§ 989.82 [Amended]

17. The word "fumigating" is added after the word "receiving" in the first sentences of § 989.80(a) and 989.82, and after the word "storing" in the next-to-the-last sentence of § 989.79.

18. In the fourth sentence of § 989.80(c), the words "and the Board" immediately following the words "functions of the committee" are deleted.

§ 989.84 [Amended]

19. Section 989.84 is amended by deleting the phrase "(as defined in § 989.59(f))".

§ 989.96 [Deleted]

20. Section 989.96 is deleted, effective October 1, 1977.

§ 989.97 [Revoked]

21. Section 969.97 (Exhibit B) and the note following this section are deleted effective October 1, 1977.

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

Effective date: All changes are effective August 1, 1977, except the deletions of §§ 989.96 and 989.97 (Exhibit B) which are effective October 1, 1977.

Signed at Washington, D.C., on July 14, 1977.

JERRY C. HILL,
Deputy Assistant Secretary for Marketing Services.

[FR Doc.77-20893 Filed 7-19-77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 299—IMMIGRATION FORMS

PART 499—NATIONALITY FORMS

Current Edition Dates of Service Forms

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This order amends the lists of immigration and nationality forms published in the Service's regulations to reflect the current edition dates of certain Service forms which have been revised, and the cancellation of a Service form. The amendments are being published for the information and guidance of all persons involved in immigration and nationality work.

EFFECTIVE DATE: July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, telephone 202–376–8373.

SUPPLEMENTARY INFORMATION: The edition dates of several immigration and nationality forms included in the lists published in 8 CFR 299.1 and 8 CFR 499.1 have been changed. Also, Form I-550 (4–1–76), "Application for Verification of Lawful Permanent Residence of an Alien" has been canceled. Form G-641 (8–12–76), "Application for Verification of Information from Immigration and Naturalization Records" should now be used to obtain the information formerly requested by use of Form I–550.

Accordingly, 8 CFR 299.1 and 8 CFR 499.1 will be amended to reflect the current edition dates of the forms indicated. 8 CFR 299.1 will be further amended to

delete the reference to Form I-550 in its entirety.

The following amendments are hereby prescribed to Parts 299 and 499 of Chapter I of Title 8 of the Code of Federal Regulations:

1. In § 299.1, the listing of forms is amended to reflect the current edition dates of the following forms:

§ 299.1 **Prescribed forms.**

* * * * *

Form No., Title, and Description

* * * * *

DSP-66 (6-75). Certificate of Eligibility for Exchange Visitor Status.

* * * * *

G-27 (10-13-76). Request for Recognition to Represent before the Board of Immigration Appeals and the Immigration and Naturalization Service.

* * * * *

G-641 (8-12-76). Application for Verification of Information from Immigration and Naturalization Records.

* * * * *

I-129F (1-1-77). Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.

I-130 (1-1-77). Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.

* * * * *

I-140 (1-10-77). Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.

* * * * *

I-185 (1-1-75). Nonresident Alien Canadian Border Crossing Card.

* * * * *

I-221S (8-26-76). Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.

* * * * *

I-323 (3-15-77). Notice—Immigration Bond Breached.

* * * * *

I-342 (2-15-77). Determination of the Immigration Judge with Respect to Custody.

* * * * *

I-352 (10-14-76). Immigration Bond.

* * * * *

I-391 (3-14-77). Notice—Immigration Bond Cancelled.

* * * * *

I-425 (3-24-77). Agreement for Preinspection at Places Outside United States.

* * * * *

I-485(1-10-77)). Application for Status as Permanent Resident.

* * * * *

I-526 (10-7-76). Request for Determination that Prospective Immigrant is an Investor.

* * * * *

2. § 299.1, *Prescribed forms*, is further amended by deleting "Form I-550 (4-1-76) Application for Verification of Lawful Permanent Residence of an Alien" from the listing.

In § 499.1, the listing of forms is amended to reflect the current edition dates of the following forms:

§ 499.1 **Prescribed forms.**

* * * * *

Form No., Title, and Description

G-641 (8-12-76). Application for Verification of Information from Immigration and Naturalization Records.

* * * * *

N-400 (3-15-77). Application to File Petition for Naturalization.

* * * * *

N-405 (5-20-77). Petition for Naturalization (under general provisions of the Immigration and Nationality Act).

* * * * *

N-426 (5-12-77). Certification of Military or Naval Service.

* * * * *

N-600 (4-29-77). Application for Certificate of Citizenship.

(Sec. 103; 66 Stat. 173; (8 U.S.C. 1103).)

The above amendments are issued pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order are editorial in nature.

Effective date: The amendments prescribed in this order become effective on July 20, 1977.

Dated: July 14, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-20780 Filed 7-19-77;8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 3—RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

Preliminary Procedure

AGENCY: U.S. Department of Commerce.

ACTION: Rule change.

SUMMARY: The requirement that two representatives be named and sign submissions to the Board has imposed a burden on a number of cases and has not increased the level of responsiveness as anticipated. The requirement is therefore being withdrawn.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Hugh J. Dolan, Chairman, Appeals Board (377-3135).

Section 3.3 of the Rules is amended by deleting paragraph (b) in its entirety, and the remaining paragraph (a) should become undesignated.

HUGH J. DOLAN,
Chairman, Appeals Board.

[FR Doc.77-20895 Filed 7-19-77;8:45 am]

Title 16—Commercial Practices

CHAPTER 1—FEDERAL TRADE COMMISSION

[Docket C-2894]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Men's Wear International, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a New York City importer and distributor of clothing to cease misrepresenting the wool and other fiber content of its wool blend clothing. Further, the order would require the respondent to notify all purchasers of its misbranded products that the clothing purchased had been misbranded.

DATES: Complaint and order issued June 21, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Richard A. Givens, Director, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 20007 (212-264-1207).

SUPPLEMENTARY INFORMATION: On Thursday, April 21, 1977, there was published in the FEDERAL REGISTER (42 FR 20668) a proposed consent agreement with analysis In the Matter of Men's Wear International, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order. No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Misbranding or Mislabeling: § 13.1212 Formal regulatory and statutory requirements; 13.-1212-90 Wool Product Labeling Act.

[1] Copies of the complaint, and the decision and order filed with the original document.

Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623–90 Wool Products Labeling Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68.)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-20896 Filed 7-19-77;8:45 am]

Title 32—National Defense

CHAPTER XII—DEFENSE LOGISTICS AGENCY

SUBCHAPTER B—MISCELLANEOUS

[DLAR 5030.11]

PART 1287—DLA CONSUMER REPRESENTATION PROGRAM

Implementation

AGENCY: Defense Logistics Agency (DLA).

ACTION: Final rule.

SUMMARY: This regulation implements the DLA Consumer Representation Program which was developed at the direction of ASD(MRA&L). Its purpose is to ensure DLA consumer representation techniques reflect the needs of the consumer and that consumer advice and participation is encouraged.

EFFECTIVE DATE: May 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Ms. Nancy B. McMahon, Commercial—AC 202–274–6176; AUTOVON—284–6176.

By order of the Director.

J. J. MCALEER, Jr.,
Colonel, U.S. Army,
Staff Director, Administration.

Part 1287, Subchapter B, Chapter XII of Title 32 of the Code of Federal Regulations is added to read as follows:

Sec.
1287.1 Purpose and scope.
1287.2 Policy.
1287.3 Background.
1287.4 Responsibilities.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133; DoD Directive 5105.22, January 5, 1977.

§ 1287.1 Purpose and scope.

To establish policy guidance, assign organizational responsibilities, and provide procedures for carrying out a DLA Consumer Representation Program, hereinafter referred to as the program, and to implement DoD Directive 5030.56, DoD Consumer Representation Program. This Part 1287 is applicable to HQ DLA and all DLA primary level field activities.

§ 1287.2 Policy.

DLA consumer representation techniques shall reflect the needs of consumers and be designed to encourage consumer advice and participation.

§ 1287.3 Background.

(a) The program will ensure that persons who are affected by consumer oriented DLA-sponsored legislation, regulation, policy decisions, or program action, have the opportunity to comment on the subject before a decision is reached, and that their views are duly considered in the decisionmaking process. The program is intended to make it easier for consumers, planners, and managers to focus their attention on issues of special and general consumer concern in DLA.

(b) The mission of DLA consists of three major areas: logistics support, contract administration, and technical and logistics services. The primary customers of DLA are the Military Services. Other direct contact is with defense contractors as producers of material for the Military Services. As such, DLA functions are not generally oriented to the private sector/Consumer. Contact with the private sector/consumer, when it does occur, is an integral and routine aspect of operational programs. Those programs outlined in Appendix A are the DLA programs which provide a practical opportunity for consumer representation and as such constitute and serve as the program.

§ 1287.4 Responsibilities.

(a) HQ DLA. The Assistant Director, Plans, Programs and Systems, DLA (DLA–L) will:

(1) Serve as point of contact for all matters pertaining to the program.

(2) Monitor effectiveness of the program.

(b) The Heads of HQ DLA Principal Staff Elements and Primary Level Field Activities will:

(1) Ensure that all instructions for which they are responsible are consistent with this Part 1287.

(2) Actively solicit consumer opinion and ensure that appropriate feedback is provided on consumer oriented legislation, regulation, policy decision, or program action.

APPENDIX A

DLA ACTIVITIES WHICH IMPACT ON CONSUMERS

1. *Consumer Product Information Program (DLAR 5030.7).*—DLA policy is to make available consumer product information through the Central Consumer Product Information Coordinating Center in the General Services Administration. Product information is defined as documents that would be potentially useful to the public consumer in making informed judgments about products in the market place.

2. *Economic Adjustment Assistance to Defense Impacted Communities (DLAR 5410.2).*—This regulation establishes policy guidance for an economic adjustment program to minimize economic impact on communities resulting from changes in Defense programs. When there is a serious economic impact, the resources of the Federal Government will be brought to bear on the problem, and every practical consideration will be given to implementing action in a manner to minimize local economic impact. Assistance is directed toward helping communities to help themselves. The program emphasizes identification of a responsible community leadership group to work with the Economic Adjustment Council (EAC). An onsite community survey by an EAC is made to assist community leaders in evaluating community needs and resources, and to help formulate a development strategy and a community economic adjustment program to achieve desired objectives. In support of these local objectives, DLA field activities shall cooperate with and assist local leaders in efforts to identify activity property that the community could beneficially utilize. Complete details of the program can be found in DLAR 5410.2.

3. *Inspector General.*—(a) The Inspector General (IG), DLA will forward consumer complaints received to the appropriate HQ DLA PSE and copies of PSE responses will be furnished the IG, DLA, for management visibility purposes.

(b) Military Service Commissaries supported by DLA will be visited by the IG, DLA, with a view toward recognizing consumer problems and proposing corrective actions. Close interface is maintained with the Military Services to promote cognizance of problems observed in order to improve service to customers. In addition, the IG, DLA will visit Military Service mess halls to determine consumer satisfaction with DLA supplied subsistence.

4. *Civil Defense Preparedness.*—DLA support of the Defense Civil Preparedness Agency (DCPA) Programs is outlined in DLAR 3025.1. The DCPA is responsible for preparing plans and programs for the Civil Defense of the United States. DLA plans, directs, schedules, and participates in logistics and technical meetings with representatives from various Government organizations and municipal agencies. The objective is to make citizens in the community better prepared to protect life and property in the event of a threatened or actual attack.

5. *Property Disposal.*—To increase customer confidence, DoD 4160.21–M requires the surplus property sale descriptions be complete and accurate. As part of this obligation, sales of hazardous material should include special conditions based on all available information advising purchasers that the property requires additional precautions. Moreover, with respect to arms, ammunition, and implements of war and other military type items, DoD 4160.21–M–1 requires demilitarization to the extent necessary to preclude unauthorized use, destroy inherent military advantages, render dangerous property innocuous, protect national interests, and preclude compromise of security requirements. Surplus property sales contracts also include appropriate environmental, safety, and health provisions. In addition, most sales contracts include a Guaranteed Descriptions Articles providing for refund of the purchase price if items are determined to be misdescribed. DoD 4160.21–M contains details regrading the rights of surplus property over purchasers.

6. *Solicitation and Sale of Insurance on DoD Installations (DLAR 1344.1).*—Governs the solicitation and sale of all types of insurance including life, health, and motor vehicle liability on DoD installations to ensure protection of consumers. Consumer feedback in the form of reports regarding the quality of goods, services, and commodities are used to extend or revoke solicitation privileges.

[FR Doc.77-20762 Filed 7-19-77;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 765-1]

SUBCHAPTER D—WATER PROGRAMS

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

Amendment; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of final rule.

SUMMARY: This notice corrects the amendments to 40 CFR 136 (§ 136.3, Table 1) which were published on December 1, 1976 in the FEDERAL REGISTER (41 FR 52780) by reinstating the post-filtration washing option for total suspended residue measurements. On page 52784, for parameter number 106, Total Suspended Residue, add in the column titled "Method," a new line which reads: "Glass fiber filtration, 103–105°C, post-washing of residue," and opposite this entry in the column titled "Other Approved Methods," the page and footnote designation "[27] 537." On page 52785 add a new footnote 27 to read: "[27] Standard Methods for the Examination of Water and Wastewater, 13th Edition, (1971)."

EFFECTIVE DATE: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert B. Medz, Office of Monitoring and Technical Support, RD-680, 401 M St., SW., Washington, D.C. 20460, 202-426-4727.

STEPHEN J. GEORGE,
Acting Assistant Administrator for Research and Development.

JULY 14, 1977.

[FR Doc.77-20768 Filed 7-19-77;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Quality Control Review of Negative Case Actions

AGENCY: Department of Health, Education, and Welfare (HEW).

ACTION: Final regulations.

SUMMARY: These regulations reinstate a requirement, discontinued in April 1973, for States to perform a Quality Control (QC) review of negative case actions in the Aid to Families with Dependent Children (AFDC) and Medicaid programs in all jurisdictions and in the assistance programs for the aged, blind, or disabled in Puerto Rico, the Virgin Islands, and Guam. Negative case actions are actions to deny an application for, or to terminate, financial or medical assistance. The requirement is being reinstated because:

1. Results from Federal management reviews of denials and terminations (conducted outside the QC system since 1973) have proved unsatisfactory;

2. The Department became convinced, during negotiations with the New Coalition, that the scope of an effective QC system must include review of negative case actions; and

3. The manner in which the requirement was discontinued in 1973 has been challenged in court.

The negative case action review will complement currently required QC reviews of active cases. It will promote proper and efficient operation of the programs by helping to assure that assistance is provided to each individual who meets the eligibility conditions.

EFFECTIVE: July 1, 1977, for financial assistance; and October 1, 1977, for Medicaid.

FOR FURTHER INFORMATION CONTACT:

Dr. Victor Kugajevsky (202-245-0330).

SUPPLEMENTARY INFORMATION: Prior to April 6, 1973, the Department used the QC system to monitor negative case actions as well as active cases. As of that date, States were asked to concentrate on completing sample reviews of active AFDC cases. To facilitate this effort, States were relieved of all other responsibilities for Quality Control. Specifically:

1. The Medicaid quality control system was temporarily suspended.

2. Quality control reviews of negative case actions in the financial assistance programs were no longer required.

3. Reviews of active cases in the programs of aid to the aged, blind, or disabled were required only in Puerto Rico, the Virgin Islands, and Guam. (Title XVI (SSI) was to supersede these programs in the other jurisdictions on January 1, 1974.)

Following the 1973 decision, the Department developed a new Medicaid QC system for review of paid claims, which went into effect on July 1, 1975.

In 1973 the Department chose to review AFDC negative case actions outside the QC system through a federally-conducted system of management reviews. As indicated in the summary, the results proved unsatisfactory and this and other factors convinced the Department that the reinstatement of negative case action review was necessary.

The purpose of the amendments to the regulations is to reinstate review of negative case actions in the Quality Control system for the financial and medical assistance programs.

The basis for the amended regulations is the Department's conviction that this is necessary to measure the over-all effectiveness of the operation of these programs.

COMMENTS ON PROPOSED RULEMAKING

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 22, 1976 (41 FR 55727). The proposal specifically requested comment on the effective date of implementation of negative case action reviews. In addition, the Department asked for comment on the issue of tolerance levels for erroneous negative case actions.

Responses pertinent to the proposal were received from 15 State Governors, 30 State and 2 local welfare or medicaid agencies, and 40 organizations and private citizens during the comment period. Over two-thirds of the 87 comments received were in favor of negative case action reviews. Many of those who commented, while favoring the concept, raised questions or made suggestions that led to changes in the final regulations. The comments and changes are discussed below.

1. NEED FOR NEGATIVE CASE ACTION REVIEW

Six Governors and 18 State or local agencies questioned the allocation of resources to address a problem they contend has not been demonstrated to exist. They cited low rates of incorrect negative action in the Food Stamp program and in the reviews of assistance cases prior to 1973. Some considered that the requirement for States to give notice and opportunity for hearings provides sufficient safeguards. Others suggested that the Department make a pilot test to determine cost/benefit; some who commented recommended periodic reviews as part of the State's internal management system.

The Department believes that the negative case action reviews will provide comparable national data and a balanced QC system capable of measuring overall program management. The current QC system measures only the appropriateness of assistance provided to recipients. This limited scope may unduly focus State attention on only one aspect of program management. The resources needed to implement the negative case action review are justified by the comprehensiveness of the expanded system. Moreover, the fair hearing procedures cannot substitute for QC review. The number of appeals is small in proportion to, and not representative of, the total denials and terminations of assistance.

2. SCOPE OF REVIEW

Concurrently with publication of the notice of proposed rulemaking, draft review procedures were circulated to Regional and State staff. They would have required full eligibility determination by the QC reviewer in all cases for which he found that the reason given by the agency for denial or termination was incorrect or could not be determined to be correct.

A number of States suggested that a full field investigation would not be cost effective, and would distort the review findings. They recommended that the QC review end as soon as it is deter-

mined that a denial or termination cannot be supported by the stated reason. The case would then be remanded to the local agency for appropriate action. They considered that identification and analysis of all incorrect actions based on the stated reason would be sufficient for effective corrective action.

The Department is now persuaded that the additional data obtained by an extension of the negative case action review to a full eligibility review in the cited instances would not justify the cost. It is also convinced that an extension of the review scope might tend to distort the review findings and hinder effective corrective action. The review procedures in the QM Manuals are being modified accordingly.

3. EFFECTIVE DATES OF IMPLEMENTATION

Ten Governors and 21 State and local agencies were opposed to the proposed implementation dates. Thirteen legal aid agencies and 5 citizens thought that the reinstatement of the system was long overdue and supported the proposed dates.

State's opposition was based on reasons such as lack of resources, legislative budgeting cycles, need to develop technology for compiling universe data, time to recruit and train staff. A majority of the responding agencies favored a lead time of at least one year.

The Department recognized that the above cited problems preclude implementation of the Medicaid negative case action system on April 1, 1977. One of the most significant of these is the compilation of universe data from which samples are selected, particularly with respect to denied applications. Lists of denied Medicaid applications are generally maintained at local agency level. There is need for computer reprogramming or development of other methods to insure that the total sample universe is available for sampling each month. Accordingly, the implementation date for negative case action reviews in Medicaid is changed to October 1, 1977.

With regard to the financial assistance programs, the situation differs in several respects. States had considerable experience with negative case action reviews from 1964 to 1972. The later proposed implementation date provides additional time to resolve any sampling or other problems. The reduction in scope, discussed in section 2 above, significantly reduces the need for field investigations. Since records of denials and terminations can be read at the same time that active cases are read, little if any additional travel time will be required. Finally, the Department, during the course of the pending litigation in *WRO of Allegheny Co.* v. *Califano* has made the commitment to implement QC negative case action reviews at the earliest practicable date. For these reasons, the proposed July 1, 1977, implementation date is retained for the financial assistance programs.

4. ESTABLISHMENT OF NEGATIVE CASE ERROR TOLERANCE LEVELS

The preamble of the proposed regulations asked for comments on whether to set tolerances, and, if so, at what level. The vast majority of respondents recommended either that no tolerances be established or that they be established only after the system was operational and there was empirical data to support them.

A 3 percent tolerance was established in the previous negative case action review system. However, because that system was not fully operational in all States, there is no statistically valid national data on which to judge the appropriateness of that or any other figure. Accordingly, tolerance levels will not be established until new data is available.

5. INCORPORATION OF PROCEDURES IN REGULATIONS

There were objections to the lack of specificity in the proposed regulations. The areas where greater specificity was considered necessary included definition of negative case actions, description of the sample universe, scope of review, and corrective action procedures. Some comments cited the requirements of 5 U.S.C. sec. 552 that all substantive rules of general applicability be published in the FEDERAL REGISTER for the guidance of the public. They suggested that the QC Manuals which detail the procedures for QC reviews be incorporated into the regulations.

The procedures set forth in the QC Manuals are specifically incorporated by reference into the final regulation.

In incorporating these instructions, the Department does not believe it is necessary, for instance, to justify each sampling requirement contained in the 55 Manual pages dealing with that area. Experts may differ about any particular sample design or statistical concept. However, in order to obtain reliable and nationally comparable QC data a uniform set of review procedures (in this case, those set forth in the QC Manual) must be followed by all States. This allows the Department to identify those States with relatively greater or lesser problems in eligibility determinations and to see that appropriate corrective action is taken.

Publication herein of the Manuals would be impractical because of their bulk. Copies of the QC Manuals will be available upon request from HEW Publications, Room G-115-B, Switzer Building, 330 C Street SW., Washington, D.C. 20201.

6. SAMPLE SIZE AND COMPOSITION

Comments were received concerning the reduction of the negative case review sample sizes in AFDC. The sample sizes specified in the draft negative review procedures are significantly less than those required prior to discontinuance of the negative review in 1973. There is no corresponding reduction in the active case review. Also, questions were raised concerning the exclusion of emergency assistance and presumptive eligibility cases from the sample universe.

The Department believes that the level of precision necessary for management information on system weaknesses is quite different from that required for data concerning potential disallowance of Federal funds. It is principally in recognition of this that the negative review sample sizes were reduced while the positive review sample sizes remained unchanged. The Department, however, is currently exploring ways of reducing the sample sizes required for active cases within the constraints noted above.

The Department has determined that presumptive eligibility cases should appropriately be included in the negative case action universe. The review instructions have been modified accordingly. Emergency assistance cases, on the other hand, are unique in that different eligibility criteria are utilized and the payment is for a one time special allowance. Data comparability dictates that these cases be excluded from the negative case action review. They are, in fact, also excluded from the positive case review.

7. FEDERAL FUNDING

A number of States commented on the value of a comprehensive QC review system, but expressed concern about the additional financial burden. The suggested alternatives included 100 percent Federal funding of the negative case action reviews; increased reimbursement for all QC review activities; and alternate review cycles.

The Department believes that, in light of the reduced scope of the negative case review, there will be only a slight increase in the QC workload.

8. NEED FOR CLARIFICATION

Several comments indicated confusion about certain statements. (a) "Negative case action" was defined as action to "deny an application for assistance *or otherwise dispose of an application for assistance without a determination of eligibility* * * *"

Some readers interpreted the italicized clause to mean that the QC review would include determination of the availability of the assistance programs to the public.

That was not the intent. The definition has been revised to make clear that the phrase refers to situations where the applicant has withdrawn or abandoned the application.

(b) The description of the Medicaid QC review required personal interviews with "recipients who fall within the sample of *active cases* and, as necessary, with individuals in the negative case action sample".

Several writers asked whether the italicized phrase meant that the sample was now to be selected from the eligibility files rather than the paid claims file.

The use of the phrase "active cases" is not intended to suggest that the sam-

ple design set forth in Section 2 of the Medicaid Eligibility QC Manual is being altered. Rather, the regulation simply makes a distinction between the two samples to make clear that personal interviews are not required in all negative action sample cases.

The major clarifying change is the addition of a new paragraph (c) which explains how to handle case errors that are related to changes in circumstances. The new paragraph replaces content deleted from the definition of "case error" in paragraph (b)(2) of the previous version of § 205.40.

OTHER CHANGES

In addition to the changes discussed above, minor technical amendments are made to:

1. Incorporate by reference the Quality Control Manuals which prescribe sampling and review procedures;

2. Specify the report forms for the adult programs and for negative case action reviews;

3. Specify the due dates for reports on negative case action reviews; and

4. Delete references to the Social and Rehabilitation Service, which ceased to exist on March 8, 1977, under the Reorganization Order published in the FEDERAL REGISTER on March 9, 1977.

Accordingly, the proposed regulations, with changes as indicated above, are adopted.

45 CFR Chapter II is amended as set forth below:

1. Section 205.40 is revised to read as follows:

§ 205.40 Quality control system.

(a) *Definitions.* For purposes of this section, notwithstanding any other regulations in this chapter:

(1) *"Assistance unit"* means all individuals whose needs, income and resources are considered in determining eligibility for, and the amount of, an assistance payment for which Federal financial participation is claimed under this chapter.

(2) *"Case error"*, for active cases, means an overpayment, underpayment, or payment to ineligibles as defined in this section; for negative case actions, means that the reason given by the agency for that action was incorrect. (For exceptions and special provisions, see paragraph (c) of this section.)

(3) *"Payment to ineligibles"* means a financial assistance payment received by or for an assistance unit, for the review month, when that assistance unit was not eligible for any part of the payment under permissible State practice in effect the first day of the review month, even though the State agency had not made a finding of ineligibility under § 206.10(a)(5) of this chapter.

(4) *"Overpayment"* means a financial assistance payment received by or for an assistance unit, for the review month, which exceeds by at least $5.00 the amount for which that unit was eligible under permissible State practice in effect on the first day of the review month.

(5) *"Underpayment"* means a financial assistance payment received by or for an assistance unit for the review month which is at least $5.00 less than the amount for which that assistance unit under permissible State practice was eligible in effect on the first day of the review month.

(6) *"Review month"* means the specific calendar or fiscal month for which the assistance payment under review was received.

(7) *"Assistance payment"* means a single payment (or two successive payments, in States that pay on a semi-monthly basis), received for a specific calendar or fiscal month.

(8) *"Permissible State practice"* means State written policy instructions that are consistent with the State plan or with plan amendments which have been submitted to, but have not been acted upon by the Department. In all instances where written instructions are not consistent with the State plan or proposed plan amendments, permissible State practice means the provisions of the State plan.

(9) *"Negative case action"* means an action to deny an application for assistance or to otherwise dispose of that application without a determination of eligibility (for instance, because the application was withdrawn or abandoned), or to terminate assistance.

(b) *State plan requirements.*—A State plan under title IV–A or I, X, XIV or XVI of the Social Security Act must provide for a continuing system of quality control for assuring that assistance is furnished in accordance with permissible State practice as defined in paragraph (a) of this section. Under this requirement:

(1) The State agency shall operate the quality control system in accordance with policies and procedures prescribed in the Quality Control Manuals issued by the Department. Specifically:

(i) It shall apply the prescribed sampling and methods and schedules.

(ii) It shall conduct field investigations, including a personal interview in all cases which fall within the sample of active cases, and as necessary for cases in the negative case action sample.

(iii) It shall provide the resources and methods necessary to analyze the findings of the system.

(iv) It shall take appropriate corrective action on improperly authorized or denied assistance and on the causes of improper actions.

(v) It shall assure access by HEW staff to State and local records relating to public assistance, to recipients, and to third parties.

(2) The State agency shall submit to the Department, in such form and at such times as it prescribes:

(i) A description of the State's sampling plan;

(ii) On a monthly basis during the 6-month sampling period, for each active sample case in the State Quality Control review, the original finding on the amount of the assistance payment and, where a case error has been determined to exist, the amount by which the payment was in error, and whether the error was an overpayment, underpayment, or payment to an ineligible;

(iii) Data required by Forms QC 341.1, 341.1A, 342.1, 401.1, 401.2, and 401.3, within 60 days of the close of the 6-month sampling period to which such data apply;

(iv) A corrective action plan for reducing the case error rates of the ineligibility, overpayments, and underpayments, within 90 days of the close of the 6-month sampling period to which they apply (January 1 through June 30, or July 1 through December 31), even after achieving case error rates of:

(A) 3 percent for ineligibility;

(B) 5 percent for overpayments; and

(C) 5 percent for underpayments; and

(v) A corrective action plan for reducing the rate of improper actions to deny or terminate assistance; and

(vi) Data required by Forms QC 341.2, 341.3, 341.4, 342.2, 342.3, and 342.4, at the same time the corrective action plan is submitted.

(c) *Special provisions applicable to changes in circumstances.* (1) An overpayment, underpayment, or payment to ineligibles that is related to a change in circumstances shall be counted as a case error if:

(i) The changes are incorrectly reflected in the review month payment; or

(ii) The change occurred in or before the second month prior to the review month and is not reflected in the review month payment.

(2) An overpayment, underpayment, or payment to ineligibles that is related to a change in circumstances shall not be counted as a case error if:

(i) The payment continues unadjusted because a hearing was requested; or

(ii) The change occurred in the review month or the month immediately preceding the review month.

(3) For purposes of this paragraph (c):

(i) A hearing decision is considered a change in circumstances;

(ii) The fact that the agency has complied with the requirements for redetermination of eligibility (see § 206.10(a)(9) of this chapter) has no bearing; and

(iii) When the overpayment, underpayment, or payment to ineligibles is the result of several changes in circumstances, each change will be evaluated as to its impact on the final determination of case error.

(d) *Temporary exception.* Through June 30, 1977, for the purpose of this section, the term "case error" shall not include errors that result solely from the State's:

(1) Failure to apply, or improper or incomplete application of, the following provisions:

(i) 45 CFR 232.10 Furnishing of social security numbers;

(ii) 45 CFR 232.11 Assignment of rights to support; and

(iii) 45 CFR 232.12 Cooperation in obtaining support; and

(2) Treatment of child support collected and distributed under the State IV–D plan and support or contribution income received directly from a legally liable individual by the AFDC family,

after the recipient has assigned support rights to the State agency.

2. Section 250.25 is revised to read as follows:

§ 250.25 Medicaid eligibility quality control.

State plan requirements. A State plan for medical assistance under title XIX of the Social Security Act must provide for a system of eligibility quality control, which meets Federal specifications, for assuring that medical assistance is furnished in accordance with State plan provisions. Under this requirement:

(a) The State agency, or at the option of the State, the agency responsible for determining eligibility for medical assistance, shall operate the system in accordance with policies and procedures prescribed in the Quality Control Manuals issued by the Department. Specifically:

(1) It shall apply the prescribed sampling methods, schedules, and instructions.

(2) It shall conduct field investigations, including a personal interview with all recipients who fall within the active case sample and, as necessary, with individuals in the negative case action sample. For purposes of this section, "Negative case action" means an action to deny an application for medical assistance or to otherwise dispose of that application without a determination of eligibility (for instance, because the application was withdrawn or abandoned), or to terminate medical assistance.

(3) It shall take appropriate corrective action on improperly authorized or denied medical assistance and on the causes of improper actions.

(4) It shall report to the Department as prescribed.

(5) It shall assure access by Federal staff to State and local records, recipients, and third parties.

(b) The State agency (or agency responsible for eligibility) shall submit to the Department, in accordance with Federal instructions:

(1) A description of the State's sampling plan for active cases and negative case actions;

(2) Data concerning all individuals who fall within the active case sample or the negative case action sample;

(3) Data concerning payments for medical assistance on behalf of recipients in the active case sample; and

(4) A comprehensive plan for analysis of and corrective action on the findings of each sampling period provided for in paragraph (c) of this section, no later than 135 days after the end of each sampling period.

(c) There shall be a sampling period from July 1, 1975 to September 30, 1975, and sampling periods of 6 months each thereafter commencing October 1, 1975, to collect the data referred to in paragraph (b)(2) of this section. Those data shall be submitted to the Department no later than 120 days after the end of each sampling period.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Programs No. 13.761 Public Assistance—Maintenance Assistance (State Aid) and No. 13.714 Medical Assistance Program.)

NOTE.—The Department has determined that this document does not require preparation of an inflationary impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: April 28, 1977.

DON WORTMAN,
Acting Administrator, Health Care Financing Administrator.

Dated: June 3, 1977.

J. B. CARDWELL,
Commissioner, Social Security Administrator.

Approved: July 15, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-20894 Filed 7-19-77;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Notice 6143-2]

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS

Emergency Energy Conservation Program: Submission of Funding Plans; Balance of FY 77 State Allocations

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule which details the procedures it will use to allocate the $82.5 million appropriated by the FY 77 Supplemental Appropriation for Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, and provides a breakdown of the allocation by State percentages and dollar amounts. Actions taken as a result of this rule will enable grantees within a State to proceed to develop a plan for the use of the supplemental funds and for CSA Regional Offices to make funding recommendations to Headquarters.

DATES: This rule is effective July 20, 1977.

This rule expires: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Saul, Energy Program Coordinator, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, 202-254-5240.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).)

GRACIELA (GRACE) OLIVAREZ,
Director.

CSA is hereby adding Appendix A after § 1061.30-14 for the period July 20, 1977 through September 30, 1977.

APPENDIX A

EMERGENCY ENERGY CONSERVATION PROGRAM: SUBMISSION OF FUNDING PLANS; BALANCE OF FY 77 STATE ALLOCATIONS

EXPIRATION DATE: September 30, 1977.

EFFECTIVE DATE: July 20, 1977.

APPLICABILITY: This Notice is applicable to grantees funded under Section 222(a)(12) of the Economic Opportunity Act of 1964 as amended if the assistance is administered by the Community Services Administration.

1. BACKGROUND

On May 4, 1977, the President signed the FY 1977 Supplemental Appropriation, that included $82.5 million for the CSA Emergency Energy Conservation Program. The Supplemental Appropriation also included $200 million for a one-time Special Crisis Intervention Program, which is not the subject of this Notice.

2. PURPOSE

The purpose of this Notice is to inform CSA grantees of the procedures CSA will implement to allocate the $82.5 million of the FY '77 Supplemental energy program funds appropriated under Section 222(a)(12) of the Economic Opportunity Act for regionally administered Emergency Energy Conservation Programs. This Notice also includes the allocation by State of that portion of the $82.5 million which will be funded through the Regional Offices to operating projects.

3. STATE FUNDING PLANS

a. *Responsibilities.* Each State Economic Opportunity Office will undertake jointly with the Community Action Agencies and other regionally administered CSA funded local energy projects in that State and the appropriate CSA Regional Office in the development of an Emergency Energy Conservation Program Plan for CSA Fy 1977, Section 222(a)(12) funds. Responsibility for coordinating this effort will reside with the SEOO, and Plans will be approved by CSA Regional Offices.

The decision as to whether to fund through the SEOO or directly to the local CAA will rest with the Regional Office, but, in any case, must be according to the Regionally-approved State Plan.

b. *Timeframe.* Supplemental grants in amounts not to exceed previous FY 1977 grant actions have been authorized to be made on the basis of existing work programs, and in most cases such grants have been made. As soon as State Plans are approved by CSA Regional Offices, funding of the balance of allocated funds will proceed in accordance with those Plans. State Emergency Energy Conservation Program Plans should be submitted to CSA Regional Offices no later than August 1, 1977. Earlier submission of Plans will, of course, result in earlier release of the full amount of state allocations.

No great packages (other than those for supplemental grants) shall be accepted in CSA Headquarters for review until after the final Headquarters approval of Regional Energy Funding Plans.

Where the deadline for submission of State Plans to the Regional Office is not met, Regional Offices will assume responsibility for taking whatever steps are necessary to see that a Funding Plan for the State is received in Headquarters for approval by August 20, 1977.

c. *Content of State Emergency Energy Conservation Program Plans.* State Plans will be developed in accordance with funding priorities set forth in d. below, and on the basis of the allocation formula set forth in 5c. Each State Plan will include, at a minimum: (1) For each local project:

(a) Recommended funding level for each program account; and

(b) The specific T/TA needed to support the recommended funding level for proposed project activities.

(2) For the entire state: (a) A plan for coverage of non-CAA areas within the State;

(b) Description of a program support role for the SEOO which shall include advocacy for mobilization of manpower needed for weatherization projects. The Plan may provide for such program support activities in an amount not to exceed ten percent of the total State allocation provided that the SEOO mobilizes at least an equal amount in non-CSA/FEA support for local programs within the State. These mobilized resources must be in addition to any non-Federal share required. The Plan shall also provide that where funding goes through the State, the full ten percent administrative cost allowance shall be passed through to the local operating agency;

(c) A plan for coordinating CSA Energy Conservation funds with such weatherization assistance funds as may become available to the State from FEA during the next six months; and

(d) A contingency plan for allocation to local projects of any Special Crisis Intervention Funds reprogrammed to Weatherization Program Account 21.

d. *Funding criteria.* Following are criteria for the second allocation of CSA FY 1977 energy funds. Funding must be consistent with the overall goals of assuring continuation of the weatherization program, strengthening the capability of local CAAs to carry out effective energy conservation and weatherization projects, and providing adequate resources for meeting the critical needs of the poor and the near poor in the coming winter. Funds shall be directed to projects so that:

(1) Every CAA operating an energy project designates an energy coordinator who will assume responsibility for the program at the local level. Where the size of the program justifies it, a new position should be created. If possible, other available funds should pay for the salary; but every project should have a coordinator.

(2) Priority consideration is given by local projects to the permanent hiring of carpenter/supervisors; this is necessary because of the high turnover experience among CETA workers, and in the expectation of a greatly increased work force, which has made it increasingly important for local projects to achieve stability in supervision if the quality of workmanship is to be maintained;

(3) Up to five percent of the total Regional Office allocation shall be expended to provide training and technical assistance responsive to the needs described in the State Funding Plans and adequate to ensure effective projects. Grantees selected for provision of T/TA shall be experienced in the activities to be supported and in working with the trainees to be served;

(4) Up to five percent of the total Regional Office allocation may be expended on consumer education and advocacy projects (Program Account 23) as defined in CSA Instruction 6143–1a, and any changes thereto; and

(5) At least one percent of the total number of houses to be weatherized in the Region with these funds shall be weatherized to the optimal level as defined in the Community Planning Guide to Weatherization, CSA Pamphlet 6143–6.

Once these priorities have been met, remaining energy funds may be used for other eligible activities as described in CSA Instruction 6143–1a, and any changes thereto. Grantees are encouraged to use part of the increase in funding level to support a balanced project including a variety of eligible activities, although no less than 70 percent of operational grant funds should be used for weatherization under program account 21.

4. REGIONAL ENERGY FUNDING PLANS

a. *Responsibilities.* Each Regional Office shall prepare a Regional Energy Funding Plan proposing the use of its final FY 77 Section 222(a)(12) allocation.

Plans will be reviewed and approved in Headquarters prior to the submission for processing of the grant award packages which will implement the Regional Energy Funding Plan.

b. *Timeframe.* CSA Regional Offices shall by August 15, 1977, submit to CSA Headquarters for review and approval, Regional Energy Funding Plans.

CSA Headquarters shall review Regional Energy Funding Plans and notify by TWX the appropriate Regional Office of its approval or disapproval no later than fourteen working days after submission, and, in no case later than September 2, 1977.

Upon approval of Regional Energy Funding Plans, Regions shall submit grant packages to Headquarters where processing of grant packages for the balance of FY 1977 energy allocations shall proceed.

c. *Content of Regional Energy Funding Plans.* Regional Energy Funding Plans shall describe the allocation of the entire Regional Energy allotment, and shall list: (1) Proposed grantees, (2) amount of each proposed grant, (3) for each grantee, activities to be supported, by dollar amount and Program Account Number, where appropriate, and (4) State and Regional totals by Program Account and dollar amount. Copies of State plans shall be submitted to CSA Headquarters by Regional Offices with the Regional Energy Funding Plans, which also, at a minimum, shall:

(1) Propose grant actions which in amounts and designation of grantees reflect State Emergency Energy Conservation Program Plans described above;

(2) Propose grant actions which include specifically identified Training and Technical Assistance activities which support the local program components as outlined in the funding plan and the TTA needs as set forth in the State plans both as to populations to be trained/assisted and training subjects to be covered.

(3) Include the Regional Office plan for funding of farmworker energy projects; and

(4) Describe the Regional Office plan for expanding the scope of its Energy program to achieve the balance and comprehensiveness of activities which is consistent with the program direction set forth in CSA Instruction 6143–1a, and any changes thereto.

(5) Describe the Regional Office plan for assuring that CSA-founded housing grantees and projects shall be coordinated with regional energy grantees and projects so as to assure that all CSA funded housing construction and rehabilitation includes provisions for adequate weatherization.

5. ALLOCATION FORMULA

a. *Elements.* The formula for allocation of funds state by state is as follows:

For purposes of determining the allocation a base of $18,000 was assigned for each local project or local CAA to undertake a project with these funds, reflecting an agency policy to encourage each project to hire an energy coordinator and permanent work supervisor(s).

The remaining funds were allocated among the states according to the following formula:

(.587×Population-weighted Heating Degree Days +.033×Population-weighted Cooling Degree Days)×(number of poverty households in the state+number of elderly below 125 percent of poverty threshold)

The resulting number for each state was then divided by the total of such numbers for all states, yielding a percentage which was applied to the balance available after subtraction of the per-project allotments.

b. *State percentages and dollar amounts.* State percentages and dollar amounts for the $63.6 million being allocated for regionally administered projects are included as Attachment A.

Regional Offices shall have the authority to transfer allocations between States on the basis of their assessment of need, capability, and past performance, provided that no State's allocation shall be reduced by more than ten percent.

Additionally, $200,000 will be provided to each Region for farmworker energy projects as set forth in CSA Notice 6143–3.

ATTACHMENT A.—*Project energy program budget for remainder of fiscal year 1977*

	Millions of dollars
Balance from $27,500,000:	
1st half fiscal year 1977 appropriation	6.800
2d half fiscal year 1977 appropriation	22.5
Total	83.3

I. Budget allocations

To regions for operating programs including training and technical assistance of up to 5 pct	67.6
Director's reserve	1.0
Indian program set aside	2.5
Farmworker set aside	2.0
Evaluation	.5
Research monitoring and assessment of $200,000,000 special crisis intervention program	1.0
Consumer conservation education set aside	1.0
Headquarters training and technical assistance (materials and support)	.2
Research and demonstration programs	7.1
Total	83.3

II. Allocation to regionally funded operational programs by State (not including 5 percent allowance for training and technical assistance)

	Percent of total	Dollar allocation by State
Region I:		
Connecticut	1.36	864,960
Maine	1.15	731,400
Massachusetts	2.43	1,545,480
New Hampshire	.53	337,080
Rhode Island	.64	407,040
Vermont	.52	330,720
Total	6.63	4,216,680
Region II:		
New Jersey	2.63	1,672,680
New York	8.92	5,673,120
Puerto Rico	.41	260,760
Virgin Islands	.06	38,160
Total	12.02	7,644,720
Region III:		
Delaware	.22	139,920
District of Columbia	.30	190,800
Maryland	1.25	795,000
Pennsylvania	6.04	3,822,360
Virginia	2.79	1,774,440
West Virginia	1.41	896,760
Total	11.98	7,619,280
Region IV:		
Alabama	1.82	1,157,520
Florida	1.36	864,960
Georgia	2.03	1,291,080
Kentucky	2.11	1,341,960
Mississippi	1.32	839,520
North Carolina	2.77	1,761,720
South Carolina	1.13	718,680
Tennessee	2.22	1,411,920
Total	14.76	9,387,360

II. Allocation to regionally funded operational programs by State (not including 5 percent allowance for training and technical assistance)

	Percent of total	Dollar allocation by State
Region V:		
Illinois	4.97	3,160,920
Indiana	2.41	1,532,760
Michigan	4.41	2,804,760
Minnesota	3.14	1,997,040
Ohio	5.25	3,339,000
Wisconsin	2.52	1,602,720
Total	22.70	14,437,200
Region VI:		
Arkansas	1.44	915,840
Louisiana	1.72	1,093,920
New Mexico	.82	521,520
Oklahoma	1.70	1,081,200
Texas	3.98	2,531,280
Total	9.66	6,143,760
Region VII:		
Iowa	1.86	1,182,960
Kansas	1.10	699,600
Missouri	2.71	1,723,560
Nebraska	1.04	661,440
Total	6.71	4,267,560
Region VIII:		
Colorado	1.89	1,202,040
Montana	.70	445,200
North Dakota	.65	413,400
South Dakota	.61	387,960
Utah	.70	445,200
Wyoming	.34	216,240
Total	4.89	3,110,040
Region IX:		
Arizona	.72	457,920
California	5.20	3,307,200
Hawaii	.13	82,680
Nevada	.26	165,360
Total	6.31	4,013,160
Region X:		
Alaska	.21	133,560
Idaho	.56	356,160
Oregon	1.55	985,800
Washington	2.02	1,284,720
Total	4.34	2,760,240
Grand total	100.00	63,600,000

[FR Doc.77-20590 Filed 7-19-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21206; RM-2837]

PART 73—RADIO BROADCAST SERVICES

FM Station in Federalsburg, Md.

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action herein assigns a first Class A FM channel to Federalsburg, Md. Petitioner, Philip G. D'Adamo, states it has need for an FM station to provide local coverage. The assignment of this channel will provide for a first local aural broadcast facility in Federalsburg, Md.

EFFECTIVE DATE: August 23, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

PROCEEDING TERMINATED

Adopted: July 5, 1977.

Released: July 12, 1977.

In the matter of Amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations (Federalsburg, Md.) (Docket No. 21206, Rm 2837).

By the Chief, Broadcast Bureau:

1. The Commission herein considers the Notice of Proposed Rule Making, adopted April 15, 1977, 42 FR 21627, in the above-entitled proceeding instituted in response to a petition filed by Philip G. D'Adamo ("petitioner"). The petition proposed the assignment of Channel 296A to Federalsburg, Md., as a first FM channel to that community. Petitioner filed supporting comments in which he reaffirmed his intent to file an application to construct a station if the channel is assigned. No oppositions to the petition were filed.

2. Federalsburg (pop. 1,917), situated in Caroline County (pop. 19,781)[1], is located approximately 113 kilometers (70 miles southeast of Baltimore, Md.

3. In support of its proposal, petitioner submitted information with respect to Federalsburg and its need for a first FM channel assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 296A to Federalsburg, Md. A demand has been shown for its use and it would provide the community and the county with a first local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears 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 of the Commission's Rules.

6. In view of the foregoing, *It is ordered*, That effective August 23, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Federalsburg, Md., is amended to read as follows.

§ 73.202 Table of Assignments.

* * * * *

(b) *Table of FM Assignments.*

* * * * *

City	Channel No.
Federalsburg, Md	296A

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

[1] Population figures are taken from the 1970 U.S. Census.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief,
Broadcast Bureau.

[FR Doc. 77-20795 Filed 7-19-77;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-129]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND FUNCTIONS

Director, Materials Transportation Bureau; Authority Delegation

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Director, Materials Transportation Bureau, the authority to approve necessary travel for the conduct of the Bureau. This delegation also requires some attendant editorial changes.

EFFECTIVE DATE: July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert W. Gordon, Travel and Fiscal Specialist, Office of Management Systems, Department of Transportation, Washington, D.C. 20590, 202-426-1306.

SUPPLEMENTARY INFORMATION: The principal authors of this document are: program—Corinne Woodard, Office of Management Systems; legal—B. T. Wade, Jr., Office of the General Counsel.

Since this amendment relates to Departmental management, procedures and practices, notice and public comment thereon are unnecessary and it may be effective in fewer than thirty days following publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49 of the Code of Federal Regulations is revised to read as follows:

§ 1.53 Delegations to the Materials Transportation Bureau Director.

The Materials Transportation Bureau Director is delegated authority to:

(a) Carry out the functions vested in the Secretary by the following statutes:

(1) Natural Gas Pipeline Safety Act of 1968 as amended (49 U.S.C. 1671 et seq.).

(2) Mineral Leasing Act, as amended (Pub. L. 93-153, 30 U.S.C. 185).

(3) Deepwater Port Act of 1974 (Pub. L. 93-627) relating to the establishment, enforcement and review of regulations concerning the safe construction, operation or maintenance of pipelines on

Federal lands and the Outer Continental Shelf (33 U.S.C. 1520).

(4) Section 5 of the International Bridge Act of 1972 (Pub. L. 92–434) as it relates to pipelines not over navigable waterways.

(5) Title I—Hazardous Materials, Transportation Safety Act of 1974, Pub. L. 93–633 (49 U.S.C. 1801–1811) except as delegated by sections 1.46 (t) and (u); 1.47 (j) and (k); 1.48 (u) and (v); and 1.49 (s) and (t).

(6) Section 170 (7), (10), and (11) of Title 46, United States Code, except as delegated by § 1.46(t).

(7) Section 831–835 of Title 18, United States Code, except as delegated by §§ 1.48(d) and 1.49(f).

(8) Sections 601(c) and 902(h)(1) of the Federal Aviation Act of 1958 as amended, as they relate to regulations governing the transportation of hazardous materials by air.

(b) Authorize and approve official travel (except foreign travel) and transportation for himself, his subordinates, and others performing services for, or in cooperation with, the Materials Transportation Bureau.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).)

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

BROCK ADAMS,
Secretary of Transportation.

[FR Doc.77-20761 Filed 7-19-77;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of Ouray National Wildlife Refuge, Utah, to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: *Archery deer season,* August 20 through September 5, 1977, inclusive; *Rifle deer season,* October 22 through November 1, 1977, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078, telephone: 801–789–0351.

SUPPLEMENTARY INFORMATION:

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

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, except in those areas designated by signs as closed to hunting. These areas, comprising 9,500 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, P.O. Box 25486, Denver, Colo. 80215. Big game hunting shall be in accordance with all applicable State regulations, subject to the following conditions:

(a) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(b) Every deer killed must be checked out at refuge headquarters before hunters leave the area.

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

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

HERBERT G. TROESTER,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JUNE 8, 1977.

[FR Doc.77-20779 Filed 7-19-77;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.

FEDERAL TRADE COMMISSION

[16 CFR Part 23]

GUIDE FOR JEWELRY INDUSTRY

Trade Practice Rules

AGENCY: Federal Trade Commission.

ACTION: Extension of time for filing comments.

SUMMARY: The last day for receipt of comments concerning the proposed amendments (the proposed amendments were published in the FEDERAL REGISTER, 41 FR 29916 on June 10, 1977) to the Trade Practice Rules for the Jewelry Industry is hereby extended to September 12, 1977. Hearings will not be conducted in connection with this matter.

DATES: Comments must be received on or before September 12, 1977.

ADDRESSES: Send comments to Assistant Director for Marketing Practices, Room 200, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

D. McCarty Thornton, Esq. Room 282, Federal Trade Commission, Washington, D.C. 20580, Tel. 202-523-3913.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-20891 Filed 7-19-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Withdrawal of Proposed Amendment Pertaining to Customs Charges for Administrative Overhead With Respect to Reimbursable and Overtime Services

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

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This document withdraws an earlier proposal to provide for the assessment by the Customs Service of an administrative overhead charge with respect to reimbursable and overtime services performed by Customs officers. The proposal is being withdrawn because of recent legislation specifically prohibiting the assessment of administrative overhead charges against owners or operators of aircraft for inspections at airports.

EFFECTIVE DATE: July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Lee H. Kramer, Attorney, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Independent Offices Appropriation Act, 1952, 65 Stat. 290 (31 U.S.C. 483a, the so-called "User Charges Statute"), provides, in part, that any service provided by any Federal agency to or for any person shall be self-sustaining to the fullest extent possible. This statute authorizes the head of each Federal agency to prescribe for each service by regulation, a fee which he determines to be fair and equitable, taking into consideration the direct and indirect costs to the Government, the value to the recipient, the public policy or interest served, and other pertinent facts.

In the Decision of the Comptroller General of the United States on the matter of user charges for administrative costs of special and overtime Customs services (55 Comp. Gen. 456, November 13, 1975), the Deputy Comptroller General stated his opinion that Customs generally has authority under 31 U.S.C. 483a to impose user charges (for administrative overhead) for reimbursable and overtime services provided by Customs.

Accordingly, on March 5, 1976, a notice was published in the FEDERAL REGISTER (41 FR 9555) which proposed to provide for the collection of an additional charge for administrative overhead for reimbursable and overtime services. It was proposed to add a new § 24.21 to the Customs Regulations (19 CFR 24.21) to provide for the collection of an additional charge for administrative overhead costs from parties-in-interest who are required to reimburse Customs for the compensation and/or expenses of Customs officers performing reimbursable or overtime services for the benefit of such parties unless the imposition of the additional charge was precluded by law. The covered services are those which provide special benefits to an identifiable recipient above and beyond those which accrue to the public at large. The proposal included, but was not limited to, the following types of reimbursable and overtime services: (1) overtime services of Customs officers and employees for which compensation is provided by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), and (2) services of Customs warehouse officers or employees temporarily assigned to act as Customs warehouse officers, for which compensation is provided by section 555, Tariff Act of 1930, as amended (19 U.S.C. 1555). The proposal also provided that the amount of the charge for administrative overhead would be 15 percent of the compensation and/or expenses of the Customs officers performing the service, with certain exceptions set forth in that section.

Initially, interested persons were given until March 22, 1976, to submit relevant data, views, or arguments pertaining to the proposed amendments. In a notice published in the FEDERAL REGISTER on March 24, 1976 (41 FR 12229), the Customs Service extended the period of time given for the submission of comments until April 5, 1976.

DISCUSSION OF COMMENTS

Most of the comments received in response to the proposed amendment expressed opposition to the proposal on the grounds that it was economically unsound and highly inflationary. These commenters noted that the proposed amendment would result in increased costs, which would ultimately be passed on to the public. Other commenters termed the 15 percent charge arbitrary and excessive.

Notwithstanding these comments, existing law and the Decision of the Comptroller General discussed above would have required the Customs Service to adopt the amendments in substantially the same form as proposed.

NEW LAW

However, before the Customs Service took any final action in this matter, Congress enacted and, on July 12, 1976, President Ford approved Public Law 94-353, the Airport and Airway Development Act Amendments of 1976. In part, this Act specifically prohibits the assessment of an administrative overhead charge against owners or operators of aircraft for inspection at airports, on and after January 1, 1977.

PROPOSAL WITHDRAWN

Inasmuch as Public Law 94-353 would prohibit the proposed assessment of administrative overhead charges against the owners or operators of aircraft, the Customs Service and the Department of the Treasury are of the opinion that it would be inequitable to adopt a rule which would assess these charges only against owners and operators of warehouses, vessels, and trains.

Accordingly, the notice of proposed rulemaking published on March 5, 1976 (41 FR 9555) is hereby withdrawn.

DRAFTING INFORMATION

The principal author of this document was Lee H. Kramer, Attorney, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in its development.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: July 12, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc.77-20892 Filed 7-19-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 764-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Humboldt County, California, Air Pollution Control District's Rules and Regulations

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Humboldt County Air Pollution Control District (APCD) has adopted changes to rules concerning the monitoring of stationary sources of air pollution. The intended effect of these rules is to ascertain the extent of compliance with other APCD rules. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board as revisions to the California State Implementation Plan (SIP). The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before August 19, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, Calif. 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air & Hazardous Materials Division, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94111. Attn: David R. Souten, 415-556-7288.

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal included the following revised rules:

Rule 240(d)—Compliance Verification.
Rule 240(e)—Mandatory Monitoring Requirements.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before August 19, 1977, be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Humboldt County Air Pollution Control District, 5600 South Broadway, Eureka, Calif. 95501.
California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, Calif. 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: July 1, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-20769 Filed 7-19-77;8:45 am]

[40 CFR Part 52]

[FRL 764-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Northern Sonoma County, California, Air Pollution Control District's Rules and Regulations

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Northern Sonoma Air Pollution Control District (APCD) has adopted changes to rules concerning the monitoring of stationary sources of air pollution. The intended effect of these rules is to ascertain the extent of compliance with other APCD rules. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board as revisions to the California State Implementation Plan (SIP). The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before August 19, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, Calif. 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air & Hazardous Materials Division, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94111, Attn: David R. Souten, 415-556-7288.

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Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before August 19, 1977, will be considered Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Northern Sonoma County Air Pollution, Control District, 421 March Avenue, Suite C, Healdsburg, Calif. 95448.
California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, Calif. 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: July 1, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-20770 Filed 7-19-77;8:45 am]

[40 CFR Part 60]

[FRL 764-8]

GLASS MELTING FURNACES

Standards of Performance for New Stationary Sources

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to develop rulemaking.

SUMMARY: Upon a petition from the Governor of New Jersey, the Environmental Protection Agency (EPA) is undertaking an analysis of the glass manufacturing industry in order to develop air pollution standards for new and modified glass melting furnaces. This analysis could lead to the proposal of standards in the FEDERAL REGISTER by June 1978.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: Section 111 of the Clean Air Act authorizes the Administrator of EPA to establish standards of performance for new sources which may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. On March 18, 1977, the Governor of New Jersey petitioned EPA to establish standards of performance for glass melting furnaces. On June 6, 1977, EPA informed the Governor by letter that EPA would begin the process of developing a proposed standard by undertaking a complete data-gathering and analysis program. EPA estimates that in view of the complex nature of the glass manufacturing process, the limited emission data, and the pollution control technology available for glass melting furnaces, standards will not be proposed in the FEDERAL REGISTER until June 1978.

This notice does not constitute a listing of glass melting furnaces under Section 111(b)(1)(A) of the Clean Air Act. Notice of such a listing under Section 111(b)(1)(A) will be published in the FEDERAL REGISTER after (i) EPA completes the above-mentioned data-gathering and analysis, and (ii) in accordance with Section 117(f)(2) of the Clean Air Act, EPA has consulted with appropriate advisory committees, independent experts, and Federal departments and agencies.

This notice is being issued because it is EPA's policy to notify the public in advance of the Agency's plans to undertake a significant rulemaking action.

Stautory authority for the standards would be provided by Sections 111 and 301 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6, 1857g.

Dated: June 24, 1977.

EDWIN T. TUERK,
Acting Assistant Administrator, Office of Air and Waste Management.

[FR Doc.77-20834 Filed 7-19-77;8:45 am]

[40 CFR Parts 254]

[FRL 739-5]

SOLID WASTE DISPOSAL

Prior Notice of Citizen Suits

AGENCY: Environmental Protection Agency.

ACTION: Proposed regulations.

SUMMARY: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, authorizes suits by private citizens to enforce the Act. These suits may be brought where there is alleged to be a violation by any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) of any permit, standard, regulation, condition, requirement, or order which has become effective under the Act, or a failure of the Administrator to perform any act or duty under the Act which is not discretionary with the Administrator. These actions are to be filed in accordance with the rules of the district court in which the action is instituted.

The Act further requires that certain notification requirements must be met before any action may be commenced. These proposed regulations outline the procedures to be followed and prescribe the information to be contained in the notices.

DATES: Comments must be received on or before July 31, 1977. Proposed date of promulgation: August 31, 1977.

ADDRESS: Send comments to: EPA, OSW, Management and Information Staff (AW-462), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Jeffrey L. Hilliker, EPA, OSW, Management and Information Staff (AW-462), 401 M Street SW., Washington, D.C. 20460, 202-755-9173.

Dated: July 5, 1977.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to amend 40 CFR Chapter I by adding a new Part 254, reading as follows:

PART 254—PRIOR NOTICE OF CITIZEN SUITS

Sec.
254.1 Purpose.
254.2 Service of Notice.
254.3 Contents of Notice.

AUTHORITY: Section 7002 Pub. L. 94-580, 90 Stat. 2825 (42 U.S.C. 6972).

§ 254.1 Purpose.

Section 7002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, authorizes suit by any person to enforce the Act. These suits may be brought where there is alleged to be a violation by any person (including (a) The United States, and (b) Any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) of any permit, standard, regulation, condition, requirement, or order which has become effective under the Act, or a failure of the Administrator to perform any act or duty under the Act, which is not discretionary with the Administrator. The purpose of this part is to prescribe procedures governing the notice requirements of subsections (b) and (c) of section 7002 as a prerequisite to the commencement of such actions.

§ 254.2 Service of notice.

(a) Notice of intent to file suit under subsection 7002(a)(1) of the Act shall be served upon an alleged violator of any permit, standard, regulation, condition, requirement, or order which has become effective under this Act in the following manner:

(1) If the alleged violator is a private individual or corporation, service of notice shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the owner or managing agent of the building, plant, installation, or facility, alleged to be in violation. A copy of the notice shall be mailed to the Administrator of the Environmental Protection Agency, the Regional Administrator of the Environmental Protection Agency for the region in which the violation is alleged to have occurred, and the chief administrative officer of the solid waste management agency for the State in which the violation is alleged to have occurred. If the alleged violator is a corporation, a copy of the notice shall also be mailed to the registered agent, if any, of that corporation in the State in which such violation is alleged to have occurred.

(2) If the alleged violator is a State or local agency, service of notice shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the head of that agency. A copy of the notice shall be mailed to the chief administrator of the solid waste management agency for the State in which the violation is alleged to have occurred, the Administrator of the Environmental Protection Agency, and the Regional Administrator of the Environmental Protection Agency for the region in which the violation is alleged to have occurred.

(3) If the alleged violator is a Federal agency, service of notice shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the head of the agency. A copy of the notice shall be mailed to the Administrator of the Environmental Protection Agency, the Regional Administrator of the Environmental Protection Agency for the region in which the violation is alleged to have occurred, the Attorney General of the United States, and the chief administrative officer of the solid waste management agency for the State in which the violation is alleged to have occurred.

(b) Service of notice of intent to file suit under subsection 7002(a)(2) of the Act shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the Administrator, Environmental Protection Agency, Washington, D.C. 20460. A copy of the notice shall be mailed to the Attorney General of the United States.

(c) Notice given in accordance with the provisions of this part shall be considered to have been served on the date of receipt. If service was accomplished by mail, the date of receipt will be considered to be the date note on the return receipt card.

§ 254.3 Contents of notice.

(a) *Violation of permit, standard, regulation, condition, requirement, or order.* Notice regarding an alleged

violation of a permit, standard, regulation, condition, requirement, or order which has become effective under this Act shall include sufficient information to permit the recipient to identify the specific permit, standard, regulation, condition, requirement, or order which has allegedly been violated, the activity alleged to constitute a violation, the person or persons responsible for the alleged violation, the date or dates of the violation, and the full name, address, and telephone number of the person giving notice.

(b) *Failure to act.*—Notice regarding an alleged failure of the Administrator to perform an act or duty which is not discretionary under the Act shall identify the provisions of the Act which require such act or create such duty, shall describe with reasonable specificity the action taken or not taken by the Administrator which is claimed to constitute a failure to perform the act or duty, and shall state the full name, address, and telephone number of the person giving the notice.

(c) *Identification of counsel.*—The notice shall state the name, address, and telephone number of the legal counsel, if any, representing the person giving the notice.

[FR Doc.77-20763 Filed 7-19-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Waiver of Moratorium With Respect to Nine Species of Alaskan Marine Mammals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification to the public of receipt of administrative law judge's recommended decision on Alaska's request to waive moratorium for nine marine mammal species and allow the State to resume management.

SUMMARY: Notice is hereby given that on June 30, 1977, the Fish and Wildlife Service received the recommended decision of Administrative Law Judge, the Honorable Malcolm P. Littlefield, regarding the request of the State of Alaska to waive the moratorium on nine species of marine mammals and allow the State to resume management under sections 101 and 109 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407). The Service has jurisdiction over three of these species: the polar bear (*Ursus maritimus*), sea otter (*Enhydra lutris*), and Pacific walrus (*Odobenus rosmarus*). The Director of the Service is required by 50 CFR 18.90 to solicit public comment before a final decision is made to waive the moratorium. He may either approve the recommended decision as handed down, modify it, or reject it.

DATES: Interested persons are invited to submit written comments on the recommended decision on or before August 22, 1977.

ADDRESS: Comments should be addressed to the Director (FWS/WA), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, and should make reference to MMPA Docket No. 76-1.

FOR FURTHER INFORMATION CONTACT:

Rupert R. Bonner, Marine Mammal Coordinator, Office of Wildlife Assistance, U.S. Fish and Wildlife Service, Suite 1200, 1612 K Street NW., Washington, D.C. 20006. (202-343-8961).

SUPPLEMENTARY INFORMATION: The six species of marine mammals not mentioned in the summary are under the jurisdiction of the National Marine Fisheries Service. These species are the subject of a separate notice of receipt of the recommended decision being filed simultaneously with this notice by the Department of Commerce, National Oceanic and Atmospheric Administration. Augmenting the Administration's comments regarding ex parte communications to or from Federal employees who may reasonably be expected to be involved in the final decisionmaking process—communications prohibited under section 4 of the Government in the Sunshine Act of 1976 (5 U.S.C. 557(d)(1)), potentially involved Department of the Interior employees include Cecil D. Andrus, Secretary, Department of the Interior; Robert Herbst, Assistant Secretary for Fish and Wildlife and Parks; Lynn A. Greenwalt, Director, Fish and Wildlife Service; Robert S. Cook, Deputy Director; Harvey K. Nelson, Associate Director, Fish and Wildlife Resources; James W. Pulliam, Jr., Deputy Associate Director, Wildlife; Ronald E. Lambertson, Assistant Solicitor, Division of Conservation and Wildlife; and Ronald E. Swan, Attorney, Division of Conservation and Wildlife.

Judge Littlefield found that Alaskan populations of the mammals under Fish and Wildlife Service jurisdiction are within the range of optimum sustainable population, and he recommended that the moratorium be waived for the polar bear and sea otter and that their management be returned to the State, subject to stipulated modification of State laws and regulations; recommended annual quotas not quantified in existing State regulations should not exceed 170 polar bears and 3,000 sea otters. He also recommended continuation of the existing waiver for the Pacific walrus, as approved on April 5, 1976 (41 FR 14372) and amended on October 13, 1976 (41 FR 44875) and May 20, 1977 (42 FR 25924); current State quotas limit the annual retrieved walrus harvest to less than 2,300 animals, well below the maximum of 3,000 animals permitted under the waiver.

The recommended decision and all comments timely received will be available for public inspection between 7:45 a.m. and 4:15 p.m. on official business days in suite 1200 of the Service's offices at 1612 K Street NW., Washington, D.C. The recommended decision is also available for public inspection during normal business hours at the Service's Alaska Area Office, 813 D Street, Anchorage, Alaska. The record of hearings is available for public inspection and copying during normal business hours in the Office of the Solicitor, Room 6553, Department of the Interior Building, 18th and C Streets NW., Washington, D.C. Jackson E. Lewis, Office of Wildlife Assistance, U.S. Fish and Wildlife Service, was the principal author of this document.

Dated: July 13, 1977.

M. J. SPEAR,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77-20694 Filed 7-19-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMAL PROTECTION

Waiver of Moratorium With Respect to Nine Species of Alaskan Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Proposed rule—notice of receipt.

SUMMARY: On behalf of the Secretary of Commerce and the Secretary of the Interior, respectively, formal rulemaking proceedings have been initiated by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) regarding a proposal to: (1) waive the moratorium of the Marine Mammal Protection Act ("the Act") applicable to taking of nine species of Alaska marine mammals, and (2) return management of those species to the State of Alaska. On June 30, 1977, the Administrative Law Judge (ALJ) in the case issued his recommended decision, which is now available for inspection and public comment.

DATES: All comments on the recommended decision received prior to August 22, 1977, will be considered.

LOCATIONS: The recommended decision is available for inspection at:

U.S. Fish and Wildlife Service, Suite 1200, 1612 K Street NW., Washington, D.C. 20240.

Area Office, U.S. Fish and Wildlife Service, Anchorage, Alaska.

Office of the Regional Director, National Marine Fisheries Service, Juneau, Alaska.

The record of hearings is available for public inspection during normal business hours in:

Office of the Solicitor, Room 6553, Department of the Interior Buildings, 18th & C Streets NW., Washington, D.C.

ADDRESS: Comments should be sent to Director, National Marine Fisheries Service (Attn: F33), Department of Commerce, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, Phone: 202-634-7461.

SUPPLEMENTARY INFORMATION: Section 101 of the Act establishes a moratorium on the taking of marine mammals, with certain exceptions. Under certain conditions, which are set out in Section 101(a)(3)(A), the moratorium can be waived for any given species of marine mammal. The waiver must be accompanied by regulations for the conservation of the species in question, following formal rulemaking.

Section 109 of the Act preempts State laws and regulations relating to the taking of marine mammals within the State's jurisdiction, however, provision is made for the reinstatement of State laws and regulations which provide for the conservation of marine mammals consistent with the Act and any applicable Federal regulations.

In January 1973 the Governor of Alaska requested that the moratorium be waived with respect to certain species of marine mammals which predominantly inhabit Alaskan waters and the waters off Alaska, and further requested that management of these Alaska species be returned to the State. Of the Alaska marine mammals indicated in the State's request, the Secretary of Commerce has responsibility for the northern (Steller) sea lion (*Eumetopias jubatus*), land-breeding harbor seal (*Phoca vitulina richardii*), ice-breeding harbor seal, also known as spotted or largha seal (*Phoca vitulina largha*), ringed seal (*Pusa hispida*), ribbon seal (*Histriophoca fasciata*) Pacific bearded seal (*Erignathus barbatus*), and Beluga whale, also known as belukha whale (*Delphinapterus leucas*). The other three Alaska species, the polar bear (*Ussus maritimus*), sea otter (*Enhydra lutris*), and Pacific walrus (*Odobenus rosmarus*) are under the jurisdiction of the Department of the Interior. On April 9, 1976, the Directors of NMFS and FWS, based on available scientific evidence, jointly proposed to waive the moratorium in accordance with the State's request. FWS, at 41 FR 15166-72, proposed to amend 50 CFR Part 18 by adding a new subpart H to implement such a waiver and return of management with respect to species under its jurisdiction. NMFS, at 41 FR 15173-15180, proposed a new subpart I in 50 CFR Part 216, which is similar to the FWS proposal except that it pertains to species under the jurisdiction of the Department of Commerce.

Section 103 of the Act requires that waivers of the moratorium and regulations implementing such a waiver be based upon a formal hearing on the record before a duly appointed Administrative Law Judge. In compliance with this requirement, hearings were commenced before the Honorable Malcolm P. Littlefield. Subsequent to the prehearing conference on May 18, 1976, the ALJ issued an order, at 41 FR 21632-34, indicating 17 issues of fact and law to be addressed during the hearings. For 15 days over the period June 29, through July 20, 1976, formal hearings were held in Anchorage Nome, and Bethel, Alaska. The hearings concluded in Washington, D.C., on October 19 and 20, 1976. The record is composed of one volume on the prehearing conference, 17 volumes of hearings consisting of 2,664 pages, and 94 documentary exhibits, including two volumes of a draft environmental impact statement (DEIS). Twenty-one parties entered appearances at the prehearing conference representing various environmental and conservation organizations, the fishing industry, Alaska native groups, the State of Alaska, and the Marine Mammal Commission, as well as NMFS and FWS. The most active participants at the hearings submitted their arguments in opposition or support of the proposal through opening briefs in January 1977 and reply briefs in March 1977.

This notice is being published in accordance with the procedural regulations governing the hearings in the case which require that upon receipt of the recommended decision, the Directors of NMFS and FWS publish in the FEDERAL REGISTER a notice of receipt of the recommended decision, including a summary of its contents. The procedural regulations further require that after this notice of receipt has been published in the FEDERAL REGISTER, interested persons may file with the Director their written comments on the recommended decision. All comments, including recommendations from or consultation with the Marine Mammal Commission, must be submitted on or before August 19, 1977. The summary contained in this notice will cover primarily those points of the recommended decision applicable to Department of Commerce species, and FWS will separately summarize those aspects of the recommended decision most pertinent to Department of the Interior species.

EX PARTE COMMUNICATIONS

The procedural provisions regarding off-the-record communications (50 CFR 18.80) are supplemented by the requirements of Section 4 of the Government in the Sunshine Act (Pub. L. 94-409). Since the final decision on the waiver and return of management will be made during the next several months, interested individuals may be tempted to contact decision makers directly. Anyone considering such contacts should be aware that Section 4 of the Government in the Sunshine Act prohibits ex parte communications relative to the merits of the proceeding to or from any employee of an agency who is or may reasonably be expected to be involved in the decision process of the proceeding. "Ex parte communication" is defined to mean "an oral or written communication not on the record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports." So that all interested persons outside the Department of Commerce and the Department of the Interior will be able to guard against violating the Government in the Sunshine Act, the following list is provided showing Department of Commerce employees who may reasonably be expected to be involved in the decision process of this case:

Code	Name	Title
DOC	Juanita M. Kreps	Secretary, Department of Commerce.
A	Richard A. Frank	Administrator, NOAA.
EE	William Aron	Director, Office of Ecology and Environmental Conservation, NOAA.
MR	David H. Wallace	Associate Administrator for Marine Resources, NOAA.
MR	Donald P. Martineau	Deputy Associate Administrator for Marine Resources, NOAA.
MR2	Roland F. Smith	Director, Marine Fisheries Office, NOAA.
GC	William C. Brewer, Jr.	General Counsel, NOAA.
GC	James W. Brennan	Deputy General Counsel, NOAA.
GCF	Herbert L. Blatt	Assistant General Counsel, NOAA.
F	Robert W. Schoning	Director, NMFS.
F	Jack W. Gehringer	Deputy Director, NMFS.
F	Winfred H. Meibohm	Associate Director, NMFS.
F3	Robert J. Ayers	Acting Assistant Director for Fisheries Management, NMFS.
F33	Thomas C. Andrews	Chief, Division of Marine Mammals and Endangered Species, NMFS.
F33	William P. Jensen	Marine Mammal Program Manager, Division of Marine Mammals and Endangered Species, NMFS.
FAK	Harry Rietze	Regional Director, Alaska Region, NMFS, Juneau, Alaska.

A list of Department of the Interior personnel likely to be involved in the decision process will be set out in the FWS notice of receipt of the recommended decision in this case.

SUMMARY OF RECOMMENDED DECISION

As it relates to Department of Commerce species of marine mammals, the recommended decision contains the following important findings of fact and conclusions of law:

1. The ALJ found that the best scientific evidence available was presented at the hearings in support of the proposed waiver of the moratorium, thus complying with one of the basic preconditions for waiving the moratorium.

2. In waiving the moratorium the Secretaries of Commerce and Interior, in order to protect the stocks in question, must guard against a level of take which may reduce the stocks below their optimum sustainable population (OSP). The ALJ concluded that OSP constitutes a range of population sizes from a point somewhat above the point of maximum productivity up to the average carrying capacity of the habitat.

3. Notwithstanding the exemption from the moratorium provided for Alaska Natives under Section 101(b) of the Act, regarding the taking of marine mammals for subsistence or Native handicraft purposes, the ALJ concluded that the State may, upon a waiver and return of management, regulate all hunting of marine mammals by Natives.

4. Consistent with the preliminary findings of NMFS in the preamble of the April 9, 1976, proposal to waive the moratorium, the ALJ found that Alaska beluga whales are comprised of two population stocks, one located in the Cook Inlet-Shelikoff Strait and the other located in the Bering Sea-Chukchi Sea, but there is only one stock each of land-breeding harbor seals, ice-breeding harbor seals (largha or spotted seals), ribbon seals, bearded seals, ringed seals, and sea lions in Alaska.

5. The ALJ concluded that the proponents of the waiver have satisfied the burden of proof in establishing that each stock is within the range of OSP.

6. The ALJ found that Alaska's program is in accord with sound principles of resource protection and conservation, including research, enforcement, census, habitat acquisition and improvement, and public participation in the development of game regulations.

7. With respect to the Department of Commerce species, the ALJ accepted the following population estimates for each of the stocks:

(a) Northern sea lion—214,000; (b) beluga whale (Cook Inlet stock)—500; (c) beluga whale (Bering-Chukchi Sea stock)—9,000; (d) land-breeding harbor seals—270,000; (e) ice-breeding harbor seals—200-250,000; (f) ringed seal—1 to 1.5 million; (g) ribbon seal—90-100,000; and (h) Pacific bearded seal—300-400,000.

8. With respect to the Department of Commerce species, the ALJ found that the following limits on the annual harvest would protect the stocks from being disadvantaged under the terms of a waiver and return of management:

(a) Northern sea lion.—The ALJ recommended setting a harvest limit of 6,648 adults annually, providing that two pups could be taken in lieu of each adult covered by the harvest limit.

(b) Beluga whale (Cook Inlet stock).—The ALJ concluded that 10 belugas could be taken annually without disadvantage to the stock.

(c) Beluga whale (Bering-Chukchi Sea stock).—The ALJ concluded that up to 350 belugas could be safely taken from the stock on an annual basis.

(d) Land-breeding harbor seal.—The ALJ found that the total harvest of land-breeding harbor seal adults should not exceed 8,461. However, in light of the high natural mortality of pups, he further found that two pups could be safely taken in lieu of one adult animal. He added that there should be no taking from the sub-populations in the Outer Kenai Coast, Management Area 2, and the Kodiak Archipelago, Management Area 3, where there has been heavy exploitation in the past.

(e) Ice-breeding harbor seal.—The ALJ found that an annual limit of 5700 animals would be appropriate in order to avoid disadvantage to the stock.

(f) Ringed seal.—The ALJ found that 20,000 ringed seals could be taken annually without disadvantage to the stock.

(g) Ribbon seal.—The ALJ found that 500 ribbon seals could be taken annually without disadvantage to the stock.

(h) Pacific bearded seal.—The ALJ found that an actual take of 4,000 bearded seals, could be taken annually without disadvantage to the stock.

The ALJ indicated that before the waiver and a return of management is carried out, the State of Alaska should develop detailed regulations which incorporate, as applicable to Department of Commerce species, the following points:

1. "Subsistence takers" should be given preference over sport or commercial hunters, and "subsistence taker" should be defined on the basis of bonifide dependence on marine mammals by coastal residents.

2. The State should exercise extreme caution and prudence, allowing margins for safety, in calculating proposed harvest levels.

3. To prevent the Federal waiver limit from becoming a target, lower figures should be published within the State as harvest quotas, and quotas should be set not only for the total area of the State, but also for each region or village.

4. Persons who conduct commercial harvests should be required to submit jaw and reproductive tract specimens for analysis and research.

5. The State regulations should include specific language corresponding to that in the Act using the standard of OSP.

6. A working arrangement for enforcement of the marine mammal laws should be negotiated between the State of Alaska and the U.S. Coast Guard.

7. A cooperative agreement concerning marine mammal enforcement, monitoring, and review should be negotiated between FWS and NMFS.

8. A working partnership should be established between the Native communities and the State concerning proposed regulations bearing on Native communities. The ALJ strongly urged that the State provide translations of its proposals so affected Native communities can be fully informed.

9. Proposed changes in laws, regulations, policies, and permits by the State of Alaska should be published in the FEDERAL REGISTER to allow non-Alaskan participation.

10. Whenever seals are to be taken by clubbing, clubbers should be trained, stickers and a backup staff should be used, and seals should be grouped together.

11. The State method for selecting hearing officers in civil prosecution should not be employed for civil prosecutions under Alaska's approved marine mammal regulations. Rather, U.S. Administrative Law Judges should be retained and assigned through the U.S. Civil Service Commission on a case basis with reimbursement being made to the U.S. Government.

12. Even after a return of management, programs for continuing research and analysis should be pursued to improve the management effort.

13. The ALJ noted that several witnesses had testified that the State system made it difficult for Natives to serve as guides; therefore, most of the profit went to non-Native brokers in Anchorage. This problem should be resolved through appropriate means.

14. Regulations should provide for the furnishing of necessary data and other information from the State of Alaska to the Marine Mammal Commission.

Dated: July 14, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-20695 Filed 7-19-77;8:45 am]

[50 CFR Part 216]

TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS

Permits, Etc.

AGENCY: National Marine Fisheries Service.

ACTION: Proposed amendments.

SUMMARY: Permits to take marine mammals incidental to commercial fishing operations are required by the Marine Mammal Protection Act of 1972 (Pub. L. 92-522). The intent of the proposed amendments are to authorize the issuance of a general permit for a period of three years rather than one year, to establish the quotas for calendar years 1978, 1979, 1980, to state an enforcement policy regarding accidental takings, to amend the gear and fishing procedure, to provide the administrative procedures for amending the regulations and Permits issued thereunder, and to make the statements required by section 103(d) of the act. Current permits terminate December 31, 1977. The American Tunaboat Association as applied for a permit to be effective for 1978. Regulations are being proposed to be effective January 1, 1978 through December 31, 1980.

DATES: See Supplementary Information.

ADDRESSES: This proposal is made by the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. Notice of intent to participate in the hearing must be sent to the above address by certified mail.

FOR FURTHER INFORMATION CONTACT:

Eric Erdheim, Staff Attorney, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235, Phone 202-634-7486.

SUPPLEMENTARY INFORMATION: Regulations which govern the issuance of Permits to take marine mammals incidental to commercial fishing were first promulgated in October 1974 and were repromulgated on March 1, 1977. Both sets of regulations have been periodically modified and amended.

The final decision governing the proposed regulations will be adopted on the record after opportunity for a formal agency hearing before an Administrative Law Judge (5 U.S.C. 556-557, 16

U.S.C. 1373(e)). Procedural regulations to govern this public hearing were published at 42 FR 35967 on July 13, 1977. Amendments are hereby proposed to Title 50, Chapter II, Part 216.24 CFR; § 216.24 (a), (b), (c), and (d), as amended and published on March 1, 1977, 42 FR 12010 along with the Director's final decision at page 12015 of the same issue. Pursuant to those regulations and the final decision, a general permit was issued on April 15, 1977, to the American Tunaboat Association to permit the taking of marine mammals incidential to commercial fishing operations under Catgeory 2: Encircling gear, tuna purse seining. That permit, as amended, in accordance with the governing regulations, is effective until December 31, 1977. The American Tunaboat Association applied for a 1978 Permit on June 23, 1977. The Application and all supporting information will also be an issue of the public hearings.

DATES: Public hearings will begin on or about August 22, 1977. The final date for filing with the Director a notice of intent to participate in the hearing is August 5, 1977, and the final date for the submission of direct expert testimony is August 15, 1977. A separate notice will be published regarding the exact time and location of the hearings, and the date of publication of any environmental impact statement.

The proposal is to establish for three consecutive years certain limits on the number of marine mammals that may be taken, encircled, and killed incidental to commercial tuna purse seine fishing operations in the eastern tropical Pacific Ocean. It is believed that a three year series of limits would allow a more thorough examination of the effect of fishing operations on marine mammal populations, and the technological and economic effect on the fishery than annual single year proposals. It is also believed that a 3 year proposal will simplify the administrative process, and thus reduce the expense and time consumed by all interested parties. The intent of the proposal is, if possible, to achieve a 50 percent reduction in the mortality of marine mammals incidental to purse seine tuna fishing by the end of 1980. Achievement of this reduction would require that an average rate of 0.5 porpoise killed per ton of yellowfin caught on porpoise be maintained in 1978, 0.4 in 1979, and 0.3 in 1980. Based on current kill per ton rates and expected improvements as a result of installation of the apron system in 1978 and subsequent years, it is believed that the reduction being sought is technologically achievable. This reduction is considered to be consistent with the goal of the Marine Mammal Protection Act to reduce the incidental mortality and serious injury to insignificant levels approaching a zero rate. Rules and procedures to be established would permit the modification of the established limits, through informal rule making during the three year period, rather than formal Administrative Law Judge hearings unless major changes are proposed which would require a formal hearing.

Other than minor procedural changes in the title of permits and certificates of inclusion, the issuance of permits in categories for, towed or dragged gear; seining other than tuna; stationary gear; and other gear, is not affected. This proposal does materially affect the issuance of permits and certificates of inclusion for incidental taking pursuant to tuna purse seining.

For clarity, Section 216.24 (a) through (c) and (d)(2) are being restated in their entirety to read as they are proposed to be amended.

REQUIRED STATEMENTS

Section 103(d) of the Act requires that the following statements be published in the FEDERAL REGISTER.

(1) A statement of the estimated existing levels of the species and population stocks of the marine mammals concerned: Seventeen (17) known species and population stocks and four (4) tentatively identified stocks are involved in commercial tuna purse seining in the eastern tropical Pacific Ocean.

Species/stock-management units	*Estimated population level at beginning of 1978*
1. Spotted dolphin (coastal)	[1]
2. Spotted dolphin (off-shore)[2]	3,730,000
3. Spinner dolphin (Costa Rican)	[1]
4. Spinner dolphin (eastern)	1,326,000
5. Spinner dolphin (whitebelly)[3]	690,000
6. Common dolphin (northern)	400,000
7. Common dolphin (central)	230,000
8. Common dolphin (southern)[4]	800,000
9. Striped dolphin (northern)	18,000
10. Striped dolphin (north-equatorial)[5]	230,000
11. Bottlenosed dolphin	588,000
12. Rough-toothed dolphin	450
13. Frazer's dolphin	7,800
14. Risso's dolphin	7,500
15. Short-finned pilot whale	60,000
16. Melon-headed whale	[1]
17. Pygmy killer whale	[1]

[1] Unknown.
[2] Including the tentatively indentified southwestern stock.
[3] Including the tentatively identified southwestern stock.
[4] Including the tentatively identified equatorial-oceanic stock.
[5] Including the tentatively identified south-equatorial stock.

(2) A statement of the expected impact of the proposed regulations on the optimum sustainable population of each species or population stock. Optimum sustainable population (OSP) of the species and stocks involved is defined as a population which falls in a range from the population level which is the largest supportable within the ecosystem, to the population that results in maximum net productivity. (See 41 FR 55536, December 21, 1976). Maximum net productivity is the greatest net annual increment in the population due to reproduction and growth less losses due to natural mortality. Maximum net productivity is interpreted as being the lower limit of the range of optimum sustainable population(s). The lower bound of OSP has been determined to be in the range of 50 percent to 70 percent of initial unexploited populations. If a population is below the lower bounds of OSP, it is considered to be depleted.

Species stock—Management Units	Estimate [1] of OSP	Estimated population [1] and OSP at Close of 1980
1 Spotted dolphin (coastal)	Unknown	Unknown.
2 Spotted dolphin (offshore) [2]	65 pct	4,009,000 (70 pct).
3 Spinner dolphin (Costa Rican)	Unknown	Unknown.
4 Spinner dolphin (eastern)	55 pct	1,446,000 (60 pct).
5 Spinner dolphin (whitebelly) [3]	80 pct	705,000 (82 pct).
6 Common dolphin (northern)	AOA [3]	Unchanged.
7 Common dolphin (central)	AOA	Do.
8 Common dolphin (southern) [4]	AOA	Do.
9 Striped dolphin (northern)	AOA	Do.
10 Striped dolphin (north-equatorial) [5]	AOA	Do.
11 Bottlenosed dolphin	AOA	Do.
12 Rough-toothed dolphin	AOA	Do.
13 Fraser's dolphin	AOA	Do.
14 Risso's dolphin	AOA	Do.
15 Short-finned pilot whale	AOA	Do.
16 Melon-headed whale	AOA	Do.
17 Pygmy killer whale	AOA	Do.
Total		

[1] Percentage of initial unexploited stock size.
[2] Including the tentatively identified southwestern stock.
[3] AOA equals at or above the optimum sustainable population level.
[4] Including the tentatively identified equatorial-oceanic stock.
[5] Including the tentatively identified south-equatorial stock.

(3) A statement describing the evidence before the Secretary upon which she proposes to base such regulations.

(4) Any studies made by or for the Secretary, or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

These two statements ((3) and (4)), are combined:

The National Marine Fisheries Services, in cooperation with other Federal agencies, private organizations, and individuals, has conducted an extensive research program since 1973 regarding the status of and mortality of marine mammals taken incidental to yellowfin tuna purse seine fishing. The purpose of the research has included the determination of the extent of the mortality incidental to purse seine fishing, the status of the marine mammal populations, and the identification and implementation of measures to reduce mortality. Pertinent information available to the National Marine Fisheries Service has been published and made available in connection with regulatory and congressional public hearings.

Available information upon which proposed regulations were based in 1974 and 1975 was listed in 39 FR 9686, March 31, 1974, 40 FR 41531, September 8, 1975, and 41 FR 45015, October 14, 1976. Additional material was submitted for the record at public hearings held May 15 and 16, 1974, in Seattle, Washington; December 10 and 11, 1974, in Washington, D.C.; October 9 and 10, 1975, in Washington, D.C.; October 24 and 25, 1975, in San Diego, California; November 15, 16, 17, 18, 19, 1976, December 1, 2, 3, 4, and 22, 1976, in Washington, D.C.; and November 22, 23, 24, and 26, 1976, in San Diego, California.

Additional evidence and the basis for the 1977 regulations were cited in the recommended decisions as amended by the Director's final decision published at 42 FR 12015, March 1, 1977.

In addition to the records compiled in public hearings and cited above, the following scientific documents and reports specifically contain the evidence upon which the current proposal is based:

Bold Contender Cruise Report, 1976. Report of the chartered seiner MV *Bold Contender*, September 22, 1975, to December 4, 1975. 12 p.

Coe, J. M. 1976. The effectiveness of the porpoise apron in improving the backdown procedure. SWFC Admin. Rept. No. LJ–76–38.

Department of Commerce. 1974. Report to the Congress on the research and development program to reduce the incidental take of marine mammals, October 21, 1972, through October 20, 1974. 57 p.

1975. Report of the Secretary of Commerce on Administration of the Marine Mammal Protection Act of 1972, May 1, 1974, to March 31, 1975.

1976. Report of the Secretary of Commerce on the Administration of the Marine Mammal Protection Act of 1972. April 1, 1975, through March 31, 1976. Washington, D.C. 203 p.

Eastern Pacific Report, 1976. Report of the chartered seiner MV *Eastern Pacific*, September 29, 1975, to December 6, 1975. 8 p.

Everett, J. T., and N. Lo. 1976. The incidental kill of porpoise during the first half of 1976, the date of reaching the quota and the methodologies utilized in each estimation. SWFC Admin. Rept. LJ–76–17.

Fox, W. W., Jr., J. E. Powers, and W. H. Lenarz. 1976. Incidental porpoise mortality by U.S. purse seine vessels, January 1 through April 14, 1976. SWFC Admin. Rept. No. LJ–76–7. May 1976.

Fisheries Engineering Laboratory. 1976. Proposal to develop a prototype satellite-linked porpoise tracking system. Bay Saint Louis, Miss., July 1976. 38 p.

IATTC. 1976. Annual Report of the Inter-American Tropical Tuna Commission. 1975. 176 p.

Kimura, M., and W. F. Perrin. 1976. Progress report on studies of the biology of the striped dolphin, *Stenella coeruleoalba* in the eastern tropical Pacific. SWFC Admin. Rept. No. LJ–76–11. 51 p.

NOAA Tuna-Porpoise Committee. 1972. Report of the NOAA Tuna-Porpoise Review Committee, September 8, 1972. 63 p.

Perrin, W. F., D. B. Holts, and R. B. Miller. 1976a. Growth and reproduction of the eastern spinner dolphin. A geographical form of *Stenella longirostris* in the eastern tropical Pacific. SWFC Admin. Rept. No. LJ–76–13, 84 p.

1976b. Preliminary estimates of growth and reproduction of the whitebelly spinner dolphin, a geographical form of *Stenella longirostris* in the eastern tropical Pacific. SWFC Admin. Rept. No. LJ–76–12. 37 p.
Perrin W. F., J. M. Coe, and J. R. Zweifel. 1976. Growth and reproduction of the spotted porpoise, *Stenella attenuata*, in the offshore eastern tropical Pacific. Fish. Bull. Vol. 74: 229–269.
Perrin, W. F., R. B. Miller, P. A. Sloan. 1976. Reproductive parameters of the offshore spotted dolphin, a geographical form of *Stenella attenuata*, in the eastern tropical Pacific, 1973–1975. SWFC Admin. Rept. LJ–76 (in preparation).
Powers, J. E. 1976. Estimated incidental porpoise mortality incidental to tuna purse-seining fishing for fiscal year 1975. SWFC Admin. Rept. LJ–75–68. 98 p.
SWFC. 1976. Report of the workshop on stock assessment of porpoises involved in the eastern Pacific yellowfin tuna fishery. SWFC Admin. Rept. LJ–76–26.
SWFC. 1976. Progress of Research on Porpoise Mortality Incidental to Tuna Purse-Seine Fishing For Fiscal Lear 1976. SWFC Admin. Rept. LJ–76–17.

Hearing and Issues

The hearing will involve, but not necessarily be limited to the following issues of fact. Evidence relevant to other issues may be submitted at the hearing subject to ruling of the presiding officer on the materiality of such issues.

(1) Estimated existing levels of the species and population stocks of the marine mammals involved in purse seining for yellowfin tuna.

(2) The expected impact of the proposed regulations on the optimum sustainable populations of the species or population stocks involved.

(3) The economic feasibility of implementing the proposed regulations.

(4) The technological feasibility of implementing the proposed regulations.

(5) The impact of implementing the proposed regulations on the tuna stocks.

The docket numbers assigned to this case is MMPAH No. 1–1977. Judge Frank W. Vanderheyden is scheduled to be assigned as the presiding officer for the proceeding.

Records and documents relative to the proposal will be maintained in the offices of the National Marine Fisheries Service, and may be reviewed during normal working hours, 8 a.m. to 4:30 p.m., in the Page Building 2, Room 408, 3300 Whitehaven Street NW., Washington, D.C.

Ex Parte Communication

Section 4 of the Government in the Sunshine Act (Pub. L. 94–409), dealing with ex parte communications is applicable to this hearing. The following persons are those employees of the agency who may reasonably be expected to be involved in the decision process of the proceeding, and are, therefore, hereby identified to all interested persons outside the agency in order that the provisions of Section 4 can be complied with:

Code	Name	Title
DOC	Juanita M. Kreps	Secretary, Department of Commerce.
A	Richard A. Frank	Administrator, NOAA.
EE	William Aron	Director, Office of Ecology and Environmental Conservation, NOAA.
MR	David H. Wallace	Associate Administrator for Marine Resources, NOAA.
MR2	Roland F. Smith	Director, Marine Fisheries Office, NOAA.
GC	William C. Brewer, Jr.	General Counsel, NOAA.
GCF	Herbert L. Blatt	Assistant General Counsel, NOAA.
F	Robert W. Schoning	Director, NMFS.
F	Jack W. Gehringer	Deputy Director, NMFS.
F	Winfred H. Meibohm	Associate Director, NMFS.
F3	Robert J. Ayers	Acting Assistant Director for Fisheries Management, NMFS.
F33	Thomas C. Andrews	Chief, Marine Mammal and Endangered Species Division, NMFS.
F33	William P. Jensen	Marine Mammal Program Manager, Marine Mammal and Endangered Species Division, NMFS.
F14	Isadore Barrett	Director, Southwest Fisheries Center, NMFS, La Jolla, Calif.
F14	John T. Everett	Leader, Tuna Porpoise Interaction Program, Southwest Fisheries Center, NMFS, La Jolla, Calif.
F14	William W. Fox, Jr.	Chief, Oceanic Fisheries Research Division, Southwest Fisheries Center, La Jolla, Calif.
FSW	J. Gary Smith	Chief, Fisheries Management Division, Southwest Region, NMFS, Terminal Island, California
FSW	Gerald V. Howard	Regional Director, Southwest Region, NMFS, Terminal Island, Calif.
FSW	Floyd S. Anders, Jr.	Deputy Regional Director, Southwest Region, NMFS, Terminal Island, Calif.
FSW	Norman Mendes	Chief, Tuna Porpoise Management Branch, NMFS, San Diego, Calif.
DOC	Frank W. Vanderheyden.	Administrative Law Judge, Department of Commerce.

Ex parte communications relevant to the merits of the proceeding to or from the above named persons from or to any interested person outsdie the Department of Commerce are prohibited from the date of this notice until the date the final regulations resulting from the proceeding are published in the Federal Register. Section 4 provides mechanisms for enforcing this prohibition, including (1) the requirement that an employee making or receiving prohibited communications disclose them and all responses to them or the public record of the proceeding; and (2) authorization of dismissal or other adverse action against the claim of the party to the proceeding who makes or causes prohibited communication. "Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests of status reports on the matter of proceeding.

Proposed Regulatory Amendments

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Sections 216.24, (a), (b), (c), and (d) (2) and (3) are amended to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

General permits and certificates of inclusion. (a) No marine mammals may be taken in the course of a commercial fishing operation unless the taking constitutes an incidental catch as defined in § 216.3, a general permit and certificate of inclusion (certificate) have been obtained in accordance with these regulations, and such taking is not in violation of such permit. It is the immediate goal that the incidental kill or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

(b) *Permits.* (1) General permits to allow the taking of marine mammals in connection with commercial fishing operations will be issued to persons using fishing gear in any one of the following categories:

(i) Category 1. *Towed or dragged gear.* Shall include those commercial fishing operations utilizing towed or dragged gear such as bottom otter trawls, bottom pair trawls, multi-rig trawls, and dredging gear.

(ii) Category 2. *Encircling gear, tuna purse seining.* Purse seining by vessels engaged in commercial fishing operations utilizing purse seines to capture tuna by encircling marine mammals. Vessels that meet the fishing gear and equipment requirements contained in subpart 216.24 (d) (2) (iii) of these regulations shall be considered in this category.

(iii) Category 3. *Encircling gear, seining other than tuna.* Purse seining by vessels engaged in commercial fishing operations involving purse seining for tuna and other fish species by other than certified vessels in category 2. Vessels in this category shall not carry more than one speedboat.

(iv) Category 4. *Stationary gear.* Shall include commercial fishing operations utilizing stationary gear such as traps, pots, weirs, and pound nets.

(v) Category 5. *Other gear.* Shall include those commercial fishing operations utilizing trolling, gill nets, hook and line gear, and any gear not classified under paragraph (b) (1) (i), (ii), (iii), or (iv) of this Section.

(2) Permits shall be issued as general permits to a class of fishermen using one of the general categories of gear set forth above. Any member of such class may apply for a general permit on behalf of any members of the class. Subsequent to a grant of a general permit, owners or managing owners may make application to be included under the terms of a general permit by obtaining a certificate of inclusion. Applications for a general permit should contain:

(i) Name, address, and telephone number of the applicant. If the applicant is an organization or corporate entity, a copy of the corporate or organizational charter which sets forth the basis for application on behalf of a group or class of commercial fishermen must be included;

(ii) The category of permit for which application is being made;

(iii) A statement describing why the applicant cannot avoid taking marine mammals incidentally to commercial fishing operations. A description of the fishing operations by which marine mammals are taken;

(iv) The date upon which the general permit is proposed to become effective;

(v) A list of the fish sought by those fishermen who may become parties to the general permit through inclusion by certificate, and the general areas of operation of such fishermen;

(vi) A statement identifying the marine mammals and numbers of marine mammals which are expected to be taken under the general permit;

(vii) The applicant must demonstrate in the application that the requested taking of species or stocks during commercial fishing operations is consistent with the purposes of the act and the applicable regulations established under Section 103 of the act.

(viii) A description of the procedures and techniques that will be utilized in order that takings under the permit will be consistent with the purposes and policies of the Marine Mammal Protection Act of 1972, and these regulations; and

(ix) A certification, signed by the applicant, in the following language: I certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or the penalties provided under the Marine Mammal Protection Act of 1972.

(3) Applications for a general permit shall be submitted in an original and four copies to the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235. Applications should be received not less than 180 days prior to the date upon which the permit is to become effective. Assistance may be obtained by writing the Director, National Marine Fisheries Service, or by calling the Marine Mammal and Endangered Species Division, telephone number (202) 634–7461.

(4) A general permit shall be valid for the time period indicated on the face of the permit. General permits shall be subject to modification, suspension or revocation and may contain terms and conditions prescribed in accordance with section 104(b)(2), 16 U.S.C. 1374(b)(2) of the act.

(5) The Director shall determine the adequacy and completeness of such applications received by him and if found to be adequate and complete, will forthwith publish a notice of such application in the FEDERAL REGISTER, giving interested parties thirty days in which to submit written data or views with respect to the granting of such permit.

(6) If within thirty days after the date of publication of the FEDERAL REGISTER notice with respect to an application for a general permit any interested party or parties request a hearing in connection therewith, the Director may within sixty days following the date of publication of the FEDERAL REGISTER notice afford such party or parties an opportunity for such a hearing. Any hearing held in connection with an application for a general permit shall be conducted in the same manner as hearings held in connection with scientific or display permit applications under § 216.33.

(7) There is no fee associated with the application for a general permit.

(c) *Vessel certificates of inclusion.* (1) The owner or managing owner of a vessel that participates in commercial fishing operations for which a general permit is required under this subpart shall be the holder of a valid certificate of inclusion under that general permit. Such certificates shall not be transferable and will be valid only if the person in charge of and actually conducting the fishing operations has attended and completed training as required for the category of permit involved. Such persons, for purposes of these regulations, shall be known as the operator.

(2) The certificate must be aboard the vessel while it is engaged in fishing operations and shall be shown upon request to an enforcement agent or other designated agent of the National Marine Fisheries Service; *Provided, however,* That vessels at sea on a fishing trip on the expiration date of their certificate of inclusion, to whom a certificate of inclusion for the next year has been issued, may take marine mammals under the terms of the new certificate of inclusion but such vessel owners are obligated to place the new certificate aboard when the vessel next returns to port.

(3) After issuance of a general permit, applicants for inclusion under a general permit will receive a certificate evidencing such inclusion and setting forth the period of time during which they may conduct fishing operations under the general permit; *Provided, however,* That each certificate shall expire no later than the general permit under which it is issued.

(4) Application(s) for certificates of inclusion should be addressed as follows:

(i) Owners or managing owners of vessels registered in the States of Washington, Oregon, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Utah, should make application to the Regional Director, National Marine Fisheries Service, Seattle, Washington 98102.

(ii) Owners or managing owners of vessels registered in the States of California, Nevada, Arizona, Hawaii, and the territories of American Samoa, Guam, and the Trust Territory of the Pacific Islands should make application to the Regional Director, National Marine Fisheries Service, Terminal Island, California 90731.

(iii) Owners or managing owners of vessels registered in the State of Alaska should make application to the Regional Director, National Marine Fisheries Service, Juneau, Alaska 99801.

(iv) Owners or managing owners of vessels registered in the States of Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, District of Columbia, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, Wisconsin, Illinois, Indiana, and Minnesota should make application to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts 01930.

(v) Owners or managing owners of vessels registered in the States of North Carolina, South Carolina, Florida, Mississippi, Louisiana, Texas, Georgia, Oklahoma, Alabama, Nebraska, Iowa, Tennessee, Missouri, New Mexico, Kentucky, Kansas, Puerto Rico, Virgin Islands, and Arkansas, should make application to the Regional Director, National Marine Fisheries Service, St. Petersburg, Florida 33702.

(5) Applications for certificates of inclusion shall contain:

(i) The name of the vessel which is to appear on the certificate(s) of inclusion.

(ii) The category of the general permit under which the applicant wishes to be included;

(iii) The species of fish sought and general area of operations.

(iv) The identity of State or local commercial fishing licenses, if any, under which vessel operations are conducted and dates of expiration;

(v) The estimated date when the required apron will be installed in the net to conform with these regulations, and

(vi) The name and signature of the applicant, or the organization acting on behalf of the vessel.

(6) *Fees.* (i) Applications for certificates of inclusion shall contain a payment in accordance with the following schedule for each vessel named in paragraph (c)(5)(i) of this section. The schedule of fee payment is:

(A) Categories 1: Towed or dragged gear; 3: encircling gear, other than yellowfin tuna; 4: stationary gear; and 5: other gear—$10.

(B) Category 2. Encircling gear, yellowfin tuna purse seining—$200.

(ii) Except as provided herein, applicants desiring a certificate of inclusion under more than one category of the general permit will not be required to pay a full fee for each certificate. After the initial fee for a certificate is paid, additional certificates will be issued for a fee of $0.50 (fifty cents) each. However, in any case the full fee must be paid for certificates of inclusion in category 2.

(iii) Notwithstanding the provisions of subparagraph (c)(5)(i) of this section, an applicant whose income is below Federal poverty guidelines may, on a showing in his application that his income is below such guidelines, be issued a certificate. The schedule of fee payment is:

(A) Categories 1: Towed or dragged gear; 3: encircling gear, other than yellowfin tuna; 4: stationary gear; and 5: other gear—$1.

(B) Category 2: Encircling gear, tuna purse seining—$20.

(iv) The Director may change the amount of these required fees at any time he determines a different payment to be reasonable, and said change may be accomplished by publication in the FEDERAL REGISTER of the new payments required.

(7) The Regional Director receiving applications for certificates of inclusion shall determine that adequacy and completeness of such applications, and upon his determination that such applications are adequate and complete, he shall immediately approve such applications and thereafter notify the applicants of his approval and issue a certificate to approved applicants except as provided for in section 216.24(g).

(d) Terms and conditions of fishing operations under general permits shall include but not be limited to the following:

* * * * *

(2) *Encircling gear, tuna purse seining.*—(i) *Quotas.* (A) Operators of a certificated vessel may take marine mammals so long as taking is an incidental occurrance in the course of normal commercial tuna fishing operations, and the fishing operations are under the direction of an operator who has completed the required training except that a vessel shall not encircle either:

(*1*) Pure schools of coastal spotted dolphin (*Stenella attenuata*), Costa Rican spinner or eastern spinner dolphin (*Stenella longirostris*) stocks or mixed schools including these stocks, or

(*2*) Pure schools of any species of dolphin except offshore spotted dolphin (*Stenella attenuata*) stocks, striped dolphin (*Stenella coeruleoalba*) and common dolphin (*Delphinus delphis*) stocks.

The numbers of marine mammals that may be taken during calendar years 1978, 1979, and 1980, by U.S. vessels in the course of commercial fishing operations will be limited in accordance with the following schedule:

Species/stock—management units	Take	Encirclement	Mortality
Calendar year 1978			
1 Spotted dolphin (coastal)	0	0	0
2 Spotted dolphin (off-shore) [1]	14,000,000	5,400,000	25,500
3 Spinner dolphin (Costa Rican)	0	0	0
4 Spinner dolphin (eastern)	0	0	0
5 Spinner dolphin (whitebelly) [2]	4,365,000	1,400,000	13,500
6 Common dolphin (northern)	102,000	32,000	120
7 Common dolphin (central)	900,000	600,000	500
8 Common dolphin (southern) [3]	2,688,000	450,000	1,700
9 Striped dolphin (northern)	48,000	3,216	50
10 Striped dolphin (north-equatorial) [4]	480,000	32,000	470
11 Bottlenosed dolphin	72,000	4,824	70
12 Rough-toothed dolphin	6,000	402	5
13 Fraser's dolphin	6,000	402	5
14 Risso's dolphin	6,000	402	5
15 Short-finned pilot whale	6,000	402	5
16 Melon-headed whale	0	0	0
17 Pygmy killer whale	0	0	0
Total			51,930
Calendar year 1979			
1 Spotted dolphin (coastal)	0	0	0
2 Spotted dolphin (offshore) [1]	14,000,000	5,400,000	28,400
3 Spinner dolphin (Costa Rican)	0	0	0
4 Spinner dolphin (eastern)	0	0	0
5 Spinner dolphin (whitebelly) [2]	4,365,000	1,400,000	10,800
6 Common dolphin (northern)	102,000	32,000	100
7 Common dolphin (central)	900,000	600,000	400
8 Common dolphin (southern) [3]	2,688,000	450,000	1,400
9 Striped dolphin (northern)	48,000	3,216	40
10 Striped dolphin (north-equatorial) [4]	480,000	32,000	380
11 Bottlenosed dolphin	72,000	4,824	60
12 Rough-toothed dolphin	6,000	402	5
13 Fraser's dolphin	6,000	402	5
14 Risso's dolphin	6,000	402	5
15 Short-finned pilot whale	6,000	402	5
16 Melon-headed whale	0	0	0
17 Pygmy killer whale	0	0	0
Total			41,600
Calendar year 1980			
1 Spotted dolphin (coastal)	0	0	0
2 Spotted dolphin (offshore) [1]	14,000,000	5,400,000	21,300
3 Spinner dolphin (Costa Rican)	0	0	0
4 Spinner dolphin (eastern)	0	0	0
5 Spinner dolphin (whitebelly) [2]	4,365,000	1,400,000	8,100
6 Common dolphin (northern)	102,000	32,000	70
7 Common dolphin (central)	900,000	600,000	300
8 Common dolphin (southern) [3]	2,688,000	450,000	1,000
9 Striped dolphin (northern)	48,000	3,216	30
10 Striped dolphin (north-equatorial) [4]	480,000	32,000	280
11 Bottlenosed dolphin	72,000	4,824	40
12 Rough-toothed dolphin	6,000	402	5
13 Fraser's dolphin	6,000	402	5
14 Risso's dolphin	6,000	402	5
15 Short-finned pilot whale	6,000	402	5
16 Melon-headed whale	0	0	0
17 Pygmy killer whale	0	0	0
Total			31,140

[1] Including the tentatively identified Southwestern stock.
[2] Including the tentatively identified Equatorial-Oceanic stock.
[3] Including the tentatively identified South-Equatorial stock.

(B) The mortality of marine mammals permitted under the general permit for tuna purse seining will be monitored according to methodology published in the FEDERAL REGISTER. The effective date when fishing on a stock or species will be prohibited, will be published in the FEDERAL REGISTER not less than 7 days prior to that date.

(C) It is the enforcement policy of NMFS that if at the time the net skiff is released from the vessel attached to the net at the start of a set and no species or stocks that are prohibited from being taken are observed, the fact that such a species is subsequently taken will not be cause for issuance of a notice of violation provided that all procedures required by the applicable regulations have been followed. This provision will be periodically reviewed in light of the effect of accidental takings on the various species and stocks.

(D) If a general permit is valid during the three year period January 1, 1978–December 31, 1980, the Director may, upon receipt of new information which in his opinion is sufficient to require modification of the regulations and/or the general permit and the certificates issued thereunder, propose to modify such after consultation with the Marine Mammal Commission. These modifications must be consistent with and necessary to carry out the purposes of the act. Any proposal by the Director involving changes in the quotas shall include the statements required by section 103(d) of the act. Modifications shall be proposed in the FEDERAL REGISTER and a thirty (30) day public comment period shall be allowed. The Director shall hold a public hearing to receive and evaluate evidence in those circumstances where it is consistent with and necessary to carry out the purposes of the act or where requested by the permittee. Upon the request of interested parties for a formal hearing on the record, the Director may in his discretion hold such a formal hearing when he determines it to be necessary to carry out the purposes of the act.

(ii) *General conditions.* (A) Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury. During the course of commercial fishing operations the operators of a purse seine vessel shall take every possible precaution to refrain from causing or permitting incidental mortality and serious injury of marine mammals and are expected to exercise effective use of the backdown and other procedures required herein.

(B) Operators may take such steps as are necessary to protect their catch, gear, or person from depredation, damage, or threat of personal injury. However, all marine mammals taken in the course of commercial fishing operations shall be subject to the provisions of § 216.3 with respect to "incidental catch", and may not be retained except where a specific permit has been obtained authorizing the retention.

(C) Operators shall maintain daily logs, in such form as the Regional Director, Southwest Region, National Marine Fisheries Service may prescribe, of all sets in which marine mammals are taken. Such logs shall be subject to inspection at the discretion of the Southwest Regional Director, or his designated personnel. In addition, certified copies of all such logs shall be mailed or delivered to the field office, Southwest Region, National Marine Fisheries Service, 1140 N. Harbor Drive, Room 7, San Diego, California 92101, within forty-eight hours after arrival in port.

(D) Owners of certificated vessels may petition for modification of the following regulations for the purpose of experimenting with alternate gear or procedures designed to reduce incidental mortalities of marine mammals in course of commerical fishing. The petition shall be made in writing to the Director, Southwest Region, and shall include detailed specifications of the proposed modifications. Modifications may be granted upon review and approval, on a trip by trip basis, only if a National Marine Fisheries Service gear technician or National Marine Fisheries Service designated representative is available and accompanies the vessel on the approved trip.

(iii) *Vessel gear and equipment requirements.* A certificate for a vessel will be valid only if the vessel is equipped with a porpoise safety panel in its purse seine, and which uses other gear and procedures as described herein. Porpoise safety panels and all other gear used in the course of catching and landing tuna, and for backdown and other marine mammal release procedures, shall be maintained in a functional and seaworthy condition. The requirements for the porpoise safety panel and other gear are as follows:

(A) *Porpoise safety panel Class I and II vessels.* (1) For class I purse seiners (400 short tons carrying capacity or less) and for class II purse seiners (400 tons carrying capacity or greater, built before 1961), the porpoise safety panel shall be a minimum of 100 fathoms in length (as measured before installation), except that the minimum length of the panel in nets deeper than 10 strips shall be determined at a ratio of 10 fathoms in length for each strip that the net is deep. It shall be installed beginning at the outboard end of the number three bow bunchline, and shall extend toward the stern of the net, protecting the perimeter of the backdown area. The porpoise safety panel shall consist of small mesh webbing not to exceed 1¼" stretch mesh, extending from the corkline downward to a minimum depth equivalent to one strip of 100 meshes of 4¼" stretch mesh webbing.

(B) *Porpoise safety panel—Class III vessels.* (1) For class III purse seiners (greater than 400 short tons carrying capacity, built after 1960), the porpoise safety panel shall be a minimum of 180 fathoms in length (as measured before installation). It shall begin in the second bow bunch at any point between the middle and the outboard end of the bunchline and shall extend toward the stern of the net protecting the perimeter of the backdown area. The porpoise safety panel shall consist of small mesh webbing not to exceed 1¼" stretch mesh extending downward from the corkline and the base of the porpoise apron to a minimum depth equivalent to two strips of 100 meshes of 4¼" stretch mesh webbing.

(C) *Porpoise apron.* Beginning in 1978 and thereafter, each Class III vessel shall have installed in its purse seine net, a triangular-shaped porpoise apron consisting of small mesh not to exceed 1¼" stretch mesh, 85 to 95 fathoms in length, laced between the corkline and the porpoise safety panel. The bow end of the porpoise apron shall begin approximately 10 fathoms outboard of the end of the third bunchline and extend toward the stern of the net, such that the peak of the porpoise apron triangle shall coincide with the apex of the backdown channel in the net. The base of the porpoise apron shall be laced to the upper edge of the porpoise safety panel. The upper edges of the porpoise apron shall be tapered at a 5 mesh, 2 bar rate from each and such that the tapers intersect at the center of the porpoise apron. The depth of the porpoise apron at its center shall be 443 to 463 meshes.

(D) *Porpoise apron approval.* The porpoise apron shall be installed under the supervision of a National Marine Fisheries Service gear technician or National Marine Fisheries Service designated representative. A trial set(s) shall be conducted under supervision of the National Marine Fisheries Service or National Marine Fisheries Service designated representative subsequent to installation of the porpoise apron to obtain approval on the installation and operation of the apron.

(E) *Porpoise safety panel markers.* Each end of the porpoise safety panel and porpoise apron must be identified with an easily distinguishable marker.

(F) *Porpoise safety panel hand holds.* Throughout the length of the corkline in which the porpoise safety panel and porpoise apron is located hand hold openings are to be secured so that the insertion of a 1⅜" diameter cylindrical-shaped object meets resistance.

(G) *Porpoise safety panel corkline hangings.* Throughout the length of the corkline in which the porpoise safety panel and porpoise apron is located, corkline hangings shall be inspected by the vessel operator following each trip. Hangings found to have loosened to the extent that a cylindrical object with a 1⅜" diameter will not meet resistance when inserted between the cork and corkline hangings, must be tightened so that a cylindrical object with a 1⅜" diameter cannot be inserted.

(H) *Bunchlines.* Bunchlines, other than bow bunchlines, shall be arranged around the perimeter of the net with both ends of some bunchlines unattached to permit towing from either end or one bunchline rigged in normal fashion with an adjacent one reversed. The arrangement of bunchlines around the perimeter of the net must allow at least three towing points to be established near one-quarter, one-half and three-quarter net from the bow ortza (end of the net). At least a 20 fathom length of corkline shall be free from bunchline attachments at the apex of the backdown channel. The ends of all bunchlines which can be utilized as towing points shall be marked so as to be clearly visible to speedboat drivers.

(I) *Speedboats.* Purse seine vessels engaged in fishing operations involving setting on marine mammals shall carry a minimum of two speedboats in operating condition. All speedboats carried aboard purse seine vessels and in operating condition shall be rigged with towing bridles and towlines. Vessels that do not carry at least two speedboats in operating condition and properly rigged, may not conduct fishing operations which involve setting on marine mammals.

(J) *Rubber raft.* An inflatable rubber raft suitable to be used as a porpoise observation-and-rescue platform, shall be carried on all certificated vessels.

(K) *Facemask and snorkel.* At least one adjustable face mask and attachable snorkel shall be carried on all certificated vessels.

(L) *Floodlights and spotlight.* All certificated vessels shall be equipped with adequate floodlights suitable for use in darkness to attract fish toward the main vessel and a spotlight to intermittently illuminate the backdown channel and apex.

(iv) *Annual vessel inspection.* Purse seine nets and other gear and equipment utilized to catch and land fish under this Section and to conduct a backdown and other procedures herein required, shall be subject to inspection and examination at least once annually by authorized National Marine Fisheries Service personnel at a time and location determined by the Director, Southwest Region. Any vessel found to not be equipped with gear which is in conformity with these regulations and maintained in a functional and seaworthy condition, or whose master or managing owner has failed to notify the National Marine Fisheries Service of the date of installation of the porpoise apron system shall be ineligible for use in commercial fishing operations involving marine mammals under this section. The master or managing owner of certificated vessels shall notify the field office, Southwest Region, National Marine Fisheries Service, 1140 N. Harbor Drive, Room 7, San Diego, California 92101, telephone 714–293–6540 of the scheduled time and place of installation of the porpoise apron system.

(v) *Training requirement.* All operators shall maintain proficiency sufficient to perform the procedures required herein, and must attend, and satisfactorily complete, a formal training session con-

ducted under the auspices of the National Marine Fisheries Service. At the training session, an attendee shall be instructed concerning the provisions of the Marine Mammal Protection Act of 1972, the regulations promulgated pursuant to the Act, the appropriate general permit, and the fishing gear and techniques which are required or will contribute to reducing serious injury and mortality of porpoises incidental to purse seining for yellowfin tuna. In addition, operators may be required to attend other formal training sessions when there are substantial changes in the act, the regulations, or the required fishing gear and techniques. Additional training, of any operator who is found to lack proficiency in the procedures required herein, may be required. Determination by the Director to require additional training may be based on recommendations from a "Skipper's Panel."

(vi) *Marine mammal release requirements.* All operators shall have satisfactorily completed the required training and shall use the following procedures during all sets involving the incidental taking of marine mammals in association with the capture and landing of tuna.

(A) *Use of speedboats.* (*1*) Except as provided herein, on every set involving marine mammals, a minimum of two manned speedboats shall be in the water until backdown commences. Speedboats shall be prepared to hook onto either the bunchline towing points established along the perimeter of the net or onto the corkline, in order to tow the net to prevent net collapse and a formation of pockets of loose webbing, such as stern bends, which might entrap marine mammals. Other speedboats that are in operating condition shall be prepared for immediate use to tow if needed.

(2) Vessels of 400 tons carrying capacity or less which have an observer duly authorized by the Secretary aboard, may have a minimum of one manned speedboat in the water until backdown commences, provided that, prior to departure, the certificate holder has presented the Regional Director with a signed statement declaring that the presence of an observer will displace the crewman who would operate the second speedboat during sets on marine mammals.

(3) Actual towing on the net shall be performed when, in the opinion of the certificate holder, towing is necessary to prevent net collapse or the formation of pockets of loose webbing. If towing the net has been necessary, the speedboats may unhook their towlines when towing is no longer needed, or their respective bunchlines begin to go up toward the power block or backdown commences.

(B) *Bow bunches pulled.* For class I and class II vessels, a minimum of two bow bunches shall be pulled on every set involving marine mammals. Exactly three bow bunches shall be pulled by class III vessels.

(C) *Backdown procedure.* Backdown shall be performed following a net set where marine mammals are captured in the course of utilizing a purse seine for catching and landing tuna. Thereafter, other release procedures required below shall be continued until all live animals have been released from the net. "Backdown procedure" means a series of maneuvers, which take place after the net is tied down following a set and pursing; and which keep the net open to the greatest degree to allow porpoise or other marine mammals to leave the pursed net over the net floats which are submerged as a result of the vessel moving astern.

(D) *Continuous hand rescue.* During any set in which marine mammals are captured, a minimum of two men shall be engaged in hand removal of marine mammals from the net, commencing with backdown and continuing through the sacking up operation.

(E) *Prohibited use of sharp or pointed object.* The use of a sharp or pointed object to remove any marine mammals from the net shall be prohibited.

(F) *Use of rubber raft, face mask, and snorkel.* A rubber raft suitable as a porpoise observation and rescue platform shall be launched inside the net, near the time of tying down for the backdown maneuver and shall be employed by a crewman to assist the other rescuer(s) in disentangling and releasing live marine mammals from the net. The rescuer in the raft shall use the facemask and snorkel to determine whether all live marine mammals are out of the net making every effort to remove them before backdown is terminated. If live marine mammals remain in the net after backdown, the rescuer in the raft shall make every effort to herd the animals to areas where they can be easily released, taking into consideration the safety of the rescuer. The rescue procedures above, in conjunction with other rescue efforts, shall be continued until all live marine mammals are removed from the net prior to initiating brailing operations.

(G) *Use of lights.* If the backdown maneuver or other required release procedures proceed past one-half hour after sunset, lights shall be used as necessary, to insure that rescue procedures are properly performed and that all live marine mammals are removed from the net. Floodlights suitable for use in darkness to attract fish toward the main vessel and a spotlight to intermittently illuminate the backdown channel and apex shall be used until all live animals are removed from the net prior to initiating brailing operations.

(H) *Penalties.* Failure to comply with the provisions of this Permit or these regulations, including but not limited to: failure to submit upon demand to vessel, gear, equipment, or proficiency inspection or examination by authorized National Marine Fisheries Service personnel; falsification of logs and reports required hereunder; or failure to satisfy the requirements of any provisions of these regulations, will subject vessel masters, or owners to revocation of the vessel certificate of inclusion and/or the right to be included under a general permit, and further subject operators, vessel masters, or owners to penalties provided for under the act, including revoking the right to be an operator as defined in § 216.24(c)(1).

(3) *Encircling gear, seining other than tuna.* * * *

Dated: July 14, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-20835 Filed 7-19-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

BEAR PLANNING UNIT LAND MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Bear Planning Unit, Gifford Pinchot National Forest, Washington, USDA–FS–R6–DES (Adm)–77–1.

The environmental statement concerns a proposed land management plan for the Bear Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

The draft environmental statement was transmitted to CEQ on July 12, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, WA 98660.
USDA, Forest Service, Pacific Northwest Region, 319 SW., Pine Street, Portland, OR 97204.

A limited number of single copies are available upon request to Forest Supervisor Robert Tokarczyk, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental 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 requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert D. Tokarczyk, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660. Comments must be received by September 10, 1977, in order to be considered in the preparation of the final environmental statement.

OLEM FOX,
Acting Regional Environmental Coordinator Planning, Programing and Budgeting.

JULY 12, 1977.

[FR Doc.77-20806 Filed 7-19-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30794; Order 77-7-57]

FRONTIER AIRLINES, INC.

Application for Amendment of its Certificate of Public Convenience and Necessity; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of July 1977.

On April 26, 1977, Frontier Airlines filed an application, in Docket 30794, seeking removal of the one-stop restrictions in its certificate of public convenience and necessity for Route 73 between Tulsa, Oklahoma, on the one hand, and Little Rock, Arkansas, and Memphis, Tennessee, on the other hand, so as to permit Frontier to provide nonstop service in these markets. In addition, Frontier filed a petition for issuance of an order to show cause why its application should not be granted.

In support of its application, Frontier states that it now provides two round trips between Memphis and Tulsa and one and one-half round trips between Little Rock and Tulsa, and carries 74 percent and 79 percent, respectively, of the traffic in these markets; that these markets are sizeable and will require nonstop service in the reasonably near future; that time savings of nearly 50 percent would result for passengers in these markets if Frontier were able to provide nonstop service; and that removal of Frontier's stop restrictions in these markets will have minimal impact on Braniff, the only carrier holding nonstop authority in the markets, authority which has been unused since 1967.

On May 26, 1977, the City of Fort Smith, Arkansas filed a petition for leave to intervene. Fort Smith requests that the Board proceed by other than show cause procedures so that Fort Smith may present testimony and argument as to the adverse effect that grant of Frontier's application will have on it.[1]

[1] Since provision is made for the filing of objections to this order, grant of formal intervention to Fort Smith will not be necessary.

Upon consideration of the foregoing pleadings and all of the relevant facts, we have tentatively concluded that the public convenience and necessity require the removal of Frontier's one-stop restrictions in the Memphis-Tulsa and Little Rock-Tulsa markets; that Frontier's application presents no questions of fact or law which require a hearing; and that all interested persons should be directed to show cause why the Board's tentative findings and conclusions herein should not be made final.[2]

In support of our determination here, we make the following tentative findings and conclusions. Removal of Frontier's one-stop restrictions in the subject markets will provide the carrier with useful scheduling and operating flexibility. As a result, Frontier will be better able to meet demand in the markets as is necessary. On the basis of traffic data for the 12 months ended March 31, 1976, Memphis, with 23,070 O&D plus connecting passengers, is Tulsa's largest short-haul market without nonstop service. Little Rock, with 12,350 passengers, is Tulsa's second largest market without nonstop service.[3] Frontier's present one-stop flights average two hours and twenty-three minutes between Memphis and Tulsa, and one hour and twenty-eight minutes between Little Rock and Tulsa. Provision of nonstop service by Frontier in these markets would result in time savings to passengers of nearly 50 percent.[4]

The removal of Frontier's stop restrictions in these markets is consistent with our often reiterated general policy of eliminating or modifying certificate restrictions, the retention of which have been placed in issue, absent an affirmative showing that their continuance is required.[5] Certificate restrictions, such as are in issue here, are inherently uneconomic. It is preferable that carriers be granted permissive nonstop authority in markets like these, giving management the discretion to operate nonstop service in accordance with traffic requirements.

[2] We further find that Frontier is a citizen of the United States within the meaning of the Federal Aviation Act, and is fit, willing, and able properly to perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements, thereunder.

[3] Civil Aeronautics Board Origin and Destination Survey, Table 8.

[4] Frontier Exhibit FL–7.

[5] See e.g., Order 77–1–9, January 4, 1977; Order 76–11–1, November 1, 1976; Order 69–6–87, June 19, 1969.

We tentatively conclude that grant of Frontier's application will not have any significant impact on Braniff, the incumbent carrier possessing nonstop authority in these markets. Braniff has not offered nonstop service in the markets since 1967, and currently offers only one round trip operating over a Tulsa-Ft. Smith-Little Rock-Memphis routing. These flights are designed to serve long-haul destinations and are supported by traffic from beyond points which will not be tapped by Frontier's nonstop flights. Moreover, Frontier states that even if its improved service caused Braniff's market shares to drop to zero, loss of revenue to Braniff would amount to only $78,000 for the Tulsa-Little Rock market and $207,000 for the Tulsa-Memphis market.[6] We also note that Braniff has not filed in opposition to Frontier's request. Consequently, we tentatively find that any slight possible diversion resulting from removal of Frontier's restrictions is more than outweighed by the carrier and public benefits which would flow from the action proposed herein.

We recognize that removal of Frontier's stop restrictions in the subject markets may have the effect of reducing Frontier's present service to Fort Smith, Arkansas. However, the purpose of Frontier's one-stop restriction is not to assure service to Fort Smith, but to limit competitive nonstop service in the Tulsa-Little Rock and Tulsa-Memphis markets. Frontier is only required to stop at some point on its system when providing service between these city pairs. That stop need not be Fort Smith.[7] The Federal Aviation Act leaves scheduling decisions essentially to carrier management.[8] Thus, even if we do not remove Frontier's one-stop restrictions in these markets, there is no assurance that Fort Smith will continue to receive the level of service it presently receives.

Moreover, even assuming that removal of Frontier's stop restrictions would result in reduced service to Fort Smith, grant of Frontier's request would still be proper. As we recently stated in a similar case:

> In the final analysis, we realize that, in the short run, the removal of an operating restriction in one market may result in reduced service in another market. On the other hand, operating restrictions tend to impede maximum efficiency and, quite often, mandate service in certain markets which, although clearly useful to some travelers, nessesarily prohibits hervice in other markets which may even be more useful to a greater number of travelers.[9]

We therefore tentatively conclude that the continuance of Frontier's one stop restrictions in the subject markets is not required.

Frontier has filed a request for waiver of environmental evaluation. In the circumstances of this case, a waiver will not be necessary. Frontier's application provides sufficient information for us to make a tentative finding with respect to the environmental impact of Frontier's proposal. No significant increase in service in any market is proposed. Moreover, elimination of unnecessary intermediate stops in the subject markets will in fact benefit the environment. We therefore tentatively find and conclude that the Board action sought by Frontier will not result in a major federal action significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969.

Interested persons will be given thirty days from the date of the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to set forth their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish in written pleadings. General, vague, or unsupported objections will not be entertained.[10]

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending the certificate of public convenience and necessity of Frontier Airlines, Inc., for Route 73 so as to eliminate the one-stop restriction on flights between Tulsa, Oklahoma, on the one hand, and Little Rock, Arkansas, and Memphis, Tennessee, on the other hand; [11]

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein, shall, within thirty days after the date of the adoption of this order, file with the Board and serve upon all persons listed in paragraph 5, a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections; answers to objections shall be filed within 10 days after;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [12]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order will be served upon Frontier Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.; the Mayors of the Cities of Little Rock, Arkansas, Fort Smith, Arkansas, Tulsa, Oklahoma, and Memphis, Tennessee; the Governors of the States of Arkansas, Oklahoma, and Tennessee; Manager of Municipal Airport in Little Rock, Manager of Tulsa International Airport, and Manager of International Airport in Memphis; the Arkansas Division of Aeronautics; the Oklahoma Aeronautics Commission, the Tennessee Department of Transportation, Bureau of Aeronautics; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

All Members concurred.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-20839 Filed 7-19-77;8:45 am]

[Docket 28918; Order 77-7-55]

THOMAS COOK OVERSEAS, LTD.

Application for Expedited Amendment of Order 77-3-90; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of July 1977.

By Order 77-3-90, approved March 14, 1977, the Board renewed the foreign indirect air carrier permit held by Thomas Cook Overseas, Ltd. (Great Britain) d/b/a Thomas Cook, Inc. (U.S.). That permit authorizes Thomas Cook "* * * to engage indirectly in foreign air transportation of persons from any point or points in the United States to any point or points outside the United States, and return."

At the time Thomas Cook applied for renewal of its permit,[1] foreign indirect air carriers were generally only permitted to operate Travel Group Charters, Inclusive Tour Charters, and One-stop-inclusive Tour Charters (see Parts 372a, 378 and 378a of the Board's Special Regulations). Accordingly, Thomas Cook's application only sought authority to operate these types of charters. It was

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[6] Diversion from American would also be slight. American Airlines' total passenger revenue in these markets during CY 1975 was $20,000. Frontier Exhibit FL-15.

[7] Other possible stops include McAlester, Oklahoma, Fayetteville, Arkansas, Harrison, Arkansas, and Hot Springs, Arkansas.

[8] Section 401(e)(4), Federal Aviation Act of 1958, as amended.

[9] Order 77-3-133, March 22, 1977, p. 3.

[10] We note that Allegheny Airlines has filed an application in Docket 30878 seeking nonstop authority between Tulsa, Little Rock, and Memphis. Ashbacker, however, does not require comparative consideration of Allegheny's application. Certification of a second carrier to serve the subject markets is not precluded by the improvement of the incumbent's authority. See Order 75-7-5, July 1, 1975, pp. 5-6; Service to Spokane CAB 1 (1964).

[11] Any award of new route authority to Frontier in the final order will be subsidy ineligible.

[12] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Thomas Cook's application for renewal was filed February 18, 1976.

granted this authority by Order 77–3–90. Paragraph 4(a) provided:

"(a) With respect to the operations conducted pursuant to the authority granted herein, the holder shall be subject to the provisions of Parts 372a, 378 and 378a of the Board's Special Regulations, as now or hereafter amended;"

Subsequent to the filing of Thomas Cook's renewal application, the Board promulgated a new Part 371 of its Special Regulations, authorizing the operation of Advance Booking Charters (ABC's).[2] By application filed June 14, 1977, Thomas Cook requests that Order 77–3–90 be amended so as to permit it to engage in indirect air transportation through the operation of ABC's pursuant to new Part 371. Since it does not appear that the operation of ABC charters by Thomas Cook would be contrary to the letter or spirit of Part 371, we have concluded that it is in the public interest to amend Order 77–3–90 so as to authorize Thomas Cook to organize charters pursuant to that part. Paragraph 4(a), of Order 77–3–90 will be amended to reflect this change.

We also note that Order 77–3–90 subjected Thomas Cook's OTC authority to the express condition that it may be summarily modified, suspended, or revoked without hearing in the event that Great Britain should restrict the authority of any United States carrier to perform OTC charters. Thomas Cook's ABC authority will also be subject to this condition.[3]

Accordingly it is ordered That:

1. Order 77–3–90 is amended by modifying paragraph 4(a) to read as follows:

With respect to the operations conducted pursuant to the authority granted herein, the holder shall be subject to the provisions of Parts 371, 372a, 378 and 378a of the Board's Special Regulations, as now or hereafter amended;

2. Order 77–3–90 is amended by modifying paragraph 5 to read as follows:

The authority granted herein to organize charters pursuant to Parts 371 and 378a shall be subject to the express condition that said authority may be summarily modified, suspended, or revoked without hearing in the event that the Government of the holder should restrict the authority of any United States carrier to perform ABC or OTC charters in accordance with the provisions of Parts 371 and 378a of the Board's Regulations, as amended, to the territory of such Government;

3. The application of Thomas Cook Overseas, Ltd. (Great Britain) d.b.a. Thomas Cook, Inc. (U.S.), for amendment of Order 77–3–90 is granted to the extent indicated herein; and

4. This order shall be served upon Thomas Cook, Ltd. (Great Britain) d.b.a. Thomas Cook, Inc. (U.S.), and the Ambassador of Great Britain.

This order will be published in the FEDERAL REGISTER.

All Members concurred.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–20838 Filed 7–19–77;8:45 am]

[Docket 30721; Order 77–7–59]

Trans World Airlines, Inc.

Proposed Reduced Cargo Charter Minimum Charges; Order Denying Petition For Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of July, 1977.

By Order 77–5–44, May 10, 1977, the Board dismissed a complaint by Seaboard World Airlines, Inc. (Seaboard), against a tariff revision proposed by Trans World Airlines, Inc. (TWA), which reduced from $7.25 to $6.00 the per plane-mile minimum charge on westbound cargo charters departing from Europe (excluding Algeria, Greece, Morocco, Tunisia and Turkey) between 9:00 p.m. Saturdays and 3:00 p.m. the following Mondays.

Seaboard has filed a petition for reconsideration of our May order requesting suspension, pending investigation, of the charter rate. Seaboard maintains that the Board did not consider certain material it had submitted, with a motion to file unauthorized material, which would have had a substantive bearing upon the matter, and that the Board's lack of action on the motion necessitates reconsideration. The carrier insists that the supplemental material, if acepted, would have conclusively demonstrated that the reduced rate can not generate enough revenue to offset TWA's variable costs and the rate is therefore uneconomic, regardless of the volume of traffic generated. Seaboard also contends that the Board's findings in the order are brief, unilluminating, and inconsistent with many recent orders concerning North Atlantic rate matters which clearly outline the Board's disposition on such issues, and that the findings rely heavily on TWA's unsubstantiated claims of the generative potential of the rate reduction. Finally, Seaboard states that the Board's findings of potential fleet utilization improvement are based on TWA's false characterization of Saturday-Monday as on off-peak rather than peak period for westbound movement of cargo on charters based on Seaboard's actual experience.

In its answer, TWA maintains that oversight of Seaboard's amended complaint was harmless inasmuch as it presented no new information not already known at the time of the Board's decision. The carrier further contends that, notwithstanding Seaboard's assertions, the Board's decision is not precisely nor necessarily governed by the previous orders cited by Seaboard, since all these orders dealt with specific commodity rates rather than planeload charter rates; that, in any event, the charter rate conforms substantially with stated criteria since, based upon discussions with shippers, the charter rate would generate traffic to aid with minimal diversion; and that Seaboard has produced no tangible estimate of the diversion or dilution it expects to result from the rate. Finally, while unable to explain why its peaking experience differs from Seaboard's, TWA suggests that the answer may lie in the proven illegal carriage by Seaboard of charter-rated traffic on scheduled service.

Upon full consideration of the petition and the materials submitted with Seaboard's motion, the answer of TWA, and all other relevant matters, the Board has determined to deny the petition for reconsideration.

Seaboard's motion to file unauthorized material, dated April 21, 1977, was misdirected within the Board and was received too late to be considered in our order. Although the material sets forth no information not previously available to the Board when the decision in Order 77–5–44 was made, we will grant Seaboard's motion.

Seaboard attempts to demonstrate the uneconomic character of the charter rate by first citing Board observations on TWA's cost estimates in Order 77–4–107, April 11, 1977,[1] and then applying higher cost estimates submited earlier by TWA in support of the IATA North Atlantic rate agreement, Docket 27573. However, the Board considers use of the most recent historical data to be more appropriate, since these data are presumably untainted by any particular carrier's self-interest. Data for calendar year 1976 show TWA incurred an operating expense of $6.80 per plane-mile in international scheduled all-cargo operations. Application of TWA's estimate that variable costs constitute 80 percent of its total operating costs produces a $5.44 per plane-mile variable cost figure. Since this cost is below the charter charge, the charter rate does not appear to be uneconomic for an off-peak, back-haul operation.

Examination of information published monthly by the International Air Transport Association reveals a directional imbalance in cargo tonnage carried. During the first quarter of 1977, westbound tonnage was 63 percent of eastbound tonnage. Moreover, without definitive estimates, we do not find convincing Seaboard's contention that the charter rate will create undue diversion.

However, and central to our favorable consideration of this proposal, we would emphasize that this particular rate reduces the occasions when empty equipment will have to be back-hauled to the United States at the carrier's expense. TWA indicates that the equipment used for charters is drawn from its domestic cargo jet fleet, which is essentially grounded on weekends and flown to Eu-

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[2] SPR–110, September 1, 1976, Docket 28852.

[3] See Globus-Gateway Tours, Ltd. (Switzerland), et al., Orders 76–10–15, 76–12–116; Jetsave, Ltd. (United Kingdom), Order 77–3–44.

[1] See pp. 3 and 4 of Order 77–4–107.

rope at the $7.25 per plane-mile charter rate. In view of the above, the reduced rate may attract added shippers and cargo thereby enabling TWA to offset the expense of returning empty to the United States.

Accordingly, *it is ordered*, That:

1. The motion by Seaboard World Airlines, Inc., for leave to file an otherwise unauthorized document in Docket 30721 is granted; and

2. The petition by Seaboard World Airlines, Inc., for reconsideration of Order 77-5-44 is denied.

This order will be published in the FEDERAL REGISTER.

All Members concurred except Chairman Kahn who did not participate.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-20836 Filed 7-19-77;8:45 am]

[Docket 31065; Order 77-7-58]

U.S.-GERMANY CARGO MATTERS

Request to Engage in Discussions Relating; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of July, 1977.

On June 29, 1977, Seaboard World Airlines, (Seaboard) petitioned the Board for permission to engage in discussions with Pan American World Airways, Inc. (Pan American) and Deutsche Lufthansa Aktiengesellschaft (Lufthansa), as well as government representatives, covering various interrelated matters involving cargo air transportation between the United States and the Federal Republic of Germany. These subjects include substitute service via surface transport, carriage of U.S.-Germany air freight by charters, U.S.-Germany cargo rate levels and their relationships to rates in neighboring markets, interline arrangements, and airport cargo facilities. In support of its petition, Seaboard states that these issues were the subject of intergovernmental consultations between the United States and Germany in April 1976, which produced a Memorandum of Understanding that contemplated working group meetings among the three carriers and representatives of the two Governments. However, the authorization for the working group meetings, granted by the Board in Orders 76-6-54, 76-6-167 and 77-4-69 has since expired. By mutual agreement the United States and Germany have extended the effectiveness of the Memorandum of Consultations until October 31, 1977.

Seaboard states that the additional discussions are necessary in order to further discuss solutions to problems facing the carriers serving the U.S.-Germany cargo market prior to the reconvention of direct intergovernmental discussions.

An answer supporting the petition of Seaboard has been received from Pan American.

The Board will herein authorize the proposed discussions consistent with the April 28, 1976 Memorandum of Consultations between the United States and the Federal Republic of Germany for the same reasons set forth in our earlier orders of approval of this series of talks.[1] Any intercarrier agreement reached will, of course, be subject to Board approval under section 412 of the Act prior to implementation.

The Board, acting pursuant to section 412 of the Federal Aviation Act of 1958, does not find that grant of the petition in Docket 31065 is adverse to the public interest or in violation of the Act.

Accordingly, *it is ordered* That:

1. Seaboard World Airlines, Inc., Pan American World Airways, Inc. and Deutsche Lufthansa Awtiengesellschaft may engage in discussions on the subject of cargo air transportation between the United States and the Federal Republic of Germany;

2. The authority granted herein will expire October 31, 1977;

3. The U.S. carrier participants shall notify the Civil Aeronautics Board in writing sufficiently in advance of the proposed meetings to insure the presence of a U.S. Government observer at said meetings; and

4. This order will be served on all U.S.- and foreign-flag carriers holding certificate or permit authority to proved scheduled cargo service between the U.S. and the Federal Republic of Germany.

This order will be published in the FEDERAL REGISTER.

All Members concurred except Member West who did not participate.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-20837 Filed 7-19-77;8:45 am]

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[1] The Board prefers that the proposed discussions be held in Washington, D.C.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

JOINT MEETING OF FIVE TECHNICAL ADVISORY COMMITTEES

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a joint meeting of the five Technical Advisory Committees listed below will be held on Tuesday, August 9, 1977, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

1. Computer Systems Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

2. Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

3. Numerically Controlled Machine Tool Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

4. Semiconductor Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

5. Electronic Instrumentation Technical Advisory Committee. This Committee was initially established on October 23, 1973. On October 7, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

These committees, where they have expertise in such matters, advise the Office of Export Administration, U.S. Department of Commerce, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The joint committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of trends in microprocessor design and application.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed by each of the aforementioned Technical Advisory Committees in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committees in the Executive Session of the joint meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Following are the dates of approval of the Notices of Determination to close portions of the series of meetings of the Technical Advisory Committees involved in this joint meeting, and of any subcommittees thereof, the dates the full texts of the Notices of Determination were published in the FEDERAL REGISTER, and the Federal Register citations:

	Date approved	Date published
Computer Systems Technical Advisory Committee.	Jan. 27, 1977	Feb. 2, 1977 (42 FR 6374).
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.	do	Feb. 8, 1977 (42 FR 7973).
Numerically Controlled Machine Tool Technical Advisory Committee.	do	Feb. 1, 1977 (42 FR 5991).
Semiconductor Technical Advisory Committee.	do	Mar. 2, 1977 (42 FR 12078).
Electronic Instrumentation Technical Advisory Committee.	Dec. 8, 1976	Dec. 28, 1976 (41 FR 56377).

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-20771 Filed 7-19-77;8:45 am]

Maritime Administration

[Docket No. S-565]

POLK TANKER CORP.

Request for Approval for Operation of Vessel

Notice is hereby given that Polk Tanker Corporation, on its behalf and that of any successor in interest, as owner or bareboat charterer, has requested approval of the Assistant Secretary for Maritime Affairs of a time charter with The Standard Oil Company, an Ohio Corporation ("SOHIO"), for the operation of the VLCC STUYVESANT in the Alaska (domestic) trade for a continuous period of three years from date of delivery of the vessel.

In return, Polk, or such successor in interest, would agree to repay or cause to be repaid, on a monthly basis during the period of the time charter, an amount which bears the same proportion to the construction-differential subsidy paid by the Government to Seatrain Shipbuilding Corp. in respect of the construction of the STUYVESANT as the period of operation under the time charter bears to the entire life of the vessel. Polk requested the Assistant Secretary to grant this permission pursuant to the discretion vested in him by section 207 of the Merchant Marine Act, 1936, as amended (the "Act") in order that the Government may protect, preserve, or improve the collateral held by it to secure indebtedness.

The vessel is being constructed by Seatrain Shipbuilding Corp., an affiliate of Seatrain Lines, Inc., at the Seatrain shipyard.

Interested parties may inspect the foregoing request in the Office of the Secretary, Maritime Administration, Room No. 3099B, Department of Commerce Building, Fourteenth and E Streets, NW., Washington, DC 20230.

Any person, firm, or corporation having any interest in such request and desiring to be heard with respect to such request must submit comments or views concerning the request by close of business on July 28, 1977, by filing the same with the Secretary, Maritime Administration, in writing, in triplicate. Any such submission shall state clearly and concisely the grounds of interest, and the law or alleged facts relied upon insofar as any position is taken.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidies (CDS))

Dated: July 15, 1977.

By order of the Martime Subsidy Board/Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-20791 Filed 7-19-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

[CSA Notice 6143-3]

EMERGENCY ENERGY CONSERVATION PROGRAM

Notification of Three Million Dollar Set-Aside for Funding Projects Conducted by Farmworker Governed Organizations

Notice is hereby given that the Community Services Administration has set aside three million dollars of the FY 77 Supplemental Energy Program funds under section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, for the funding of projects conducted by farmworker-governed organizations to provide energy services to farmworker populations. Following is the text of CSA Notice 6143-3 which details the allocation and distribution of these funds. This Notice is being sent to all Community Action Agencies, Limited Purpose Agencies, and CDCs.

Potential applicants are reminded that the normal A-95 (clearinghouse) procedures apply to these funds. Therefore, they are encouraged to immediately notify all appropriate State and areawide clearinghouses of their intent to apply for funds.

Application procedures for R&D grants can be found in OEO Instruction 7570-1, Applying for a New Research or Demonstration Grant Under the Economic Opportunity Act.

GRACIELA (GRACE) OLIVAREZ,
Director.

EMERGENCY ENERGY CONSERVATION SERVICES PROGRAM: FUNDING OF FARMWORKER ORGANIZATIONS

EXPIRATION DATE: September 30, 1977.

EFFECTIVE DATE: July 20, 1977.

APPLICABILITY: This Notice is applicable to Farmworker Governed Organizations eligible for funding under Title II of the Economic Opportunity Act of 1964, as amended.

REFERENCE: CSA Instruction 6143-1a, Emergency Energy Conservation Services Program.

DEFINITIONS: (1) "Migrant Farmworkers" shall mean a seasonal farmworker who performs or has performed during the preceding twelve months agricultural labor which requires travel such that the worker is unable to return to his/her domicile (accepted place of residence) within the same day. (2) "Seasonal Farmworker" shall mean a person who during the preceding twelve months worked at least 25 days in farm work and worked less than 150 consecutive days at any one establishment. "Seasonal Farmworker" includes both migratory and non-migratory farmworkers, but does not include nonmigratory individuals who are full-time students or supervisors or other farmworkers. (3) "Farmworker Organization" shall mean an organization which is governed, owned and/or in a substantial way controlled by at least 51 percent Migrant and/or Seasonal Agricultural Farmworkers and/or ex-Farmworkers, and having demonstrated capability in providing services to that population.

1. BACKGROUND

The Community Services Administration has set aside three million dollars of the FY 77 Supplemental Energy Program funds appropriated under Section 222(a)(12) for the funding of propects conducted by farmworker governed organizations to provide energy services to farmworker populations.

2. PURPOSE

The purposes of this Notice are to inform eligible organizations of the ways in which the three million dollar set aside will be allocated and the procedures CSA will implement to disburse the funds.

3. POLICY

This farmworker energy set-aside shall be used to support projects carried out by farmworker-governed organizations to provide energy services to farmworker populations through the eligible activities defined in CSA Instruction 6143-1a and changes thereto.

The provision of this set-aside should not be construed as restricting the authority of Community Action Agencies and other Section 222(a)(12) grantees to support energy activities for migrant and seasonal farmworker populations where it has been their practice to do so. However, continued support of those activities will not be advanced through this set-aside, unless those agencies become delegates of farmworker-governed grantees.

4. DISTRIBUTION OF THE THREE MILLION SET-ASIDE

a. *Regional Offices.* Two million dollars will be provided in equal amounts of $200,000 to each of the ten CSA Regional Offices. Use of the funds will be detailed in a Regional Energy Funding Plan.

In the event that a Regional Office cannot program the full $200,000, funds not allocated will be used by Headquarters for an alternative distribution to support farmworker energy projects.

b. *Headquarters.* One million dollars will be available for funding of farmworker governed organizations to conduct Research and Demonstration and Training and Technical Assistance activities under Program Account 26.

CSA invites the submission by farmworker-governed organizations of proposals for research and demonstration projects which seek to define the special energy problems of farmworkers, and demonstrate viable solutions to them. In considering proposals, CSA will place emphasis on local based projects with the potential for replication in other areas, and will consider, projects addressing the energy problems of the farmworker (1) in the home base situation; (2) on the stream; (3) in the camps.

Should there be an inadequate number of quality R&D proposals CSA Headquarters will re-program portions of this set-aside into operational farmworker energy projects, so that the total commitment to farmworker energy projects from this appropriation will not be diminished.

5. TIMING

Proposals for regionally funded operational programs should be submitted to CSA Regional Offices by August 1, 1977.

Proposals for Headquarters funded activities should be submitted to CSA Headquarters, Energy Programs, Office of Operations, no later than August 15, 1977.

[FR Doc.77-20589 Filed 7-19-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY TESTING COMMITTEE

Meeting

This notice is intended to advise all interested persons of the TSCA Interagency Testing Committee meeting established under Section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemicals substances and mixtures.

On Thursday, July 28, 1977, the TSCA/ITC will meet at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place NW. Speakers have been invited to discuss animal toxicity testing and ecological testing capabilities. All interested persons are invited to attend. Contact Phyllis Tucker, 202-382-2027, for additional information.

Dated: July 11, 1977.

WARREN R. MUIR,
Chairman, TSCA/ITC.

[FR Doc.77-20904 Filed 7-19-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21320-21322; File Nos. 162-A-RL-17, etc.]

CHEROKEE AVIATION CORP., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 5, 1977.

Released: July 12, 1977.

In re application of Cherokee Aviation Corporation, Alcoa, Tennessee, Docket No. 21320, File No. 162-A-RL-17; Smoky Mountain Aero, Inc., Alcoa, Tennessee, Docket No. 21321, File No. 136-A-L-37; City of Knoxville, Knoxville, Tennessee, Docket No. 21322, File No. 134-A-L-37; for an Aeronautical Advisory Station to serve McGhee Tyson Airport, Alcoa, Tennessee.

1. Cherokee Aviation Corporation (hereinafter called Cherokee), Smoky Mountain Aero, Inc. (hereinafter called Smoky Mountain) and the City of Knoxville (hereinafter called Knoxville) have each filed an application for authority to operate an aeronautical advisory station at the same airport. Cherokee seeks renewal of its current station license while Smoky Mountain and Knoxville have filed for new station authorizations. In that § 87.251(a) of the Commission's rules provides that only one areonautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing; *It is ordered,* That pursuant to the provisions of Section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications Are Hereby Designated for Hearing in a Consolidated Proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators;

(b) To determine the manner in which Cherokee has operated aeronautical advisory station WCE 3 at McGhee Tyson Airport; and

(c) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) where the burdens are on Cherokee and issue (c) which is conclusory.

4. *It is further ordered,* That to avail themselves of an opportunity to be heard, Cherokee, Smoky Mountain, and Knoxville, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-20788 Filed 7-19-77;8:45 am]

[Docket Nos. 21326-21329; Files Nos. 50031-CM-P-74, etc.]

DIGITAL PAGING SYSTEMS, INC., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 24, 1977.

Released: July 14, 1977.

In re applications of Digital Paging Systems, Inc., Docket No. 21326, File No. 50031-CM-P-74; and Southern Pacific Communications Company, Docket No. 21327, File No. 50065-CM-P-74; and Microband Corporation of America, Docket No. 21328, File No. 50111-CM-P-74; and Videohio, Inc., Docket No. 21329, File No. 50118-CM-P-74; for construction permits in the Multipoint Distribution Service for a new station at Cincinnati, Ohio.

1. The Commission has before it the above-referenced applications of Digital Paging Systems, Inc. (Digital), filed on February 25, 1974; Southern Pacific Communications Company (Southern), filed on April 11, 1974; Microband Corporation of America (Microband), filed on May 1, 1974; and Videohio, Inc. (Videohio), filed on May 3, 1974. All four applications propose Channel 2 operation in the Cincinnati, Ohio area, and thus are mutually exclusive and require comparative consideration. All four applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Digital has forty-nine Channel 2 MDS construction permit applications pending. It is controlled by Graphic Scanning Corporation (parent of Graphnet Systems, Inc., an authorized resale common carrier) and holds fifteen DPLMRS and domestic public point-to-point microwave service licenses in Florida, Ohio, California and Pennsylvania. Southern, a specialized common carrier, has twenty Channel 2 MDS construction permit applications pending. Microband, licensee of twenty-one stations, has twenty-two MDS construction permit applications pending. Videohio is a Channel 2 applicant in ten cities, including Akron and Dayton, Ohio and has interests in two broadcast stations in Columbus, Ohio and one in Indianapolis, Indiana.

3. Upon review of the captioned applications, we find that the four applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, the above-captioned applications Are designated for Hearing, in a Consolidated Proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Cincinnati, Ohio area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That Digital Paging Systems, Inc., Southern Pacific Communications Company, Microband Corporation of America, Videohio, Inc., and the Chief, Common Carrier Bureau, Are Made Parties to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

PHILIP V. PEMUT,
Acting Chief, Common Carrier Bureau.

[FR Doc.77-20786 Filed 7-19-77;8:45 am]

[Docket Nos. 21330-21332; File Nos. 50030-CM-P-74, etc.]

DIGITAL PAGING SYSTEMS, INC., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues Memorandum Opinion and Order

Adopted: June 24, 1977.

Released: July 14, 1977.

In re applications of Digital Paging Systems, Inc., Docket No. 21330, File No. 50030-CM-P-74; and Ohio Mds. Corporation, Docket No. 21331, File No. 50106-CM-P-74; and Videohio, Inc., Docket No. 21332, File No. 50108-CM-P-74; for construction permits in the Multipoint Distribution Service for a new station at Akron, Ohio.

1. The Commission has before it the above-referenced applications of Digital Paging Systems, Inc. (Digital), filed on February 25, 1974; Ohio MDS Corporation (Ohio), filed on May 1, 1974 and Videohio, Inc. (Videohio), filed on May 3, 1974. All three applications propose Channel 2 operation in the Akron, Ohio area, and thus are mutually exclusive and require comparative consideration. All three applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Digital has forty-nine Channel 2 MDS construction permit applications pending. It is controlled by Graphic Scanning Corporation (parent of Graphnet Systems, Inc., an authorized resale common carrier) and holds fifteen DPLMRS and domestic public point-to-point microwave service licenses in Florida, Ohio, California and Pennsylvania. Ohio (formerly Dayton Communications Corporation) holds Channel 1 construction permits in Lexington, Kentucky and Toledo, Ohio and is an applicant in seven other cities. It is also a licensee and is offering service in Columbus, Cincinnati and Dayton. Videohio is a Channel 2 MDS applicant in ten cities, including Cincinnati and Dayton, Ohio and has interests in two broadcast stations in Columbus, Ohio and one in Indianapolis, Indiana.

3. Upon review of the captioned applications, we find that the three applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a Consolidated Proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Akron, Ohio area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That Digital Paging Systems, Inc. Ohio MDS Corporation, Videohio, Inc., and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accord-

[1] Consideration of these factors shall be made in light of the Commisison's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

[1] Consideration of these factors shall be made in light of the Commisison's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

ance with the provisions of § 1.221 of the Commission's rules.

PHILIP V. PERMUT,
Acting Chief,
Common Carrier Bureau.

[FR Doc.77-20787 Filed 7-19-77;8:45 am]

[RM-2678]

FM BROADCAST STATIONS, VALLEJO, CALIF.

Table of Assignments; Order Extending Time for Filing Replies to Responses to Application For Review

Adopted: July 8, 1977.

Released: July 12, 1977.

In the Matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Vallejo, California), RM-2678.

1. On June 1, 1977, KNBA, Inc., licensee of Station KNBA, Vallejo, Calif. filed an Application For Review of the Commission's Memorandum Opinion and Order [1] in the above-entitled proceeding. A timely response was filed by Kelly Broadcasting Company, licensee of FM Station KCTC, Sacramento, California.

2. On June 29, 1977, KNBA, Inc., filed a request for a 10 day extension of time to and including July 11, 1977, in which to reply to the above-mentioned response. KNBA states that the problems of communication between Washington, D.C., and its counsel in San Francisco, with the consulting engineer in Denver, are such that it is impossible to respond within the time afforded and it is important to KNBA's positions that the engineering contentions in Kelly's response be carefully reviewed.

3. We are of the view that the public interest would be served by this extension so that KNBA, Inc., may file any information which may be helpful to the Commission in resolving the issues before it.

4. *Accordingly, it is ordered*, That the time for filing replies to responses to the Application For Review in RM-2678 is extended to and including July 11, 1977.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-20794 Filed 7-19-77;8:45 am]

[Docket No. 21317]

FRANK A. DEL VECCHIO

Designating Application for Hearing on Stated Issues

Adopted: June 23, 1977.

Released: July 14, 1977.

In re application of Frank A. Del Vecchio, P.O. Box 33, Floristan, California 96111, Docket No. 21317, for renewal of Radiotelephone First Class Operator License No. PI-4-4068.

1. The Commission, by the Chief, Field Operations Bureau, has under consideration the above-captioned application for renewal of Radiotelephone First Class Operator License No. PI-4-4068, filed on behalf of Frank A. Del Vecchio (Del Vecchio). The license expired on November 15, 1973. Although Del Vecchio filed a timely request for renewal of his operator license, action was held in abeyance pending the disposition of an application for renewal of the license of Standard Broadcast Station KFDR, licensed to the New Deal Broadcasting Co., (New Deal) Grand Coulee, Washington, in which Del Vecchio was a partner.[1]

2. By Memorandum Opinion and Order (MO/O), released November 26, 1976 (FCC 76M-1531), Administrative Law Judge Walter C. Miller denied New Deal's application and granted the Broadcast Bureau's Motion for Summary Decision. No exceptions to the Memorandum Opinion and Order has been filed, and the Commission had not ordered a review thereof on its own motion. The Memorandum Opinion and Order therefore became effective on January 17, 1977, without action by the Commission.[2]

3. The Administrative Law Judge denied the broadcast application on the ground essentially that the findings under the majority of the issues in that proceeding called for such denial (MO/O—para. 85). The Administrative Law Judge concluded mare specifically inter alia * * * that Del Vecchio's past criminal convictions adversely affect his qualifications to be or remain a Commission licensee. Both the nature of the offenses and the circumstances under which they occurred indicate clearly that it is not in the public interest to have Frank Del Vecchio as a Commission licensee. His past acts evoke no sympathy * * * (MO/O—para. 75). Further, the Findings of Fact and Conclusions, as well as the record, demonstrates and establishes that acts and offenses were committed by Del Vecchio which were directly related to Del Vecchio's performance as a radio operator licensee. (See for example, but not limited to, paragraphs 30, 43, 46-47, 50, 56, 58, 63, 64—MO/O.)

4. In view of the information contained in Docket 20461 and the conclusions reached by the Administrative Law Judge in the referenced Memorandum Opinion and Order denying New Deal's renewal application and granting the Broadcast Bureau's summary decision, the Commission is unable to find that a grant of the application of Frank A. Del Vecchio for renewal of his Radiotelephone First Class Operator License would serve the public interest, convenience and necessity, and therefore will designate the application on the issues set forth below.

5. *Accordingly, it is ordered*, Pursuant to Section 303(1)(2) of the Communications Act of 1934, as amended, and §§ 0.311 and 1.84 of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order upon the following issues:

(1) To determine, in light of the information gained, facts adduced, and/or any evidence pertaining to Docket No. 20461, whether Frank A. Del Vecchio possesses the requisite qualification to be, and/or remain a licensee of the Commission.

(2) To determine, in light of the foregoing issue, whether the public interest, convenience and necessity would be served by the grant of the application for renewal of the Radiotelephone First Class Operator License.

6. *It is further ordered*, That to avail himself of the opportunity to be heard, the applicant pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intent to appear on a date fixed for hearing to present evidence on the issues specified in this order.

7. *It is further ordered*, That, the Secretary shall send a copy of this order by Certified Mail—Return Receipt Requested—to Frank A. Del Vecchio at the addressee given above.

JAMES C. MCKINNEY,
Acting Chief,
Field Operations Bureau.

[FR Doc.77-20816 Filed 7-19-77;8:45 am]

[Docket Nos. 21333-21334; File Nos. 20172-CD-P-76, 20368-CD-P-76]

MOBILE PHONE OF TEXAS, INC.

Designating Applications For Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: July 11, 1977.

Released: July 14, 1977.

In re applications of Mobile Phone of Texas, Inc., Docket No. 21333, File No. 20172-CD-P-76, for a construction permit to establish additional two-way facilities for Station KLB802 in the Domestic Public Land Mobile Radio Service (DPLMRS) at Jacksboro, Texas, Jim Bob Measures d/b/a Radiofone, for a construction permit to establish a new two-way station in the DPLMRS at Bridgeport, Texas, Docket No. 21334, File No. 20368-CD-P-76.

1. The Commission, by the Chief of the Common Carrier Bureau (Bureau), acting pursuant to delegated authority under § 0.291(f) of the Commission's rules, has before it for consideration the following electrically mutually exclusive applications: (1) An application filed on July 28, 1975 by Mobile Phone of Texas,

[1] Memorandum Opinion and Order adopted April 6, 1977, RM-2678, Mimeo No. 80503, 42 FR 29962, June 10, 1977.

[1] In re Application of William Y. Tankersley and Frank A. Del Vecchio, d.b.a. New Deal Broadcasting Co. (KFDR) Grand Coulee, Washington, for renewal of license—Docket No. 20461.

[2] Notice released February 23, 1977, Mimeo 78410, Docket No. 20461, File No. BR-2509.

Inc. (Mobile Phone), File No. 20172-CD-P-76, for a Construction Permit to establish additional facilities on frequency 152.03 MHz for Station KLB802 in Jacksboro, Texas; (2) an application filed on August 29, 1975 by Jim Bob Measures d/b/a Radiofone (Radiofone), File No. 20368-CD-P-76, for a Construction Permit to establish a new two-way station on frequency 152.03 MHz in Bridgeport, Texas. On May 14, 1977, Mobile Phone filed a Petition for Conditional Grant of its above-captioned application, pursuant to § 21.32(g)(2) of the Commission's rules,[1] and responsive pleadings were filed thereto.

2. In the Petition for Conditional Grant, Mobile Phone explains that its single operating channel is loaded to capacity, and that it has received numerous complaints from subscribers expressing dissatisfaction with the waiting time to use the channel. Mobile Phone contends that a conditional grant would immediately meet an otherwise unsatisfied need for service to its subscribers; and that the additional channel would provide greater assurance that emergency communications services would be provided. However, in its Opposition, Radiofone points out that Mobile Phone and Radiofone proposals do not duplicate the same proposed service area. Radiofone concludes that if the Commission authorizes a conditional grant to Mobile Phone, and Radiofone ultimately is the successful applicant in the comparative hearing, then those subscribers utilizing the additional Mobile Phone facilities who are not within Radiofone's service area would either be disenfranchised or be forced onto an already overly congested system.

3. We conclude that Mobile Phone has not presented sufficient facts which warrant the conclusion that the public interest requires immediate establishment of radio service on this frequency. Furthermore, it appears that frequencies in the UHF band are available for application in the Jacksboro, Texas area, and that emergency communications services can be provided on those frequencies, if necessary.

4. Since both applicants appear to be legally, financially, and technically qualified to construct and operate the proposed facilities and since the proposals are electrically mutually exclusive, they must be designated for hearing in a consolidated proceeding to determine which applicant, if any, is the better qualified to operate the proposed facilities. *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945).

[1] Section 21.32(g) provides: "Whenever the public interest would be served thereby the Commission may grant one or more mutually exclusive applications expressly conditioned upon final action on the applications, and then either designate all of the mutually exclusive applications for a formal evidentiary hearing * * * if it appears * * *

"(2) That the public interest requires the prompt establishment of radio service on a particular community or area * * *"

5. *Accordingly, it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amened, the above-captioned applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING at a time and place to be specified in a subsequent Order upon the following issues:

(a) To determine on a comparative basis, the nature and extent of the service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto; and

(b) To determine on a comparative basis the areas and populations that each applicant will serve within the prospective 37 dbu contours, based upon the standards set forth in § 21.504(a) of the Commission's rules[2]; and to determine the need for the proposed services in said area; and

(c) To determine on a comparative basis, in light of evidence adduced pursuant to the foregoing issue, which of the above-captioned applications, if any, would better serve the public interest, convenience and necessity.

6. *It is further ordered*, That the Chief of the Common Carrier Bureau is made a party to the proceeding.

7. *It is further ordered*, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Commission's rules, within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and to present evidence on the issues specified in this Memorandum Opinion and Order.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-20817 Filed 7-19-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Negative Determination of Environmental Impact; Alabama Electric Cooperative's McWilliams Generating Station Powerplant 3

Pursuant to 10 CFR §§ 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Alabama Electric Cooperative, McWilliams Generating Station, Powerplant 3.

On June 30, 1975, the FEA issued a prohibition order to the above-listed powerplant which prohibited the powerplant from burning natural gas or petroleum products as its primary energy source. The prohibition order provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the order would not become effective until either, (1) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with Section 119(d)(1)(B) of the Clean Air Act, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under Section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to Section 119(d)(1)(B) of the Clean Air Act is the earliest date that a particular powerplant will be able to comply with all applicable air pollution requirements under Section 119 of that Act; and, until FEA has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplant the Notice of Effectiveness, as provided in 10 CFR §§ 303.10(b), 303.37(b), and 305.7.

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined it is clear that issuance of a Notice of Effectiveness for the prohibition order to the above-listed powerplant is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act, at 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), FEA concludes that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the FEA National Energy Information Center, Room 1404, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., 20461.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the Notice of Effectiveness and the associated negative determination and environmental assessment to Executive Communications, Box MH, Room 3317, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination—Proposed NOE to Alabama Electric Cooperative's McWilliams Generating Station, Powerplant 3." Fifteen copies should be submitted on or before August 9, 1977.

Any information or data considered by the person furnishing it to be confiden-

[2] Section 21.504(a) provides: "The limits of reliable service areas of a base station engaged in two-way communication service with mobile stations are considered to be described by a field strength contour of * * * 37 decibels above 1 microvolt per meter for stations operating on frequencies in the 152-162 MHz band * * *."

tial must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., on July 15, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-20890 Filed 7-19-77;8:45 am]

APPEALS AND APPLICATIONS FOR EXCEPTION FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed Week of May 6 Through May 13, 1977

Notice is hereby given that during the week of May 6 through May 13, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be July 20, 1977, or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

JULY 13, 1977.

APPENDIX.— *List of cases received by the Office of Exceptions and Appeals, week of May 6 through May 13, 1977*

Date	Name and location of applicant	Case No.	Type of submission
May 6, 1977	Exxon Co., U.S.A., Houston, Tex. (If granted: The FEA's Apr. 26, 1977, remedial order would be rescinded and the Exxon Co., U.S.A. would not be required to reinstate the practice of accepting Master Charge and Bank Americard credit card sales invoices as payment for petroleum products sold by Exxon to independent retailers.)	FRA-1287 FRS-1287	Appeal of FEA region VI's remedial order dated Apr. 26, 1977. Stay requested.
Do	B. J. Hickman, Kimball, Nebr. (If granted: Crude oil produced from the Houtby Field J sand unit located in Kimball County, Nebr., would be sold at upper tier ceiling prices.)	FEE-4126	Price exception (sec. 212.73 (a)).
Do	National LP-Gas Association; National Committee on Propane Allocation and Price Regulation; Arlington, Va. (If granted: The FEA's Apr. 6, 1977, order assigning a base period supplier and a base period use of SNG feedstocks for Btu enrichment purposes at Ashland Petroleum Co.'s Buffalo, N.Y., SNG facility would be rescinded.)	FEA-1288	Appeal of FEA assignment order dated Apr. 6, 1977, issued to the Ashland Petroleum Co.
Do	Pyramid Corp., Inc., Wichita, Kans. (If granted: Pyramid Corp., Inc., would receive a stay of the requirements of the FEA region VII's Nov. 19, 1976, notice of probable violation pending a final determination of Pyramid's exception request filed on Feb. 9, 1977.)	FES-3640	Stay request.
Do	Sun Co., Inc., Dallas, Tex. (If granted: The exception relief which was approved in the Apr. 4, 1977, decision and order would be increased and the Sun Co., Inc., would be permitted to increase its prices for natural gas liquid products by an additional amount to reflect nonproduct cost increases produced at the following natural gas plants: Belle Isle, Burnell, Canales, Concho, Cowden, Dragon Trail, Fordoche, Jameson, Levelland, Maurice, Mermentau, Peoria, Pledger, Slaughter, Spivey, Steedman, Sun, Van, Victoria, and Wakita.)	FXA-1289- FXA-1308	Appeal of decision and order in Sun Co., Inc., 5 FEA par. .... (Apr. 4, 1977).
May 9, 1977	Van Fleet Bros., Inc., Los Angeles, Calif. (If granted: Van Fleet Bros., Inc., would receive an exception to 10 CFR 212.93 which would permit the firm to increase its selling prices of motor gasoline and diesel fuel to 2 classes of purchaser.)	FEE-4127	Price exception (sec. 212.93).
May 10, 1977	Bailer & Deshaw, Kawkawlin, Mich. (If granted: Bailer & Deshaw's wells A through D in Arbela Field, Arbela Township, Tuscola County, Mich., would be classified as stripper well properties.)	FEE-4130	Price exception (sec. 212.73).
Do	Breckenridge Gasoline Co., Breckenridge, Tex. (If granted: Breckenridge Gasoline Co. would receive an extension of the exception relief granted in the FEA's March 11, 1977, decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/p gal for natural gas liquid products produced at its Eliasville and Lodi plants.)	FXE-4134 FXE-4135	Extension of the relief granted in Breckenridge Gasoline Co., 5 FEA par. .... (Mar. 11, 1977).
Do	Consumers Fuel Co., Inc., Martinsburg, W. Va. (If granted: The remedial order issued by region III on Apr. 28, 1977, would be rescinded and Consumers Fuel Co. would not be required to refund overcharges in its sales of No. 2 heating oil.)	FRA-1309	Appeal of the remedial order issued by region III on Apr. 28, 1977.
Do	Eagle Gas Co., Inc., Coushatta, La. (If granted: The remedial order issued by region VI on Apr. 28, 1977, would be rescinded and the Eagle Gas Co. would not be required to refund overcharges in its sales of propane.)	FRA-1310	Appeal of the remedial order issued by region VI on Apr. 28, 1977.
Do	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would receive an extension of the exception relief granted in the FEA's Mar. 29, 1977, decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Azalea, Milfay, and Sand Hills plants.)	FXE-4131— FXE-4133	Extension of the relief granted in Gulf Oil Corp., 5 FEA par. .... (Mar. 29, 1977).
Do	Little Majors Oil Co., Denton, Tex. (If granted: Little Majors Oil Co. would be supplied motor gasoline directly by Sun Oil Co. rather than through the substitute supplier, South Central Oil Co.)	FEE-4128	Allocation exception (sec. 211.25).
Do	Superior Oil Co., Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the exception relief granted in the FEA's Oct. 1, 1977, decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Portilla plant.)	FXE-4136	Extension of the relief granted in Superior Oil Co., 4 FEA par. 83,137 (Oct. 1, 1976).

Date	Name and location of applicant	Case No.	Type of submission
May 11, 1977	Champlin Petroleum Co., Fort Worth, Tex. (If granted: The FEA's Mar. 31, 1977, decision and order would be rescinded and crude oil produced from Fault Blocks II, III, and IV of the Wilmington Field, located at Long Beach, Calif., would be sold at upper tier ceiling prices.)	FXA-1313	Appeal of the FEA's decision and order in Champlin Petroleum Co., 5 FEA par. ____ (Mar. 31, 1977).
Do	David Shafer Oil Producers, Inc., Wooten, Ohio. (If granted: David Shafer Oil Producers' Nancy Sylvester lease in Granger Township, Medina County, Ohio, would be classified as a stripper well property on a retroactive basis.)	FEE-4137	Price exception (sec. 212.72).
Do	Gennuso's Service, Fresno, Calif. (If granted: Gennuso's Service would be supplied motor gasoline by Mobil Oil Corp. rather than its base period supplier, Red Triangle Oil Co.)	FEE-4140	Exception to change suppliers.
Do	Louis Kahan, Tulsa, Okla. (If granted: The remedial order issued by FEA region VI on Apr. 11, 1977, would be rescinded and Louis Kahan would not be required to refund overcharges in its sales of crude oil produced from the Penner A lease.)	FRA-1281	Appeal of the remedial order issued by region VI on Apr. 11, 1977.
Do	Mull Drilling Co., Inc., Wichita, Kans. (If granted: Crude oil produced from the UPRR Roth lease in Cheyenne County, Colo., would be sold at upper tier ceiling prices.)	FEE-4138	Price exception (sec. 212.73).
Do	Petroleum Management, Inc., Wichita, Kans. (If granted: Petroleum Management, Inc., would receive a temporary stay of the refund requirements of the remedial order issued by region VII on Apr. 29, 1977.)	FRT-0042	Temporary stay of the FEA region VII's remedial order issued on Apr. 29, 1977.
Do	Petroleum Management, Inc., Wichita, Kans. (If granted: Petroleum Management, Inc., would receive a stay of the refund requirements of the remedial order issued by region VII on Apr. 29, 1977, pending a determination on the appeal the firm intends to file.)	FRS-1311	Stay of the remedial order issued by region VII on Apr. 29, 1977.
Do	Suburban Propane, Whippany, N.J. (If granted: The remedial order issued by FEA region VI on Apr. 25, 1977, would be rescinded and Surban Propane would not be required to refund overcharges for crude oil sold from the N. W. Cha Cha unit in San Juan County, N. Mex.)	FRA-1314 FRS-1314	Appeal of the remedial order issued by region VI on Apr. 25, 1977.
Do	Warrior Asphalt Co. of Alabama, Inc. (If granted: Warrior Asphalt Co. of Alabama, Inc., would receive an extension of the relief granted in the FEA's Dec. 23, 1976, decision and order and would not be required to purchase additional entitlements.)	FXE-4139	Extension of the relief granted in Warrior Asphalt Co. of Alabama, 4 FEA par. 83,263 (Dec. 23, 1976).
May 12, 1977	Arizona Fuels Corp., Salt Lake City, Utah. (If granted: The FEA's Jan. 28, 1977, decision and order would be modified to provide additional time in which Arizona Fuels Corp. is required to consummate its August and September 1975 entitlement purchase obligations.)	FMR-0105	Modification of FEA's decision and order, in Arizona Fuels Corp., 5 FEA par. 80,548 (Jan. 28, 1977).
Do	B&K Oil Co., Piedmont, Mo. (If granted: A retail service station owned by Mr. Richard Smith would be required to purchase motor gasoline from B&K Oil Co.)	FEE-4142	Allocation exception.
Do	Bucks Butane & Propane Service, Inc., San Jose, Calif. (If granted: The remedial order issued by region IX on Apr. 21, 1977, would be rescinded and Bucks Butane & Propane Service, Inc., would not be required to refund overcharges in its sales of propane and tank rentals.)	FRA-1315 FRS-1315	Appeal of the remedial order issued by region IX on Apr. 21, 1977. Stay request.
Do	New England Power Co., Westboro, Mass. (If granted: New England Power Co. would receive an extension of time until June 15, 1977, in which to file written comment and information in relation to the Apr. 25, 1977, notice of intention to issue prohibition orders to certain powerplants.)	FEE-4146 FES-4146	Exception for a time extension. Stay request.
Do	Sid Richardson Carbon & Gasoline Co., Fort Worth, Tex. (If granted: Sid Richardson Carbon & Gasoline Co. would receive an extension of the exception relief granted in the FEA's Nov. 24, 1976, decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Keystone plant.)	FXE-4129	Extension of the relief granted in Sid Richardson Carbon & Gasoline Co., 4 FEA par. 83,209 (Nov. 24, 1976).
Do	Superior Oil Co., Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the exception relief granted in the FEA's Oct. 1, 1976, decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Cymric and Kettleman Hills plants.)	FXE-4143 FXE-4144	Extension of the relief granted in Superior Oil Co., 4 FEA par. 83,137 (Oct. 1, 1976).
Do	Texaco, Inc., New York, N.Y. (If granted: The FEA's information request denial issued on Apr. 12, 1977, would be rescinded and Texaco, Inc., would receive access to the documents relating to National Oil Recovery Corp.)	FFA-1316	Appeal of FEA's information request denial.
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would receive an extension of the exception relief granted in the FEA's Mar. 4, 1977, decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products/produced at its TSMA plant.)	FXE-4145	Extension of the relief granted in Union Oil Co., 5 FEA par. ____ (Mar. 4, 1977).
Do	United Cab, Tampa, Fla. (If granted: United Cab would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Lee & Pomeroy Oil Co.)	FEE-4141	Exception to change suppliers.
May 13, 1977	Kerr-McGee Corp., Oklahoma City, Okla. (If granted: Kerr-McGee Corp. would receive an extension of the exception relief granted in the FEA's Feb. 22, 1977, decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Millfay plant.)	FXE-4147	Extension of the relief granted in Kerr-McGee Corp., 5 FEA par. ____ (Feb. 22, 1977).

[FR Doc.77-20594 Filed 7-19-77;8:45 am]

STRATEGIC PETROLEUM RESERVE

Availability of the Final Environmental Impact Statement for Ironton Mine Storage Site

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared the final environmental impact statement (EIS) for the Ironton Mine site.

The draft EIS for the Ironton Mine has been previously made available to the Council on Environmental Quality and to the public on January 12, 1977. The final Ironton EIS (FES 76/77-10) includes comments received by FEA on the draft EIS (DES 76/77-10) and FEA analyses and responses to these comments.

The Ironton Mine has been proposed as an element of the Strategic Petroleum Reserve. The Reserve (mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231-6246) will be created for the storage of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the International Energy Program.

FEA will allow for a minimum of 30 days for interested parties to comment before taking any administrative action with regard to site selection or start of construction at Ironton.

Single copies of the Ironton EIS (FES 76/77-10) are available upon request from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views and arguments with respect to the supplement to Executive Communications, Box NZ, Room 3317, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Ironton Mine (FES 76/77-10)." Fifteen copies should be submitted. All comments should be received by FEA by August 19, 1977, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., July 14, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

FEDERAL MARITIME COMMISSION

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 indictated, 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*
01017---	Westfal-Larsen & Co. A/S: *Spinanger.*
01059---	London & Overseas Freighters Ltd.: *London Baron.*
01089---	Uim Union Industrielle et Maritime: *Amandine.*
01278---	Leonhardt & Blumberg: *Britta.*
01343---	Hamburg Sudamerikanische Dampfschiffahrts Gesellschaft Eggert & Amsinck: *Columbus Wellington.*
01443---	Denholm Line Steamers Ltd.: *Wellpark.*
01447---	Scotstoun Shipping Co. Ltd.: *Conon Forest.*
01611---	Helge R. Myhre: *Hera.*
01641---	The Bank Line Ltd.: *Sibonga, Siena.*
01817---	The Clan Line Steamers Ltd.: *Clan Graham.*
01890---	A/S Billabong: *Star Esfahan, Star Shahpour.*
01910---	Deutsche Dampfschiffahrts Gesellschaft Hansa: *Stahleck.*
01938---	Maersk McKinney Moller: *Maersk Breaker.*
01939---	Maersk McKinney Moller, Aktieselskabet Dampskibsselskabet Svendborg, Dampskibsselskabet AF 1912 Aktieselskab: *Maersk Boulder.*
01988---	Brostroms Rederi AB: *Kronoland, Axel Brostrom, Ferroland.*
02040---	Odra-Swinoujscie: *Marlin.*
02041---	Dalmor Przedsiebiorstwo Polowow Dalekomorskich I Uslug Rybackich: *Arcturus.*
02156---	Lorentzens Skibs A/S: *Johs Stove.*
02194---	Compagnie Generale Maritime: *Monge.*
02209---	Flota Mercante Grancolombiana S.A.: *Ciudad De Santa Marta.*
02218---	Christian Haaland: *Concordia Star.*
02241---	Cape Continent Shipping Co. (Proprietary) Ltd.: *Merlion.*
02282---	Park Steamships, Ltd.: *Norrstal.*
02296---	Naviera Fierro S.A.: *Delta.*
02419---	Far Eastern Shipping Ltd.: *Federal St. Clair.*
02429---	G & C Towing, Inc.: Landing Boat Barge D.C. 1295.
02446---	Cosmopolitan Shipping Co., S.A. *Jennifer.*
02458---	The China Navigation Co. Ltd.: *Papuan Chief.*
02492---	Interstate and Ocean Transport Co.: *Interstate No. 24, H. T. 17.*
02715---	Allied Towing Corp.: *Hot Oil 17.*
02862---	Ocean Shipping & Enterprises Ltd.: *Ocean Espoir, Ocean Strength.*
02864---	Empresa Nacional Del Petroleo S.A.: *Carthagonova.*
02930---	Compania Sud-Americana De Vapores: *Maipo II, Copiapo II, Imperial II, Aconcagua II.*
02956---	Ashland Oil, Inc.: *NMS 42, NMS 43.*
03008---	Rederi AB Wallitank: *Faust.*
03055---	Upper Lakes Shipping Ltd.: *Canadian Transport, Cape Breton Highlander, St. Lawrence Navigator, St. Lawrence Prospector.*
03069---	Alfred C. Toepfer Schiffahrtsges MBH.: *Dresden.*
03216---	Salenrederierna AB: *Adriatic Wasa, Gothic Wasa.*
03294---	Companhia De Navegacao Lloyd Brasileiro: *Lloyd Marselha.*
03315---	Afran Transport Co.: *Afran Breeze.*
03413---	Baba-Daiko Shosen K. K.: *Fujisan Maru.*
03452---	Kyoei Tanker Kabushiki Kaisha: *Yamanashi Maru.*
03488---	Sanwa Sempaku K. K: *Katsu Maru No. 10.*
03614---	A/S Kristian Jebsens Rederi: *Bedouin Birknes.*
03640---	Pan Ocean Bulk Carriers, Ltd.: *Ocean Crown, Ocean Duke.*
03692---	Marmac Corp.: *BC-226.*
03718---	Kaiser Aluminum & Chemical Corp.: *SC-1900.*
03733---	Great Lakes Dredge & Dock Co.: *Illinois.*
03971---	Korea Shipping Corp.: *Korean Commander.*
04462---	Empresa Nacional "Elcano" De La Marina Mercante S.A.: *Castillo De Salvatierra, Castillo De Montearagon.*
04490---	Seiyu Gyogyo Kabushiki Kaisha: *Seiyu Maru No. 2.*
04544---	Mr. Yosuke Kawaguchi: *Seishu Maru No. 32.*
04546---	Mr. Toshikazu Miki: *Kyowa Maru No. 18.*
04583---	Gatx Oswego Corp.: *Oswego Spirit, Oswego Hope.*
04623---	Seaspan Internationala Ltd.: *Seaspan 912, Seaspan 913.*
04625---	American Commercial Lines, Inc.: *Dennis Hendrix.*
04674---	Pescanova S.A.: *Maru.*
04884---	Hall Corp. Shipping Ltd.: *Montcliffe Hall, Steelcliffe Hall.*
05079---	Van Uden Scheepvaart En Agentuur Mij B.V.: *Eemhaven.*
05232---	Diamond M. Co.: *Diamond M 99, Diamond M. Century, Diamond M. New Era, Diamond M. General, Diamond M. Gem, Diamond M. Nugget, Diamond M. Epoch, S-25.*
05298---	Erich Drescher: *Franziska Drescher.*
05374---	Compania Argentine De Navegacion, Intercontinental S.A.: *Pampa Argentina, Patagonia Argentina, Harlandsville.*
05376---	Stellman Transportation Co.: *Tejas 200.*
05520---	Union Carbide Corp.: *USL-139, USL-606.*
05562---	Weeks Dredging & Contracting, Inc.: *Charles A. Richardson Dredge No. 428, Scow No. 2001, Scow No. 2002.*
05563---	Weeks Stevedoring Co., Inc.: *Weeks No. 700, Weeks No. 507, Weeks No. 508, Weeks No. 510, Weeks No. 511, Weeks No. 512.*
05581---	Lativan Shipping Co.: *Dubulty Mayori.*
05671---	Petroleos Del Peru: *Trompeteros.*
05767---	Neptune Orient Lines, Ltd.: *Neptune Tourmaline.*
05845---	Shinto Kaiun K. K.: *Tomei Maru.*
06287---	Gates Equipment Corp.: *Dredge 196, Barge 165.*
06399---	Tokumaru Kaiun K. K.: *Wakatoku Maru, Fukutoku Maru.*
06472---	Taiheiyo Kisen Kaisha, Ltd.: *Hakuryu Maru.*
06473---	Rakennustoimisto Jussi Ketola: *Concordia-Builder.*
06596---	Issei Kisen K. K.: *Yusei Maru.*
06675---	Cobrecaf: *Blavet.*
06949---	Mickle B. Jones: *Triple Star.*
06996---	Akita Senpaku K. K.: *Shinryu Maru.*
07255---	Teh Tung Steamship Co., Ltd.: *United Pioneer.*
07366---	Compagnie Maritime Des Chargeurs Reunis: *Medariana, Cap Benat.*
07607---	Takebayashi Kisen Co., Ltd.: *Fuyoh Maru.*
07772---	Great Eastern Maritime Co. Ltd.: *Good View, Wallport.*
08310---	Universal Seaways Private Ltd.: *Honor Sea.*
08370---	Indiana & Michigan Electric Co.: *James E. Wright, R. E. Doyle, Jr.*
08377---	Tri-Ocean Shipping Corp. Ltd.: *Scanspruce.*
08390---	The Interlake Steamship Co.: *Mesabi Miner.*
08645---	Coastal Towing Inc. Springhill: *MM 4, MM 5, MM 6.*
09003---	VTG Vereinigte Tanklager Und Transport-Mittel G.m.b.h.: *Hustertor.*
09098---	The Boswell Oil Co.: *M666.*
09180---	Inge Shipping Corp.: *Inge.*
09221---	Gorgo Shipping Corp.: *Gorgo.*
09436---	Daerim Fishery Co., Ltd.: *Dae Jin No. 52.*
09718---	Hosei Kaiun Shoji Kabushiki Kaisha: *Dian.*
09785---	San Diego Transportation Co.: *Isla Bonita.*
09792---	United Fair Agencies Ltd.: *Grand Youth.*
09943---	Rextar Transports Inc.: *World Vigour.*
10203---	Morski Instytut Rybacki: *Profesor Siedlecki.*
10260---	Hollywood Marine, Inc.: *GDM 60.*
10362---	Boyang Ltd.: *Mononok.*
10616---	Arab Maritime Petroleum Transport Co.: *Wahran.*
10759---	Indo Pacific Carriers Inc.: *Hawaiian Sea.*
10764---	Dinaco Compania De Navegacion S.A.: *Goulias.*
10829---	Egyptian Navigation Co.: *Al Abrahimiya, Ras El Tin, Alexandria.*
10931---	Hansung Shipping Co., Ltd.: *Ace Hero.*
11016---	Uiterwyk Lines Ltd.: *Laurie U.*
11247---	Global Marine Deepwater Drilling Inc.: *Glomar Pacific.*
11259---	Schenk Seafood Sales, Inc.: *Scout.*
11260---	Intercontinental Transportation Services Ltd.: *Coyoles, Guayaquil.*
11286---	Binion Marine Service, Inc.: *C-202.*
11614---	Chung Gai Ship Management Co., Ltd.: *Rose Acacia, Rose Daphne.*
11646---	Swift Marine Inc.: *SM-7.*
11667---	Ingram Transportation Co.: *IB 1108B, IB 1109B, IB 2308B, IB 2309B, IB 2015 L, IB 2016 T, IB 2017 L, IB 2018 T, Hortense B. Ingram.*
11714---	Global Transport Organisation: *Genmar 105, Genmar 106.*
11911---	I/S Sirehei: *Magellan.*
11938---	Varnima Corp. International S.A.: *Al Hofuf, Al Damman I.*
11999---	Companhia Maritima Nacional: *Neide.*
12025---	SPS Management A/S: *Partnership.*

Certificate No.	Owner/Operator and Vessels
12198	Genuine Shipping S.A.: *Fair Liza.*
12317	Taro Shipping Enterprises Corp.: *Taro.*
12369	Venus Shipping Corp.: *Maritime Dominion.*
12374	Bayard Line (Maldives) Ltd.: *Yukikaze Maru.*
12386	Crossgate Maritime S.A.: *Blue Star.*
12415	Rederij Tjonger V.O.F.: *Tjonger.*
12463	Oyang Fisheries Co., Ltd.: *Oyang No. 81.*
12515	Ified Shipping Corp.: *Delft.*
12586	Amer-Yhtyma Oy: *Concordia-Amer.*
12599	Majesty Maritime Inc.: *Al Raziq.*
12601	Han Sung Enterprise Co. Ltd.: *Han Sung No. 33.*
12602	Alaska Cargo Lines Inc.: *Norton Sound, Galena.*
12616	Reederei Hans Beilken OHG: *Atlantic Baron.*
12622	Mauritania Shipping Co., Ltd.: *Nicos III.*
12624	Spes S.P.A. Di Navigazione: *Donatella.*
12628	Curlew Navigation Ltd.: *Will Adams.*
12644	Aquarius Tankers Ltd.: *Lae Express, Moresby Express.*
12646	Trans Globe Maritime Ltd.: *Sea Condor, Sea Fortune, Sea Eagle, North Sea.*
12662	Dorothea Marine Enterprise & Mgm., Inc.: *Simandou.*
12665	Soc. Coop. De Prod Pesquera Albacoreros Y Del Eda De Baja California SCL: *Albatun.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20884 Filed 7-19-77;8:45 am]

[Docket No. 76-41]

SEATRAIN VESSELS, BERTHING IN SAN JUAN, PUERTO RICO

Intent To Make an Environmental Assessment

The above-referenced proceeding is an investigation to determine whether (1) Puerto Rico Ports Authority is violating section 16 First or section 17 of the Shipping Act, 1916 by refusing to assign Seatrain Lines of Puerto Rico, Inc. vessels to berth at Isla Grande, and (2) Puerto Rico Maritime Shipping Authority, Puerto Rico Ports Authority or both, are violating section 16 First or section 17 of the Shipping Act, 1916 by refusing Seatrain access to the container cranes at Isla Grande.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is completed.

Therefore, Notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted on or before August 19, 1977 to the Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573.

Copies of discovery materials, all exhibits and all future correspondence and pleadings exchanged or filed in this proceeding shall be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C., 20573.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20883 Filed 7-19-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-484]

ALLEGHENY POWER SERVICE CO.

Changes in Rates and Charges

JULY 11, 1977.

Take notice that Allegheny Power Service Corporation (APSC) on June 29, 1977 tendered for filing on behalf of West Penn Power Company (West Penn), one of the electric utilities which make up the integrated Allegheny Power System, and Duquesne Light Company (Duquesne), Amendment No. 6 to the Interchange Agreement dated February 1, 1968 between West Penn and Duquesne designated West Penn Rate Schedule FPC No. 24 and Duquesne Rate Schedule FPC No. 9.

APSC indicates that Amendment No. 6 provides for (1) an increase in the minimum charge for emergency service from 17.5 mills per kwh to 30.0 mills per kwh, (2) an increase in the demand charge for short-term power from $0.50 to $0.60 per kilowatt week and (3) provides for the supplying party to sell to the other party short-term power and energy obtained from another system at the price paid therefor plus $0.15 per kilowatt week. APSC states that since such transactions are scheduled from time to time as load and capacity conditions on the systems of the parties dictate it is impossible to estimate the increase in revenues which would result from Amendment No. 6.

APSC requests waiver of the Commission's notice requirements to allow an effective date of July 1, 1977.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 20, 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.77-20848 Filed 7-19-77;8:45 am]

[Docket No. ER77-490]

ARKANSAS POWER & LIGHT CO.

Proposed Change in FPC Rate Schedule

JULY 11, 1977.

Take notice that on July 1, 1977, Arkansas Power & Light Company (Company) tendered for filing a proposed change in one of the Company's rate schedules:

Arkansas Power & Light Company Rate Schedule FPC No. 57

According to the Company Rate Schedule FPC No. 57 is a contract between the Company and the Conway Corporation of Conway, Arkansas. The Company indicates that the change in FPC No. 57 includes the addition of one point of delivery. The Company further indicates that the change in FPC No. 57 is proposed to take effect on July 1, 1977. For this reason, the Company requests waiver of the Commission's notice requirements.

The Company states that due to a difficulty in making accurate estimates of the billing effect of this change, no billing data was filed. The Company states that there will be no change in rates or provisions in the schedule other than those noted above.

According to the Company a copy of the filing has been mailed to the Conway Corporation.

Any person desiring to be heard or to protect this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20846 Filed 7-19-77;8:45 am]

[Docket No. RI77-108]

JOHN P. BOOTH & ASSOCIATES

Petition for Special Relief

JULY 12, 1977.

Take notice that on June 23, 1977, John P. Booth & Associates (Petitioner), 209 Philtower Building, Tulsa, Oklahoma 74103, filed a petition for special relief seeking an increase in rate for natural

gas sales to Northern Natural Gas Company (Northern) from the Sitka Unit, Hugoton-Anadarko Area, Clark County, Kansas. Petitioner seeks an increase from a rate of 19 cents per Mcf to a rate of 67 cents per Mcf as agreed to by Northern. Petitioner states that the applicable four wells are currently being operated at a loss and that the requested rate increase is necessary to prevent abandonment of these wells.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 2, 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. Persons wishing to become parties 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.77-20861 Filed 7-19-77;8:45 am]

[Docket No. ER77-479]

CENTRAL ILLINOIS LIGHT CO.

Filing

JULY 8, 1977.

Take notice that Central Illinois Light Company (CILCO) on June 27, 1977, tendered for filing proposed Modification No. 1 to the Interconnection Agreement (Agreement) dated August 31, 1976, between Central Illinois Light Company and Central Illinois Public Service Company. CILCO states that the Commission has previously designated the August 31, 1976 Agreement as Central Illinois Public Service Company Rate Schedule FPC No. 81 and Central Illinois Light Company Rate Schedule FPC No. 20.

CILCO further states that Modification No. 1 provides for a proposed increase in charges for Maintenance, Short-Term Firm and Short-Term Non-Firm Power transactions between Central Illinois Public Service Company and CILCO. CILCO proposes an effective date of August 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20851 Filed 7-19-77;8:45 am]

[Docket No. RP72-142, (PGA77-6)]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 12, 1977.

Take notice that Cities Service Gas Company (Cities Service) on June 7, 1977, tendered for filing Twentieth Revised Sheet PGA-1 to its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that pursuant to the Purchased Gas Cost Rate Adjustment in Article 21 of the FPC Gas Tariff, it proposes to decrease its rates effective July 23, 1977:

(1) To reflect changes in its supplier rates which will be effective as of the date of its filing.

(2) To reflect the cost of ENGA gas being purchased by Transwestern Pipeline Company and resold to Cities Service.

(3) To reflect the cost of an emergency exchange arranged with Pacific Lighting Service Company in order to protect service to Cities Service's customers in FPC Curtailment Priorities 1 and 2 during periods of severe weather this past winter.

(4) To reflect the balance in Cities Service's Deferred Purchase Gas Cost Account at April 22, 1977.

(5) To reflect the elimination of the Opinion No. 770-A Special Surcharge of 3.46¢ per Mcf.

Twentieth Revised Sheet PGA-1 reflects a current adjustment of (0.12c) per Mcf.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-135.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 21, 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.77-20856 Filed 7-19-77;8:45 am]

[Docket No. RP72-157 (PGA No. 77-3a)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

JULY 12, 1977.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on June 22, 1977 tendered for filing proposed changes to its FPC Gas Tariff, Second Revised Volume No. 1 pursuant to its PGA clause for rates to be effective July 1, 1977 in lieu of rates filed May 27, 1977. The proposed change would generate approximately $2.4 million annually in additional revenues over the rates included on Second Substitute Twenty-Third Revised Sheet Nos. 8 and 9.

Consolidated states the revised rates, shown on Substitute Twenty-Fourth Revised Sheet Nos. 8 and 9, reflect the elimination of all costs associated with the (a) two shipments of LNG and (b) short-term purchases from Oklahoma Natural Gas Company.

The Commission, by order issued June 9, 1977, allowed Consolidated to flow through costs associated with the first shipment of LNG and initial deliveries of short-term purchases from Oklahoma Natural Gas Company through the PGA clause but deferred the flow through until Consolidated's next semiannual PGA rate adjustment. Thus, Consolidated has eliminated the costs incurred in acquiring the LNG and short-term purchases at this time and will include such costs in its next semiannual PGA rate adjustment which will become effective November 1, 1977.

Consolidated is requesting a waiver of any the Commission's Rules and Regulations in order to permit the proposed rates shown on Substitute Twenty-Fourth Revised Sheet Nos. 8 and 9 to become effective July 1, 1977.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20867 Filed 7-19-77;8:45 am]

[Docket No. CP77-481]

EL PASO NATURAL GAS CO.

Application

JULY 12, 1977.

Take notice that on June 30, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-481 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon from its interstate system certain natural gas production area facilities located in the Permian Basin production area in the states of Texas and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the deliverability of gas supplies attached to its system in the Permian Basin production area has declined over the productive life of said supply sources and has now reached a level where the facilities proposed herein to be abandoned are no longer required by Applicant to be operated for the acquisition, gathering, processing, compression and transportation of gas to its mainline interstate system.

Applicant proposes to abandon a total of 16 compressor units, comprising a combined total of 16,660 horsepower, a total of approximately 11.73 miles of 6⅝-inch and 4½-inch O.D. supply lateral pipeline and approximately 9.01 miles of 6⅝-inch, 4½-inch, and 2⅜-inch O.D. gathering system pipeline, and two processing plant facilities.

Applicant describes the facilities to be abandoned as follows:

Name of facility	Location	Description
Compressor units:		
Driver	Midland Co., Tex	2, 2,000-hp units.
Goldsmith	Ector Co., Tex	2, 1,200-hp units.
Kemnitz	Lea Co., N. Mex	1, 880-hp unit.
McElroy-Crane	Crane Co., Tex	2, 1,100-hp units.
Snyder	Scurry Co., Tex	1, 660-hp unit.
Tex-Harvey	Midland Co., Tex	1, 880-hp unit.
Vena Madre	Nolan Co., Tex	1, 300-hp unit.
Warren Waddell	Crane Co., Tex	1, 440-hp unit.
Wasson	Yoakum Co., Tex	2, 1,100-hp units.
Westlake Trammell	Nolan Co., Tex	2, 1,100-hp units.
Supply lateral and gathering pipeline:		
Bagley	Lea Co., N. Mex	1.48 mi of supply lateral and 8.87 mi of gathering pipeline.
Hokit	Pecos Co., Tex	0.90 mi of 4½-in o.d. pipeline.
Mescalero	Lea Co., N. Mex	6.00 mi of 4½-in o.d. pipeline.
North Puckett	Pecos Co., Tex	3.35 mi of 6⅝-in o.d. pipeline and 0.14 mi of gathering system pipeline.
Processing plants:		
Monument field plant	Lea Co., N. Mex	180,000 1,000 ft³/d treating plant.
Sealy field plant	Ward Co., Tex	16,000 1,000 ft³/d purification and dehydration plant.

Applicant estimates the total cost of abandoning such facilities to be $125,850. Applicant further states that it would abandon a majority of such facilities by removal and disposal of salvable materials in the most economical manner available, and it would abandon the remainder of such facilities in place and would account for salvable materials as stock items pending their future use in Applicant's operations, all with consequent reductions in Applicant's cost of service.

It is stated that Applicant's remaining compressor facilities possess sufficient capacity to meet the compression needs of Applicant's supply sources in the Permian Basin supply area.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided, for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20865 Filed 7-19-77;8:45 am]

[Docket No. ER77-492]

FLORIDA POWER CORP.

Filing

JULY 11, 1977.

Take notice that Florida Power Corporation (Company) on July 1, 1977 tendered for filing changes in its FPC Electric Tariff Original Volume No. 2 covering generating support service to participants in the Crystal River No. 3 nuclear generating plant.

The Company states that the filing accomplishes three changes in the tariff. First, it adds a customer under the tariff a sixth Crystal River No. 3 participant, the Sebring Utilities Commission. Second, it modifies the liability and late payment provisions of the terms and conditions of service to comport with those that the Company has agreed in settlement to include in its other wholesale tariff, FPC Electric Rate Tariff Original Volume No. 1. Third, it reallocates the Seminole Electric Cooperative, Inc.'s Crystal River No. 3 purchase among the Cooperative's delivery points, according to the Cooperative's request.

The Company requests that the Commission waive its notice requirements so that the tariff changes may become effective as of March 14, 1977, when service under the tariff commenced.

According to the Company, copies of the filing were served upon the affected jurisdictional customers and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20847 Filed 7-19-77;8:45 am]

[Docket No. ES77-44]

GULF STATES UTILITIES

Application

JULY 12, 1977.

On June 30, 1977, Gulf States Utilities (Applicant) filed an Application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue up to 750,000 shares of Common Stock and requesting exemption of such Common Stock from the competitive bidding re-

quirements under the Commission's Regulations.

The Applicant states that the Common Stock is to be issued from time to time pursuant to the provisions of the Gulf States Utilities Company Tax Reduction Act Stock Ownership Plan (Plan) established pursuant to Section 301(d) of the Tax Reduction Act of 1975. The Applicant further states that the price at which the Common Stock will be issued into the Plan shall be the average of the Applicant's Common Stock closing prices as reported on the New York Stock Exchange, Inc., on the twenty consecutive trading dates preceding the date of transfer to the Plan. In addition, the Applicant reports that it will realize from the issuance of such Common Stock an additional investment credit against the Federal income tax liability equivalent to the value of the Common Stock issued to such Plan.

According to the Applicant, the proceeds realized in the form of a Federal income tax credit will be added to the general funds of the Applicant and will be used to refund a portion of its short-term notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1977, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20864 Filed 7-19-77;8:45 am]

[Docket No. CI77-584]

MARATHON OIL CO.

Application for Certificate of Public Convenience and Necessity and Petition for Special Relief

JULY 8, 1977.

Take notice that on June 20, 1977, Marathon Oil Company (Marathon), 539 South Main Street, Findlay, Ohio 45840, filed in Docket No. CI77-584 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of gas produced from Marathon's 20.833 percent interest in Euguene Island Block 47 in offshore Louisiana. The gas will be sold and delivered to Sea Robin Pipeline Company (Sea Robin) under a December 29, 1976 contract between Marathon and Sea Robin. Initial drilling on the Block and the well from which the gas will be produced were commenced in 1954, but the well was subsequently shut-in since there was no market for the small amount of recoverable reserves. Marathon now plans to re-enter and complete the well and to commence deliveries in September, 1977.

Marathon also requests special relief pursuant to § 2.56(g) of the Commission's General Policy and Interpretations. Marathon's December 29, 1976 contract provides for a rate of $1.75 per Mcf and Marathon states that the unit cost of gas is at least $2.14 per Mcf. Marathon also expresses its willingness to accept an initial rate as presently prescribed by § 2.56a of the Commission's General Policy and Interpretations for wells commenced on or after January 1, 1975.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 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.77-20850 Filed 7-19-77;8:45 am]

[Docket No. RP73-43 (PGA77-3)]

MID LOUISIANA GAS CO.

Proposed Change in Rates

JULY 12, 1977.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on June 17, 1977, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Twenty-Sixth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1; that the revised tariff sheet is proposed to be effective August 1, 1977; and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 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.77-20860 Filed 7-19-77;8:45 am]

MIDWESTERN GAS TRANSMISSION CO.

[Docket Nos. G-18314, CP66-121 and CP70-25]

Petition to Amend

JULY 14, 1977.

Take notice that on July 1, 1977, Midwestern Gas Transmission Company (Petitioner), 1100 Milam Building, Houston, Texas 77002, filed in Docket Nos. G-18314, CP66-121, and CP70-25 a petition to amend the Commission's order of October 31, 1959 (22 FPC 775), June 20, 1967 (37 FPC 1070), and April 30, 1970 (43 FPC 635), as amended, issued in the instant dockets (respectively) pursuant to Section 3 of the Natural Gas Act so as to authorize the continued importation of natural gas from Canada under Petitioner's Contract Nos. 1, 2, and 3 at an increase import rate of $2.16 (United States) per billion Btu's effective September 23, 1977, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that the orders as set forth above authorized Petitioner to import certain quantities of gas from Canada at a point on the International Boundary near Emerson, Manitoba, purchased from TransCanada PipeLines Limited (TransCanada) pursuant to three different contracts (Contracts Nos. 1, 2 and 3).

Petitioner states that pursuant to the Commission's order of September 9, 1976, the Commission, respectively, amended previous orders in the instant dockets to permit the continued importation of natural gas from Canada at the increased rates of $1.80 (Canadian) per billion Btu's effective September 10, 1976 and $1.94 (Canadian) per billion Btu's effective January 1, 1977. Petitioner states that such amendments were necessary as a result of a decision by the Canadian Government to instruct the National Energy Board (NEB) to amend Canadian export licenses issued to TransCanada to establish a border export price of not less than nor greater than $1.80 (Canadian) per billion Btu's, effective September 10, 1976, and a border export price of not less than nor greater than $1.94 (Canadian), effective January 1, 1977. It is stated that the Canadian Government's action was based upon recommendations by the NEB contained in a report of its review of export prices of natural gas in relationship to the price for alternative energy sources. It is further stated

that the Canadian Government has further instructed the NEB to amend all existing export licenses applicable to the sale of gas by TransCanada to Petitioner to establish a new border export price of $2.16 (United States) per billion Btu's effective September 23, 1977. The NEB would soon amend all pertinent TransCanada export licenses to reflect the new price, it is indicated.

Petitioner asserts that while the precise effect on the export to Petitioner resulting from such order cannot be calculated until the exact form of the rate to be specified in the amended export licenses becomes known, it is imperative that this petition for amended import authorization be filed at this time to afford the Commission the maximum possible time before September 23, 1977 to act thereon.

It is indicated that the amendment by the NEB of TransCanada's three licenses to export gas to Petitioner pursuant to the Canadian Government's directive would require TransCanada to charge and collect under all three contracts the new export price. Pursuant to the Commission's order of December 17, 1976 in the above-entitled proceedings, Petitioner is authorized to pay only $1.94 (Canadian) per billion Btu's.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 4, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20871 Filed 7-19-77;8:45 am]

[Docket No. ER77-478]

MISSISSIPPI POWER & LIGHT CO.

Interconnection Agreement

JULY 8, 1977.

Take notice that on June 27, 1977, Mississippi Power & Light Company (MP&L) tendered for filing an Interconnection Agreement between it and the City of Clarksdale, Mississippi, dated February 13, 1976. MP&L states that this Agreement incorporates Service Schedules: (A) Reserve Capacity; (B) Unintentional Energy, (C) Firm Capacity, (D) Economy Energy.

MP&L proposes an effective date of August 1, 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 §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20852 Filed 7-19-77;8:45 am]

[Docket No. RP72-149, (PGA77-8)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

JULY 12, 1977.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on June 29, 1977, submitted for filing Fifty-Seventh Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective August 1, 1977.

The instant filing is being made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to track a rate change filing of Trunkline Gas Company made pursuant to the terms of the PGA provisions of its tariff and the Advance Payment and Transportation Tracking provisions of its Agreement as to Rates and Related Matters at Docket No. RP74-89.

Mississippi submitted schedules containing computations supporting the rate changes to be effective August 1, 1977. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 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 unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20863 Filed 7-19-77;8:45 am]

[Docket No. ER77-480]

MONTAUP ELECTRIC CO.

Proposed Tariff Change

JULY 11, 1977.

Take notice that Montaup Electric Company (Montaup), on June 27, 1977, tendered for filing proposed changes in its FPC Electric Tariff No. 1 for service to Brockton Edison Company (Brockton), Fall River Electric Light Company (Fall River), Blackstone Valley Electric Company (Blackstone), and the Tiverton Division of the Narragansett Electric Company, and proposed changes in its FPC Rate Schedules No. 33, 34, and 36 for service to Newport Electric Corporation, Pascoag Fire District, and the Town of Middleborough, respectively.

Montaup indicates that the proposed changes create a new M-3 rate which would increase revenues from the jurisdictional sales and service by $1,672,400, or 1.4 percent, based the twelve month period ending June 30, 1978. Montaup further indicates that the M-3 rate is nescessary for Montaup to recover its cost of providing electric service. Montaup proposes an effective date of August 1, 1977.

According to Montaup copies of the filing were served upon the public utility's jurisdictional customers, the Massachusetts Department of Public Utilities, the Rhode Island Public Utilities Commission, the Rhode Island Consumer's Council, and the office of the Attorney General of each of the two states.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20845 Filed 7-19-77;8:45 am]

[Docket No. RP74-100, (PGA77-7)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

JULY 12, 1977.

Take notice that on June 29, 1977, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Tariff, Original Volume No. 1, Second Substitute Twelfth Revised Sheet No. 4, proposed to be effective August 1, 1977.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 1.82 cents per Mcf on Second Substitute Twelfth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional

customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20855 Filed 7-19-77;8:45 am]

[Docket No. CP75-71]

NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSWESTERN PIPELINE CO.

Amendment to Application

JULY 12, 1977.

Take notice that on June 24, 1977, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transwestern Pipeline Company (Transwestern), Southern National Bank Building, Houston, Texas 77002 (Applicants), filed in Docket No. CP75-71 an amendment to their application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to provide for the operation of an additional exchange point between Applicants, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is indicated that by an application filed in said docket on September 3, 1974, Applicants sought authorization to exchange gas to enable Natural to receive into its system natural gas to be purchased from Perry R. Bass and Bass Enterprises Company (Bass) from the Big Eddy No. 40 Well during the time that Bass was performing an experimental fracture treatment of said well. Applicants state that a temporary certificate was issued by letter order dated October 30, 1974, in the instant docket. Applicants further state that they filed an amendment to the application seeking authorization for the parties to construct and operate an additional exchange point to enable Natural to receive into its system natural gas to be purchased from Bass from the Big Eddy No. 44 Well. It is stated that on April 18, 1977, Applicants filed an amendment to the application seeking authorization for the parties to operate an additional exchange point to enable Natural to receive into its system natural gas to be purchased from Coquina Oil Corporation. Any gas delivered for exchange would be redelivered by Transwestern to Natural at the outlet of Cities Service Oil Company's Bluitt Plant (Bluitt Exchange Point), a common gas purchase point of Applicants, in Roosevelt County, New Mexico, it is said.

It is stated that Natural has been purchasing gas from Coquina Oil Corporation, et al. (Coquina) under a gas purchase contract dated April 3, 1975, from the Boyd Field, Eddy County, New Mexico. Applicants stated that Coquina has gas available for the Ross Federal "EG" No. 1 Well in the Boyd Field for sale to Natural under the above contract. It is stated that Transwestern has existing facilities connecting said well into its system and is willing to receive gas thereat for Natural's account and redeliver equivalent volumes of gas to Natural at the Bluitt Exchange Point in Roosevelt County, New Mexico.

It is stated that Applicants have amended the gas exchange agreement dated August 12, 1974, by amendment dated May 27, 1977. The volumes of gas proposed to be delivered would not require an increase in the maximum quantity of gas presently authorized for exchange between Applicants (5,000 Mcf per day) by temporary certificates issued October 30, 1974, it is said.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20862 Filed 7-19-77;8:45 am]

[Docket No. ER77-469]

NEW BEDFORD GAS & EDISON LIGHT CO.

Filing of Supplemental Data

JULY 11, 1977.

Take notice that on June 23, 1977, New Bedford Gas and Edison Light Company (New Bedford) tendered for filing on behalf of itself, Montaup Electric Company, and Boston Edison Company supplemental data pertaining to their applicable gross investments, combined Federal income and franchise tax rates, and local tax rates for the twelve month period ending December 31, 1976. New Bedford states that this supplemental data is submitted pursuant to a Commission letter orders dated July 12, 1974, in Docket No. E-7981, accepting for filing New Bedford's Rate Schedule FPC No. 21, Boston Edison Company's Rate Schedule FPC No. 67, and Montaup Electric Company's Rate Schedule FPC No. 27.

New Bedford states that these rate schedules have previously been supplemented four times by the submission of comparable data for the calendar years 1972, 1973, 1974, and 1975. Said supplements were accepted for filing by Commission letter orders dated July 12, 1974, in Docket No. E-8495, dated February 3, 1975, in Docket No. E-9193, dated January 29, 1976, in Docket No. ER76-147 and dated July 21, 1976, in Docket No. ER76-734, respectively.

New Bedford states that these rate schedules have been twice amended as reflected in its submittals to the Commission dated October 16, 1974, and November 26, 1975, respectively. New Bedford further states that the first amendatory agreement pertaining to a modification to the method of determination of charges to be billed by New Bedford to the other parties hereto, was accepted for filing by Commission letter order dated January 16, 1975, in Docket No. E-9076. New Bedford also states that the second amended agreement, pertaining to a redistribution of fixed and operating costs among the parties hereto reflecting the installation of a second generating unit at Canal Electric Company, was accepted for filing by Commission letter order dated March 18, 1976, in Docket No. ER76-315.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 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.77-20843 Filed 7-19-77;8:45 am]

[Docket No. RP73-8 (PGA77-9b)]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 12, 1977.

Take notice that North Penn Gas Company (North Penn), on June 24, 1977, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective June 1, 1977.

North Penn states that the proposed decrease in rates reflects rate changes filed by Consolidated Gas Supply Corporation on June 17, 1977, for effective-

ness June 1, 1977, and Transcontinental Gas Pipe Line Corporation filed May 27, 1977, for effectiveness May 1, 1977, and will decrease North Penn's jurisdictional revenues by approximately $89.1 thousand annually to the rates as submitted and approved in Substitute Forty-Fifth Revised Sheet No. PGA–1 effective June 1, 1977.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on June 1, 1977.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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. 77-20859 Filed 7-19-77;8:45 am]

[Docket No. RP73-8 (PGA77-10a)]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 12, 1977.

Take notice that North Penn Gas Company (North Penn), on June 29, 1977, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective July 1, 1977.

North Penn states that the proposed substitute tariff sheets are being filed in lieu of Forty-Sixth Revised Sheet No. PGA–1 filed on June 6, 1977, and reflect the reduced rates filed by Consolidated Gas Supply Corporation on June 22, 1977, and Transcontinental Gas Pipe Line Corporation on May 31, 1977, both for effectiveness July 1, 1977. The revised tariff sheet will increase North Penn's jurisdictional revenues by approximately $592.4 thousand annually to the rates as submitted for approval on June 24, 1977, in Second Substitute Forty-Fifth Revised Sheet No. PGA–1.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on July 1, 1977.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20854 Filed 7-19-77;8:45 am]

[Docket No. CP68-75]

NORTHERN NATURAL GAS CO.

Petition To Amend

JULY 13, 1977.

Take notice that on June 30, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP68–75 a petition to amend the Commission's order of May 20, 1968, issued in the instant docket (39 FPC 821) pursuant to Section 7 of the Natural Gas Act so as to provide for the exchange of gas with Phillips Petroleum Company (Phillips) at an additional delivery point in Hansford County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant seeks authorization to exchange gas with Phillips at an additional delivery point under its currently effective Rate Schedule X–18 of its FPC Gas Tariff, Original Volume No. 2, to accommodate the delivery of gas by Applicant to Phillips pursuant to an amendment to the Gray County Gas Exchange Agreement dated June 7, 1977, between the two parties.

It is stated that on May 20, 1968, Applicant was granted permission and approval to abandon its 20-inch Gray County Line (12 miles) by sale to Phillips and was authorized to construct and operate certain measuring station facilities and to exchange with the and transport natural gas for Phillips. It is further stated that from time to time Applicant has filed petitions to amend the May 20, 1968, order issued in the instant docket to provide for additional delivery points in the exchange. It is indicated that the most recent Commission order issued in the subject docket, dated March 18, 1977, authorized Applicant to construct and operate certain facilities located in Ochiltree County, Texas, for delivery of exchange gas volumes to Phillips.

Applicant states that it would deliver and Phillips would receive into its low-pressure gathering system all volumes of gas produced by the Oringderff casinghead source of Hansford County, Texas.

Incident to this delivery, Applicant would construct and operate 6,672 feet of 4-inch gathering line and a measuring station to connect this source to the gathering system of Phillips, and that Phillips would provide a side tap on its gathering system for connection thereto by Northern, it is indicated.

Applicant states that redelivery of gas exchange volumes by Phillips to Applicant would be made at the existing delivery points in Ellis County, Oklahoma, and Gray County, Texas, pursuant to the Gray County Gas Exchange Agreement, as amended.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20868 Filed 7-19-77;8:45 am]

[Docket No. CP76-483]

PANHANDLE EASTERN PIPE LINE CO.

Petition To Amend

JULY 12, 1977.

Take notice that on June 27, 1977, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76–483 a petition to amend the Commission's order of July 30, 1976, issued in the instant docket (56 FPC _____), pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for a change in the primary point of delivery from Woodward County, Oklahoma, to Hansford County, Texas, reduce the volume of gas to be transported during the period May through October and to extend the term of the transportation contract between Petitioner and U.S. Industrial Chemical Company, a division of National Distillers and Chemical Corporation (National), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Applicant indicates that pursuant to the Commission's order of July 30, 1976, it is transporting natural gas for National. National, the largest direct customer of the Petitioner's system, purchased gas unavailable to the interstate

market from Phillips Petroleum Company and is currently having such gas supplies transported and delivered by Petitioner to National in Douglas County, Illinois, it is said. It is stated that Petitioner is transporting the subject gas pursuant to an agreement dated July 30, 1976, and that the agreement provides for the firm transportation of 6,000 Mcf of gas per day during November through April and 3,000 Mcf of gas per day during May through October. Petitioner states that it also transports on a best efforts basis up to 3,000 Mcf of gas per day during November through April and 2,000 Mcf of gas per day during May through October. The principal term for the agreement is one year, it is said.

It is stated that National now desires to extend the term of the agreement to October 31, 1979, to omit the Woodward County, Oklahoma, point of receipt of the gas and to decrease the volume of gas transported on a firm basis during the period May through October to 1,000 Mcf per day. Petitioner proposes to implement two amendments dated April 21, 1977, and May 26, 1977, to that certain transportation agreement Petitioner and National dated July 30, 1976, in order to provide for the proposed changes.

It is stated that the amendment dated April 21, 1977, incorporates the following changes:

(1) The Woodward County point of receipt has been eliminated and the primary point of receipt hereafter would be Phillips' Hansford Plant, Public School Land Survey, Hansford County, Texas.

(2) During the month May through October, Petitioner would reduce its firm transportation of gas from 3,000 Mcf to 1,000 Mcf of gas per day; and

(3) The term of the contract has been extended to October 31, 1979, with this amendment becoming effective October 31, 1977.

It is indicated that the amendment dated May 26, 1977, incorporates change to Petitioner's transportation charge for the service to be performed for National. National currently pays an additional charge of 2.52 cents per Mcf for those volumes received by Petitioner at Hansford County, Texas, it is said. Petitioner states that in that the Hansford County delivery point would be the primary point of receipt of the gas, the monthly transportation charge for the firm transportation would be increased from $30,780 to $34,140 during the months November through April, and that because the volumes to be transported during the period May through October would be reduced, the related transportation charge would be reduced from $15,390 to $5,690 for the volumes delivered on a firm basis during May through October. Petitioner further states that the transportation charge for volumes in excess of the firm volumes has been increased to 18.70 cents as a result of the change in the point of receipt. It is stated that these transportation rates are based on Petitioner's current transmission cost of service, excluding fuel.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20875 Filed 7-19-77;8:45 am]

[Docket No. CP77-464]

PANHANDLE EASTERN PIPE LINE CO.

Application

JULY 12, 1977.

Take notice that on June 24, 1977, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-464 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 7,500 Mcf of natural gas per day for the account of Peoples Natural Gas Division of Northern Natural Gas Company (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 7,500 Mcf of natural gas per day for Peoples pursuant to a transportation agreement between Applicant and Peoples dated March 31, 1977, from the point of receipt in Texas County, Oklahoma, to the point of redelivery at a connection between Applicant and Peoples in Stevens County, Kansas. Applicant states that the transportation would occur on an interruptible basis in Applicant's full discretion, and further, is subordinate to all existing and firm future delivery obligations. The term of the proposed service is six months from the date of initial deliveries to Applicant, it is said.

Applicant states that it would charge Peoples $0.0179 per Mcf at 14.73 psia saturated received at the point of receipt. Applicant asserts that the proposed service would enable Peoples in moving the proposed volumes of gas to an existing interstate market served by Peoples.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20874 Filed 7-19-77;8:45 am]

[Docket No. RP73-36, (PGA77-3), (DCA77-2)]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

JULY 12, 1977.

Take notice that on June 15, 1977, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Twentieth Revised Sheet No. 3-A to its F.P.C. Gas Tariff, Original Volume No. 1. Panhandle submits that this revised tariff sheet reflects rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; and

(2) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(3) A PGA Rate Adjustment pursuant to Section 18.2 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

An effective date of August 1, 1977, is proposed.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or

before July 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.77-20858 Filed 7-19-77;8:45 am]

[Docket No. ER77-486]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION (PJM) AGREEMENT

Supplement to Interconnection Agreement

JULY 11, 1977.

Take notice that on June 29, 1977, the parties to the Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement tendered for filing proposed Supplemental Agreement dated June 15, 1977, to the original agreement between them as heretofore amended and supplemented, which is filed with the Commission under the following Rate Schedule designations:

	Rate Schedule, FPC No.
Public Service Electric & Gas Co	23
Philadelphia Electric Co	21
Pennsylvania Power & Light Co	21
Baltimore Gas & Electric Co	9
Jersey Central Power & Light Co	7
Metropolitan Edison Co	7
Pennsylvania Electric Co	24
Potomac Electric Power Co	19

The PJM parties state that the proposed Supplemental Agreement sets forth additional rights and obligations of the PJM companies with respect to coordinating the installation and operation of generating capacity and major transmission facilities and modifies the provisions for the sharing of the costs and benefits of coordinated operation. The PJM parties indicate that no new rates are proposed for services under the Agreement. The PJM parties request that the proposed Supplemental Agreement become effect on August 1, 1977.

The PJM parties further state that no new facilities will be installed nor will existing facilities be modified in connection with the proposed Supplemental Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20844 Filed 7-19-77;8:45 am]

[Docket Nos. CP68-146; RP67-22; CI68-621]

TENNESSEE GAS PIPELINE CO. AND TENNECO OIL CO.

Extension of Time

JULY 14, 1977.

On June 14, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), and Tenneco Oil Company (Tenneco Oil) filed a joint motion to extend the time within which to file the annual Production Cost Report, as required by the Order Amending Order, issued May 1, 1970, in the above indicated dockets.

Upon consideration, notice is hereby given that an extension of time is granted to and including October 3, 1977, within which Tennessee and Tenneco Oil shall file the 1977 Production Cost Report in the above dockets.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20872 Filed 7-19-77;8:45 am]

[Docket No. RP72-156; (PGA77-4); (DCA77-2); (AP77-2)]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JULY 12, 1977.

Take notice that Texas Gas Transmission Corporation, on June 14, 1977, tendered for filing proposed changes in the following sheets:

THIRD REVISED VOLUME NO. 1

Twentieth Revised Sheet No. 7

ORIGINAL VOLUME NO. 2

Eleventh Revised Sheet No. 333
Ninth Revised Sheet No. 362
Tenth Revised Sheet No. 363
Ninth Revised Sheet No. 365

These sheets are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause, and the recovery of demand charge adjustments pursuant to the terms of Section 10.5 of the General Terms and Conditions of Texas Gas' tariff. Also reflected are changes in the costs associated with advance payments and offshore transportation pursuant to the provisions of the Stipulation and Agreement approved by the Commission in Docket No. RP76-17.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests sholud be filed on or before July 27, 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.77-20857 Filed 7-19-77;8:45 am]

[Docket No. CP77-470]

TEXAS GAS TRANSMISSION CORP.

Application

JULY 12, 1977.

Take notice that on June 27, 1977, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77-470 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, during the twelve-month period commencing November 5, 1977, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed 3 million in total, and that the cost of any single project would not exceed $500,000. These costs would be financed from funds on hand, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20866 Filed 7-19-77;8:45 am]

[Docket No. ER77-487]

TOLEDO EDISON CO.

Tariff Change

JULY 11, 1977.

Take notice that the Toledo Edison Company (Toledo), on June 30, 1977, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1 applicable to sales to Municipalities for Resale. Toledo indicates that the proposed changes would increase revenues from jurisdictional sales and service by $5,869,147 based on the twelve (12) month period ending March 31, 1978. However, Toledo states that as a result of settlement negotiations with several large customers, it has agreed that during the period beginning with the proposed effective date until May 1, 1978, it will charge rates for all classes of Municipal wholesale service yielding approximately 60 percent of such increase amount.

Toledo Edison states that the additional revenue which would result from the proposed rates is needed to offset increased operating costs and increases in the cost of facilities necessary to provide electrical service to its jurisdictional customers.

The proposed effective date is August 1, 1977.

According to Toledo copies of the filing were served upon the public utility's fourteen (14) jurisdictional customers and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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.77-20849 Filed 7-19-77;8:45 am]

[Docket No. CP77-497]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JULY 14, 1977.

Take notice that on July 8, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-497 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 500,000 dekatherms (dt) equivalent of natural gas to Public Service Company of North Carolina, Inc. (Public Service), instead of to Washington Gas Light Company (Washington Gas) during the period to end October 31, 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver the proposed volumes of gas to Public Service in order to effectuate the short-term emergency sale of natural gas by Washington Gas to Public Service. Applicant states that it is the sole supplier of natural gas to Public Service and one of the two natural gas pipeline companies which serves Washington Gas, and that it has been necessary for Applicant to curtail its deliveries to Public Service, which as a result, has sought to obtain additional gas from other sources so as to serve and protect (by storage injection) its markets.

Applicant states that deliveries to Public Service instead of to Washington Gas would begin as soon as possible upon the granting of authorization herein, and that no additional facilities would be required for the deliveries contemplated. Applicant indicates that it would incur no increased costs in making the deliveries because the gas would be delivered in the same rate zone as the presently authorized deliveries to Washington Gas. The deliveries would be made by reducing Applicant's deliveries to Washington Gas and increasing its deliveries to Public Service by a corresponding amount, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 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) as the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20870 Filed 7-19-77;8:45 am]

[Docket No. CP77-472]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JULY 13, 1977.

Take notice that on June 29, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-472 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 15,000 Mcf of natural gas per day for Delmarva Power & Light Company (Delmarva) and Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that these CD-3 customers of Applicant have contracted with National Gas Storage Corporation (Storage Corporation) for underground storage service in the amount of 1,500,000 Mcf each, and have requested Applicant to transport injection and withdrawal quantities for their respective accounts.

Applicant states that injection quantities would be delivered to Storage Corporation's affiliate, National Fuel Gas Supply Corporation (Supply Corporation), through existing facilities at the Wharton Storage Field in Pennsylvania, and that withdrawal quantities would be delivered to Applicant at that point and in turn delivered to Delmarva and Elizabethtown at existing points of delivery to those customers in Pennsylvania and New Jersey, respectively.

It is indicated that of the quantities transported, 3 percent during injection and 4 percent during withdrawal would be retained by Applicant for compressor fuel and line loss makeup, subject to change as operating conditions warrant. Applicant states that for all quantities transported and delivered, Delmarva and Elizabethtown would pay Applicant an initial rate of 9.55 cents per dekatherm.

Applicant asserts that the proposed transportation would make additional underground storage service available to Delmarva and Elizabethtown, and is required to assist those customer companies in minimizing curtailments to their high priority markets during the coming heating seasons.

Applicant indicates that transportation of base gas would be required for injection as early as August 15, 1977.

It is indicated that the proposed service is for a primary term of one year from date of initial delivery and from year to year thereafter, subject to termination by either party at the end of any contract year upon not less than 2 months prior written notice.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 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) as the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20869 Filed 7-19-77;8:45 am]

[Docket No. CP77-462]

TRANSWESTERN PIPELINE CO.

Application

JULY 12, 1977.

Take notice that on June 23, 1977, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-462 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 40,000 dekatherms equivalent of natural gas per day for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport for Natural, pursuant to the proposed Rate Schedule TS-2, up to 40,000 dekatherms equivalent of natural gas per day until the termination date on October 31, 1977. Applicant states that under the terms of the proposed Rate Schedule TS-2, it would transport on an interruptible, best efforts, basis, a maximum daily transportation quantity (MAXDTQ) to be agreed upon by service agreement. The transportation rate which Applicant proposes to charge for deliveries under the authorization requested is equal to Applicant's CDQ-2 100 percent load factor rate less gas cost and fuel cost, it is said. Applicant states that the delivery volumes would be reduced 4 percent to offset fuel and company use quantities used by Applicant in performing the transportation service. It is indicated that pursuant to the Rate Schedule, any party utilizing the TS-2 service would reimburse Applicant for any cost of construction that may be required to receive the gas supplies.

Applicant indicates that it would perform the proposed transportation service under Rate Schedule TS-2 pursuant to a service agreement dated June 17, 1977. It is stated that Natural has purchased from Colorado Interstate Gas Company (CIG) near Green River, Wyoming, gas supplies of up to 43,000 Mcf per day beginning July 1, 1977, and continuing through October 31, 1977, and that CIG would deliver the gas quantities to Northwest Pipeline Corporation (Northwest) which would deliver the received quantities to El Paso Natural Gas Company (El Paso) by displacement. El Paso would deliver the stated quantities to Applicant at an existing interconnection located in Ward County, Texas, for redelivery to Natural at either one of the two existing points of interconnection between the two systems located in Eddy County, New Mexico, and Gray County, Texas, it is said. Applicant states that no facilities are required to be constructed.

Applicant asserts that the filing of Rate Schedule TS-2 would enable Applicant, to respond to requests by off-system distribution, pipeline, industrial or commercial users which do not purchase natural gas for Applicant, to utilize available capacity on Applicant's system to transport gas which they, through their own negotiations and efforts, have been able to secure.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20876 Filed 7-19-77;8:45 am]

[Docket No. CP77-13]

TRANSWESTERN PIPELINE CO.

Petition To Amend

JULY 12, 1977.

Take notice that on June 27, 1977, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-13 a petition to amend the Commission's order of February 2, 1977, issued in the instant docket (57 FPC _____), pursuant to Section 7 of the Natural Gas Act and Section 157.7(b) of the regulations thereunder so as to provide for the waiver of Section 157.7(b)(1), to increase the total authorized expenditures during the calendar year 1977, from $8,000,000 to $12,000,000, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that by order issued February 2, 1977, in the instant docket, Peti-

tioner was authorized to construct, during the calendar year 1977, and operate certain facilities to enable Petitioner to take into its certificated pipeline system natural gas which would be purchased from producers pursuant to the Commission's budget-type gas-purchase facility procedure. It is further stated that Petitioner in its original application, requested authorization for a total expenditure of $8,000,000 with the cost of any single project not to exceed $1,500,000. The total $8,000,000 authorization requested was based on the two percent limitation of Section 157.7(b)(1)(i) applied against a gas plant (Account 101) balance of approximately $415 million at the time of filing, and rounded, it is said. Petitioner indicates that such balance was $417,998,059 at December 31, 1976, and that without waiver of the two percent limitation, the total amount available to Petitioner is approximately $8.4 million.

Petitioner asserts that it has pursued, and would continue to pursue, an active gas supply acquisition program, and that such program has been greatly implemented by the budget-type authorization granted in the instant docket on February 2, 1977. It is stated that as a result of its aggressive gas acquisition program, Petitioner has been successful in acquiring new supplies under traditional contracts and under the Commission's emergency purchase procedures. Petitioner states that as a result, it has been able to improve significantly its supply situation for 1977 over previous forecasts, with a resulting reduction in curtailment. Petitioner further states that where it had previously projected a 40 percent curtailment level for the first four months of 1977, the improved supply has reduced curtailments to 32 percent, and that this improvement is likewise projected to continue.

Petitioner indicates that this supply program has involved such expenditures that it would soon exhaust the $8,000,000 total authorization, and that as of the date of filing this petition, gas-purchase facility projects, totalling approximately $8,000,000, have been scheduled and Petitioner estimates that during the remainder of 1977 it would require a substantial portion of the total $12,000,000 requested authorization provided by the Commission budget-type policy which would be available to Petitioner except for the two percent limitation.

Any person desiring to be heard or to make an protest with reference to said petition to amend should on or before August 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20878 Filed 7-19-77;8:45 am]

[Docket No. RP73-35; (PGA77-3); (APT7-2)]

TRUNKLINE GAS CO.

Change in Tariff

JULY 12, 1977.

Take notice that on June 15, 1977, Trunkline Gas Company (Trunkline) tendered for filing Nineteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Trunkline submits that this revised tariff sheet reflects rate adjustments as follows:

(1) An Advance Payment tracking adjustment pursuant to Article V of the Agreement as to Rates and Related Matters in Docket No. RP74-89, approved by the Commission's Order dated July 9, 1975; and

(2) A Purchased Gas Transmission and Compression tracking adjustment pursuant to Article VI of the Agreement as to Rates and Related Matters in Docket No. RP74-89, approved by the Commission's Order dated July 9, 1975; and

(3) A PGA Rate Adjustment pursuant to Section 18 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

An effective date of August 1, 1977 is proposed.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 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.77-20853 Filed 7-19-77;8:45 am]

[Docket No. CP77-466]

UNITED GAS PIPE LINE CO.

Application

JULY 12, 1977.

Take notice that on June 24, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-466 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 585 Mcf of natural gas per day for Crown Aluminum Division of Hunter-Douglas, Inc. (Crown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 585 Mcf of natural gas per day for Crown pursuant to a transportation agreement dated May 24, 1977 between Applicant and Crown. Applicant states that it would transport such volumes from a point of receipt on its Bruni-Pettus 14-inch line located in the Sam Allen Survey A-71, Bee County, Texas, and would redeliver such volumes of gas, for the account of Crown, to Transcontinental Gas Pipe Line Corporation (Transco) at mutually agreeable existing points of interconnection near Victoria, Victoria County, Texas; near Cameron, Cameron Parish, Louisiana; at Egan Point in Acadia Parish, Louisiana; near Gueydan, Acadia Parish, Louisiana; at Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Magnolia and Holmesville, Pike County, Mississippi; near Walthall, Walthall County, Mississippi, or at Harmony Plant, Clarke County, Mississippi.

It is stated that the gas proposed to be transported by Applicant has been acquired by Crown from Samedan Oil Corporation (Samedan), and that such gas would be produced from the Samedan Carl Unit #1 located in Bee County, Texas and would be consumed for high priority end use in Crown's plant in Roxbora, North Carolina. It is indicated that Crown would pay Samedan for all gas delivered hereunder, or if available and not taken by Crown, $2.25 million Btu's (at 14.65 psia), and that Crown would also pay Samedan 8.4 cents per Mcf for gathering and transporting gas to delivery point.

Applicant states that it would redeliver to Transco, for the account of Crown, a volume of gas equal to that quantity of gas delivered by Samedan to Applicant, for the account of Crown, less 1.5 percent of the said volume so delivered by Samedan as a charge for fuel and company use gas, and that Transco, in turn, would cause said quantity of gas to be delivered for the account of Crown to Public Service Company of North Carolina, Inc. for redelivery to Crown for its high priority end-use at its Roxboro, North Carolina plant. All the natural gas purchased would qualify for Priority 2 end-uses, and the gas would be used to heat two melting furnaces, two holding furnaces, one hot-line, one batch-anneal furnace, one continuous anneal line, and three paint lines, it is said. It is stated that there exists no other technically feasible alternate fuel for use at Crown's Roxboro facility. Applicant asserts that Crown has purchased such gas in an effort to offset the loss of its gas supply because of curtailed deliveries by its supplier.

It is stated that the term of the proposed transportation agreement is for two years beginning with the date of first deliveries hereunder or for a lesser period as may be required by governmental authorization. It is further stated that Crown would pay Applicant for gas transported a price equal to Applicant's average jurisdictional transmission cost of service in its southern or northern rate zone, less any amount included in such average jurisdictional cost of service which is attributable to gas consumed in the operation of Applicant's pipeline system. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operations, is 20.04 cents per Mcf in the Northern rate zone and 17.92 cents per Mcf in the Southern rate zone.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20877 Filed 7-19-77;8:45 am]

[Project No. 994]

UTAH POWER & LIGHT CO.

Application for Surrender of License (Transmission Line)

JULY 11, 1977.

Public notice is hereby given that an application has been filed under the Federal Power Act (the Act) (16 U.S.C. §§ 791(a)–825(r) (1970)) by Utah Power & Light Company (licensee) for surrender of license (transmission line) for Project No. 994, located on lands of the United States in Fish Lake National Forest and public lands under the jurisdiction of the Bureau of Land Management in Beaver, Iron, Juab, Millard, Piute and Sevier counties, Utah.

Project No. 994 consists of ten transmission lines, parts of which are located on and across lands of the United States. Licensee has filed the application for surrender of license pursuant to the Secretary's letter dated August 2, 1976, advising it that none of the lines in question are primary lines as defined in section 3(11) of the Act. Licensee proposes to remove the Lower Beaver Station-Sevier 46 kV line and a portion of the Richfield-Fillmore 46 kV line. Requests for special use permits for the continued operation and maintenance of the following lines have been made to the U.S. Forest Service: Beaver South 7.2 kV line; Sevier Canyon-Sulphurdale 46 kV line; Mineral Products Switch Back-Cherry Creek Junction 46 kV line; Richfield White Pine Peak 7.2 kV line; Cherry Creek Junction-Frisco Substation 46 kV line; and Lower Beaver Substation-Minorsville Substation 46 kV line, Lower Beaver Substation-Cherry Creek Section.

Any person desiring to be heard or to make protest with reference to said application should on or before September 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10 (1976)). 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commisison and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20842 Filed 7-19-77;8:45 am]

[Docket No. CP77-396]

WASHINGTON GAS LIGHT CO.

Application

JULY 14, 1977.

Take notice that on July 8, 1977, Washington Gas Light Company (Applicant), 1100 H Street, NW., Washington, D.C. 20080, filed in Docket No. CP77-396 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the emergency sale of up to 500,000 dekatherms (Dth) equivalent of natural gas on a best-efforts basis to Public Service Company of North Carolina, Inc. (Public Service) for a period commencing immediately upon issuance of such authorization and terminating October 31, 1977, or when 500,000 Dth equivalent of gas is sold, whichever event first occurs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that Public Service is currently being substantially curtailed by Transcontinental Gas Pipe Line Corporation (Transco), its sole pipeline supplier, and that Public Service is in need of additional supplies of gas in order to serve and protect (by storage injection) its high priority markets.

Applicant proposes to sell the proposed volumes of gas during the current summer contract period in order to meet emergency needs on Public Service's system. Applicant states that moderating temperatures in February and March were such that by the end of the winter season its storage fields were vitally filled to capacity, and that these moderate temperatures have continued through April and May. Consequently, Applicant currently has the capability to offer gas for sale to Public Service for high priority purposes. For such gas Applicant proposes to charge Public Service $2.20 per Dth which equates to its currently effective average rate for interruptible service.

It is stated that deliveries of the subject gas would be made by Transco, and that no new facilities would be constructed in order to make this sale. These deliveries would be made by the reduction of Transco deliveries to Applicant and the contemporaneous deliveries of equivalent volumes to Public Service. It is indicated. It is stated that no transportation costs are contemplated; however, in the event transportation charges are imposed, such charges would be paid by Public Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20873 Filed 7-19-77;8:45 am]

FEDERAL RESERVE SYSTEM

STATE MEMBER BANKS

Call for Report of Condition

Pursuant to section 9 of the Federal Reserve Act, as amended (12 U.S.C. 324), and to section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), the Board of Governors of the Federal Reserve System, effective July 20, 1977, has issued a call to each insured State bank that is a member of the Federal Reserve System to make a Report of Condition as of the close of business June 30, 1977. Pursuant to section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured State bank that is a member of the Federal Reserve System is required to make a Report of Condition as of the close of business June 30, 1977. That date has been selected for the Report of Condition by the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Chairman of the Board of Governors of the Federal Reserve System. The Report of Condition should be filed with the Federal Reserve Bank of the district wherein the bank is located, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each insured State bank that is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call No. 224[1] and shall send the same to the Federal Reserve Bank of the district wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. The original and copy of the Report of Condition shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated March, 1976.[2]

Board of Governors of the Federal Reserve System, July 14, 1977.

STEPHEN S. GARDNER,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.77-20777 Filed 7-19-77;8:45 am]

[1] Filed as part of the original document.
[2] Filed as part of the original document.

CENTRAL NATIONAL BANCSHARES, INC.

Order Approving Acquisition by Merger of First Kansas Financial, Inc.

Central National Bancshares, Inc., Des Moines, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) to acquire by merger First Kansas Financial, Inc. ("Company"), Wichita, Kansas. Company, through its wholly owned subsidiary, First Mortgage Investment Company ("FMIC"), Kansas City, Missouri, principally engages in mortgage banking, including making and acquiring, for its own account and for the accounts of others, loans and extensions of credit secured by mortgages and deeds of trust on real property, and servicing loans and other extensions of credit for any person. FMIC also acts as agent and broker for the sale of insurance.[1] The Board has determined these activities to be closely related to banking (12 CFR 225.4(a)(1), (3), and (9)).

Notice of the application, affording an opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 FR 24313). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act.

Applicant, the fifth largest banking organization in the State of Iowa, controls four banks with aggregate deposits of $338.5 million, representing approximately three percent of the total deposits in commercial banks in the State.[2] Company engages in no direct activities except investing corporate funds, and servicing, paying, and redeeming outstanding face-amount certificates it formerly issued.[3] Before consummation of the proposed merger, Company will form a separate subsidiary under the name "FKF, Inc." This company will register under the Investment Company Act of 1940, and, in the event of approval by the Securities and Exchange Commission, will perform these functions. The investment power of FKF, Inc. will be limited to shares representing not more than five percent of any company, in accordance with section 4(c)(7) of the Bank Holding Company Act, which permits the ownership of shares of investment companies by bank holding companies. FKF, Inc. will be funded for the sole purpose of liquidating Company's liability under previously issued debt securities, and FKF, Inc. will not accept further funds for investment, issue additional securities, lend money on outstand securities, pay annuities, or engage in other business.

Company's principal indirect activities are the mortgage banking activities conducted by its subsidiary, FMIC. FMIC is the 288th largest mortgage banking company in the United States based upon the size of its mortgage servicing portfolio.[4] FMIC operates its sole office in a market approximated by the Kansas City Standard Metropolitan Statistical Area ("SMSA").[5] In that market Company competes with a variety of financial institutions that originate and service commercial and residential mortgage loans. All of Applicant's subsidiary banks are engaged in extending loans secured by permanent mortgages on residential property. These activities are primarily confined, however, to localized markets within the State of Iowa, and Applicant's subsidiary banks neither derive nor service any mortgage loans from the market area served by FMIC. Given FMIC's small size and limited scope of operations, the limited and localized nature of Applicant's subsidiary banks' mortgage loan activities, the geographic separation of the markets served by each, and the large number of alternative sources for mortgage loans in the Kansas City market, the Board concludes that approval of the application will not result in any adverse effects on existing competition. Moreover, no significant potential competition would be foreclosed

[1] Applicant proposes to continue to engage, through FMIC, in only those insurance activities that are permissible under §225.4(a)(9) of the Board's Regulation Y and are consistent with a recent decision of the United States Court of Appeals for the Fifth Circuit, Alabama Association of Insurance Agents v. Board of Governors, 533 F. 2d 224 (1976). Specifically, FMIC proposes to act as an insurance agent and broker selling credit life, accident and health, credit disability, mortgage redemption, and mortgage cancellation insurance directly related to loans and extensions of credit made by FMIC, and selling general property damage and casualty insurance to Applicant's subsidiary banks. Mortgage redemption and mortgage cancellation insurance are variations of declining-term life and accident and health insurance contracted for in connection with long-term extensions of credit, such as those usually secured by a mortgage on real estate or a deed of trust, made by FMIC. FMIC will discontinue all insurance activities, other than those enumerated herein, before consummation of the proposed merger.

[2] Banking data are as of June 30, 1976, unless otherwise indicated.

[3] Company and Applicant both act as transfer agents for their own respective shares. Upon merger into Applicant and cancellation of Company's shares, Company will cease to engage in this activity. Applicant will continue to act as transfer agent for Applicant's shares.

[4] As of June 30, 1976, FMIC had mortgage originations outstanding in the approximate amount of $17.2 million, and was servicing mortgages totaling approximately $78.5 million.

[5] The Kansas City SMSA is comprised of Johnson and Wyandotte Counties in Kansas and Jackson, Platte, Clay, and northern Cass Counties in Missouri. As of June 30, 1976, approximately 99 percent of the dollar volume of mortgages originated by FMIC and 88 percent of its servicing portfolio involved properties in the first three of these six counties.

by consummation of the proposed merger. For similar reasons, it appears that no adverse competitive effects will result from the continuation by FMIC, after the proposed merger, of permissible insurance activities.

There is no evidence in the record indicating that consummation of the proposed merger would result in undue concentration of resources, conflicts of interests, unsound banking practices, or other adverse effects, and it appears that consummation of the proposed merger would result in significant public benefits. The merger is expected to strengthen Applicant's financial condition, to create a well-capitalized organization, and to enable Applicant to strengthen further the capital bases of its subsidiary banks, which it has undertaken to do. The public would also benefit from the infusion of managerial expertise into Applicant that would result from the merger, and Applicant's ability to offer financing expertise and outlets for large, long-term real estate loans to customers in the areas served by its banks.

FMIC formerly engaged in real estate development activities that are impermissible for a subsidiary of a bank holding company. FMIC has terminated this activity, however, and is now in the process of disposing of real property acquired in connection with the activity. The Board has not determined that holding real property for sale is a permissible activity for bank holding companies, and FMIC accordingly will completely dispose of its real estate holdings at the earliest practicable date, but in no event later than two years after the effective date of this Order.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved subject to the conditions that FMIC (1) Before consummation of the merger, discontinue insurance agency and brokerage activities not permissible for bank holding companies, and (2) Dispose of its real estate holdings at the earliest practicable time, but in no event later than two years after the effective date of this order. This determination is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to authority hereby delegated.

By order of the Board of Governor,* effective July 13, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-20803 Filed 7-19-77;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Tanglewood Commerce Bank, Houston, Texas, a proposed new bank ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by Western Bank, Post Oak Bank, and San Felipe National Bank, all of Houston, Texas (collectively referred to herein as "protestants"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas as of June 30, 1976, controls 32 banks[1] with aggregate deposits of $3.4 billion,[2] representing 7 percent of the total deposits in commercial banks in the State. Since Bank is a proposed new bank, no existing competition between Bank and Applicant's subsidiary banks would be eliminated, nor would Bank's acquisition by Applicant cause any immediate increase in Applicant's share of commercial bank deposits in the State.

Bank, which is currently in formation, has received charter approval from the Department of Banking of the State of Texas and is to be located in the southwest quadrant of the city of Houston, Texas. Applicant is the second largest of 125 banking organizations in the relevant market.[3] Its banking subsidiaries located in the market control 19.2 percent of total deposits in commercial banks in the market. Five of Applicant's existing subsidiary banks are located in the southwest quadrant of Houston. Since Bank is a proposed new bank, consummation of Applicant's proposal would not eliminate any existing competition, nor would it have any immediate effect on Applicant's share of commercial bank deposits in the market.

In its analysis of the subject application, the Board has considered the comments and request for a hearing submitted by Protestants. In summary, Protestants contend that consummation of the subject proposal would solidify Applicant's "dominant" position in the State and the Houston banking market and promote a trend toward "undue concentration" of banking resources on a statewide level. In addition, Protestants contend that there is slight, if any, need for additional banking facilities in the market and that the acquisition of Bank by Applicant will preempt a valuable site for future de novo entry.[4] Protestants requested a hearing on the instant application.

The Board has examined the record of the hearing held in connection with the chartering of Bank and in which the Protestants participated, the written submissions of Protestants and Applicant's responses, and is unable to conclude that a formal hearing would significantly supplement the record before the Board or resolve issues not already discussed at length in the written submissions of Protestants and Applicant and in the record of the hearing before the Texas Banking Commissioner. Protestants have neither specified any particular issue of material fact that a formal hearing would resolve nor indicated what evidence, if any, they would adduce at such a hearing. In view of the foregoing, Protestants' requests for a formal hearing are hereby denied.

Although Protestants characterize Applicant as "dominant" in the State and the relevant market, Applicant is but one of a number of multi-bank holding companies in the State of comparable size, measured by total deposits. Applicant competes with over 150 banks in the Houston market, and its market share of 19.2 percent is not such that it could properly be characterized as "dominant" in that market. Additionally, the Board is unable to conclude that Protestants' assessment of the effect of this acquisition on statewide concentration is correct.

While, in certain instances, de novo expansion in a market by a leading organization within that market could reduce prospects for market deconcentration by preempting viable sites for de novo entry or expansion by other firms, Applicant's de novo expansion in the

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*Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson and Partee. Absent and not voting: Governors Coldwell and Lilly.

[1] Applicant recently applied to the Board to acquire shares of Main Street National Bank, Dallas, Texas.

[2] Unless otherwise noted, all banking data are as of June 30, 1976.

[3] The relevant market is approximated by the Houston Ranally Metropolitan Area, which is comprised of Harris County and portions of five adjacent counties.

[4] In support of their contentions, Protestants submitted, inter alia: (a) the transcript of a September 15, 1975 Hearing before the Texas Banking Commissioner on the proposed new bank, and (b) a privately commissioned market report on the condition of the banking market in Bank's primary service area.

rapidly growing southwest quadrant of Houston[5] will have only a minimal impact on market entry and ample opportunities for market deconcentration remain through natural growth of the market and foothold or de novo entry or expansion by other banking organizations.

On the basis of the facts of record, including the record of the chartering hearing, the submissions of Protestants, and the submissions of Applicant, the Board concludes that, given the growth of the market, the large number of competing organizations, and the ample opportunities for market deconcentration, consummation of this proposal would not results in a concentration of financial resources in the relevant market or adversely affect competition in the relevant market.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as generally satisfactory based upon the information in the record. Bank, a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application.

Bank will serve as an additional full service banking facility for the residents and businesses of Bank's service area. Accordingly, those considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) Tanglewood Commerce Bank, Houston, Texas, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas, pursuant to delegated authority.

By order of the Board of Governors,[6] effective July 13, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[5] The relevant market has experienced population growth at a rate substantially greater than that experienced by the State of Texas as a whole. The ratio of population to banking offices in the Houston market would, upon the opening of Bank become 12,588, exceeding the statewide ratio by 39 percent. Per capita deposits in the market are 38 percent greater than the statewide average. Thus, the market may be characterized as an attractive one for de novo entry.

[6] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson and Partee. Absent and not voting: Governors Coldwell and Lilly.

[FR Doc.77-20804 Filed 7-19-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Change in Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a change in the meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 6, announced in this publication on July 5, 1977, and scheduled from 9 a.m., July 26 through July 28, 1977, in Room 181, Federal Building, 1500 East Bannister Road, Kansas City, Missouri. The Panel will not evaluate the qualifications of architect-engineers to furnish professional services for the Restoration/Renovation, U.S. Customhouse (Old Post Office), St. Louis, Missouri, as originally announced. A Panel meeting to consider firms for this project will be scheduled and announced at a later date. The Panel will convene as scheduled to consider the qualifications of architect-engineers to furnish professional services for the Building Extension and Architectural, Mechanical, and Electrical Improvements, Harry S. Truman Library, Independence, Missouri.

The meeting will be open to the public.

H. D. HARVELL,
Regional Administrator.

[FR Doc.77-20790 Filed 7-19-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

CALIFORNIA; PSRO AREA X

Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 U.S.C. 1320c-1(f) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Stanislaus-Merced-Mariposa PSRO, Inc., for PSRO Area X of California, which area is designated a Professional Standards Review Organization area in 42 CFR 101.7.

The Secretary has determined that the Stanislaus-Merced-Mariposa PSRO, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of California, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area X of California.

As stipulated in its Articles of Incorporation, the principal officers of the Stanislaus-Merced-Mariposa PSRO, Inc., are:

NAME AND OFFICE HELD

1. J. Carl Hornberger, M.D., President.
2. John B. Gates, M.D., Vice President.
3. Albert L. Jackson, M.D., Secretary/Treasurer.

The official address of the corporation is 2030 Coffee Road, Suite A-2, Modesto, California 95355.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area X of California who objects to the Secretary entering into an agreement with the Stanislaus-Merced-Mariposa PSRO, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before thirty days after the date this Notice appears in the FEDERAL REGISTER, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 517 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area X of California. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Stanislaus-Merced-Mariposa PSRO, Inc., is representative of such doctors in such area; provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 USC 1320c1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organizaion proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: July 13, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-20598 Filed 7-18-77;8:45 am]

MICHIGAN, PSRO AREA VIII

Physicians Regarding Intention to Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 USC 1320c–1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Federation of Physicians in Southeastern Michigan for PSRO Area VIII of Michigan, which area is designated a Professional Standards Review Organization area in 42 CFR 101.26.

The Secretary has determined that the Federation of Physicians in Southeastern Michigan is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Michigan, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area VIII of Michigan.

As stipulated in its Articles of Incorporation, the principal officers of the Federation of Physicians in Southeastern Michigan are:

NAME AND OFFICE HELD

1. Ralph R. Cooper, M.D., Chairman.
2. Edward Tallant, M.D., Vice Chairman
3. Robert Ogden, D.O., Secretary.
4. Sidney Odler, M.D., Treasurer.

The official address of the corporation is 1010 Antietam, P.O. Box 125, Detroit, Michigan 48207.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VIII of Michigan who objects to the Secretary entering into an agreement with the Federation of Physicians in Southeastern Michigan, on the grounds that this organization is not representative of the doctors in such area may, on or before thirty days after the date this Notice appears in the FEDERAL REGISTER, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 5321 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area VIII of Michigan. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Federation of Physicians in Southeastern Michigan is representative of such doctors in such area; provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) (42 USC 1320c–1(f)), relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f-(2) thereof.

Dated: July 13, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-20596 Filed 7-18-77;8:45 am]

PUERTO RICO

Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 USC 1320c–1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Foundation for Medical Care of Puerto Rico for Puerto Rico, which area is designated a Professional Standards Review Organization area in 42 CFR 101.43.

The Secretary has determined that the Foundation for Medical Care of Puerto Rico is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of Puerto Rico, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in Puerto Rico.

As stipulated in its Articles of Incorporation, the principal officers of the Foundation for Medical Care of Puerto Rico are:

NAME AND OFFICE HELD

1. Osvaldo Lastra, M.D., President.
2. Rosa A. Fiol, M.D., Vice President.
3. Jose M. Rigau, M.D., Secretary/Treasurer.

The official address of the corporation is Merchantile Plaza Building, Room 1018, No. 27 Ponce Ze Leon, Hato Rey, Puerto Rico 00919.

Any licensed doctor of medicine or osteopathy engaged in active practice in Puerto Rico who objects to the Secretary entering into an agreement with the Foundation for Medical Care of Puerto Rico, on the grounds that this organization is not representative of the doctors in such area may, on or before thirty days after the date this Notice appears in the FEDERAL REGISTER, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,625 doctors of medicine and/or osteopathy are engaged in active practice in Puerto Rico. In the event that more than 10 per centum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Foundation for Medical Care of Puerto Rico is representative of such doctors in such area; provided that pursuant to Section 108(b) of Public Law 94–182, the provisions of Section 1152(f) [42 USC 1320c–1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review: or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: July 13, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-20597 Filed 7-18-77;8:45 am]

Office of Education

GUARANTEED STUDENT LOAN PROGRAM

Special Allowance for Quarter Ending June 30, 1977

The Commissioner announces that, under the statutory formula of section 438(b) of the Higher Education Act of

1965, a special allowance at the annual rate of one and one-half percent will be paid for the three month period ending June 30, 1977, to holders of eligible loans in the Guaranteed Student Loan Program.

Using the statutory formula, the special allowance for this three-month period was computed by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills for this period (4.97 percent), by subtracting 3.5 percent from this average, by rounding the resultant percent (1.47) upward to the nearest one-eighth of one percent (1.50), and by dividing the resultant percent by four (0.375 percent). Thus the special allowance to be paid for this period will be 0.375 percent of the average unpaid balance of principal (not including unearned interest added to principal) of all eligible loans held by lenders.

(20 U.S.C. 1087-1(b).)

Dated: July 14, 1977.

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

[FR Doc.77-20800 Filed 7-19-77;8:45 am]

Office of Human Development

[Program Announcement No. 13627-773]

RESEARCH AND EVALUATION IN VOCATIONAL REHABILITATION

Announcement of a Grant for FY '77

The Rehabilitation Services Administration, Office of Human Development, announces that applications will be accepted until August 15, 1977 from State vocational rehabilitation agencies and other public or nonprofit agencies or organizations wishing to compete for a grant in Fiscal Year 1977 under the Research and Evaluation Projects for Vocational Rehabilitation authorized by Title II, section 202(a) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762) to assist in the rehabilitation of handicapped individuals.

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and consideration for award.

Regulations applicable to this program were published in the FEDERAL REGISTER in Subpart A and Subpart D of Part 1362 of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR Part 1362) on November 25, 1975.

Scope of this Program Announcement.—This program announcement identifies one program objective and funding priority of the Research and Evaluation Projects for Vocational Rehabilitation for Fiscal Year 1977. This program objective and funding priority was omitted from Program Announcement No. 13627-772 published in the FEDERAL REGISTER on Friday, May 13, 1977, Vol 42, No. 93, Pages 24331-24334.

A. PROGRAM PURPOSE

The purpose of the Research and Evaluation Program in Vocational Rehabilitation is to conduct research, design evaluation projects, and plan related activities which bear directly on the development of methods, procedures and devices to assist in the provision of vocational rehabilitation services to handicapped individuals, especially the most severely handicapped ones.

Grants made under Title II, Section 202(a), research, test and evaluate new methods, systems and approaches that can be used promptly, effectively and efficiently.

B. ELIGIBLE APPLICANTS

Any State vocational rehabilitation agency, and other public or nonprofit agency or organization, including institutions of higher learning may apply for a grant under this announcement.

C. AVAILABLE FUNDS

Of the $29 million appropriated by the Congress for research and evaluation projects in Fiscal Year 1977, the Rehabilitation Services Administration expects to award an estimated $3.4 million for new and competing extension grants in the program areas identified in Program Announcement No. 13627-772. Approximately $125,000 are available for this project from that $3.4 million.

Generally, the project will be supported for a period of three years. The funds currently available will sustain the budget for the first year of the project. Support of any additional time remaining in the project period will depend on funds available, the grantee's satisfactory performance in achieving the project objectives for which the grant was awarded, and the grantee's continued assurance of supporting the priorities of the Rehabilitation Research and Evaluation Program.

D. PROJECT OBJECTIVES AND FUNDING PRIORITIES

Research and demonstration projects in vocational rehabilitation are intended to discover new knowledge and to overcome knowledge gaps in significant areas by the development of methods, procedures and devices to assist in the provision of vocational rehabilitation services to disabled individuals, especially those with severe handicaps. The primary function of research is to make service delivery more effective.

Fiscal Year 1977 project objectives and funding priorities have been developed for a number of research areas which have been published previously in the Federal Register. These have been developed to enable applicants to be responsive to the information and service needs of the Rehabilitation Services Administration. The number after the following funding priority should be included in any inquires regarding this research objective:

1. *Vocational Training* (i.e. employment readiness).

Objective #1.—To investigate the "Independent Living" approach both as a process and as an outcome.

Funding Priority.—Funding priority will be given to those applications which address the above objective in terms of: Independent Living for the Severly Disabled: Process and outcome of a conglomerate of ongoing state-agency supported projects. (M-2)

E. THE APPLICATION PROCESS

Application Submission.—In order to be considered for a grant under the Rehabilitation Research and Evaluation Program, all applications must be submitted on standard forms available from the Division of Grants and Contract Management, Office of Human Development. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for projects on Rehabilitation Research and Evaluation.

One signed original and three copies of the grant application, including all attachments, are required. The original and two copies, which are for review purposes, are to be submitted to the central receiving office of the Office of Human Development. The other copy is to be submitted concurrently to the cognizant State Vocational Rehabilitation Agency. This agency reviews the applications and forwards its comments to the Commissioner.

Application Consideration.—The Commissioner determines the final action to be taken with respect to each grant application. Applications in response to this announcement which are late are not accepted and applicants are notified accordingly. Otherwise, all applications will be considered for funding.

All accepted applications are subjected to a competitive review and evaluation conducted by qualified persons outside of Federal employment. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner's consideration also takes into account the comments of the State Agencies of Vocational Rehabilitation, the HEW Regional Offices and the headquarters program office. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside of the Government.

When the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

Grant Awards.—The Commissioner makes grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available for the purpose of supporting Rehabilitation Research and Evaluation projects. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effec-

tive date of the award, the burget period for which support is given and the total grantee participation, if any. The initial award also specifies the total project period for which support is contemplated.

F. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

Competing grant applications will be reviewed and evaluated by persons outside of the Rehabilitation Research and Evaluation Office against the following criteria:

1. The project objectives address the RSA objective listed above in this program announcement and those stated in the application package relating to the specific funding priority.

2. The project objectives focus on the development of new or innovative techniques to achieve the RSA project objective.

3. The application contains a substantive plan for dissemination of findings to potential users including feedback mechanisms on use and specific outcome.

4. The project findings will be presented so that they are immediately implementable.

5. The hypotheses to be tested in each project are clearly stated so that the findings relate directly to the project objective.

6. The application contains a plan for the thorough review and analysis of literature related to the project.

7. The project's proposed design is complete and feasible, includes measurable objectives and an evaluation component.

8. The project's proposed staff is capable; the staffing pattern appropriate and the applicant organization's facilities and resources are adequate.

9. Applicant organization has a good track record in the conduct of similar and related activities.

10. Project's budget is feasible, and reasonable; all costs are well justified in relation to anticipated project results.

11. Project seems likely to be completed within the proposed time schedule.

12. Projects which will utilize other public resources (in addition to this grant) will receive special consideration.

13. Project does not supplant activities which are funded under other Federal programs (DDO, AoA, VA, etc.).

G. CLOSING DATE FOR RECEIPT OF APPLICATIONS

The closing date for receipt of applications under this program announcement is August 15, 1977. Applications may be mailed or hand delivered to: Receiving Office; Division of Grants and Contracts Management; Office of Human Development, DHEW; Room 1427, Mary E. Switzer Building; 330 C Street, SW., Washington, D.C. 20201 (Attention: 13627-773). Hand delivered applications are accepted during normal working hours of 9:00 a.m. to 5:00 p.m.

An application will be considered to have arrived by the closing date if:

1. The application was sent by registered or certified mail no later than August 15 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

2. The application is sent by mail and received on or before the closing date in the Department of Health, Education, and Welfare, the Office of Human Development, or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mailroom, or

3. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than COB August 15, in any case.

H. LATE APPLICATIONS

Late applications will not be accepted and applicants will be notified accordingly.

I. AVAILABILITY OF APPLICATION FORMS

Application kits which contain the prescribed application forms, the project description, and information for the application may be obtained by making a request, containing the funding priority, and number to:

Division of Grants and Contract Management, Office of Human Development, Room 1427, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201. Attention: (13627-773).

(Catalogue of Federal Domestic Assistance Program Number: 13.627, Research and Evaluation)

Dated: July 7, 1977.

JOSEPH A. MOTTOLA,
Acting Commissioner, Rehabilitation Services Administration.

Approved: June 15, 1977.

FRANK NEWGENT,
Deputy Assistant Secretary for Human Development.

[FR Doc.77-20840 Filed 7-19-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

EASTERN BAND OF CHEROKEE INDIANS

Certain Federally Owned Lands in North Carolina Are Held by the United States in Trust

JULY 13, 1977.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 22, 1970 (84 Stat. 1097), authorizes the Secretary of the Interior to declare by publication in the FEDERAL REGISTER, upon request of the tribal council, that the United States holds certain federally owned lands in trust for the Eastern Band of Cherokee Indians, subject to valid existing rights. This declaration may be made for any federally owned lands and the improvements thereon within the Cherokee Reservation which the Secretary determines to be in excess to Government needs for the administration of Indian affairs.

By their Resolution No. 269 (1976), adopted on September 9, 1976, and their accompanying letter to the Superintendent, Cherokee Agency, the Eastern Band of Cherokee Indians requested the return of the lands described below. Accordingly, under the 1970 Act, notice is hereby given that title to the following described excess lands, on which there are no improvements, is held in trust by the United States for the Eastern Band of Cherokee Indians of North Carolina, subject to valid existing rights:

Upper Cherokee Community—Parcel No. 298 (Part of Long Blanket Tracts: Beginning on an iron pipe set in Upper Cherokee Community, within the boundaries of the Long Blanket Tracts and is 95' South of a reservoir and 3' from a 24'' pine tree. Thence running S. 54°14', W. 63.05' to a point set on the West side of an access road. Thence running S. 53°28', W. 120.02' to an iron pipe with a brass cap set 6' West of a small branch. Thence leaving the branch and running up a ridge the following courses and distances: N. 84°51', W. 190.39' to a point; N. 89°19', W. 133.56' to a point; N. 86°02', W. 28.18' to a point; N. 53°26', W. 194.21' to a point; N. 39°10', W. 157.20' to a point; N. 65°11', W. 53.50' to a point; N. 55° 18', W. 127.80' to a point; N. 41°23', W. 79.01' to a point; N. 61°02', W. 149.05' to an iron pipe set on the West property line of the Long Blanket Tracts. Thence running with the property line, N. 02°29' E. 656.96' to an iron pipe. Thence leaving the property line and running with the Cherokee Historical lease area (Oconaluftee Indian Village), S. 69°07', E. 178.35' to a point. Thence running S. 84°52', E. 102.75' to a point. Thence running S. 83°-12', E. 166.73' to a point. Thence leaving the lease area and running down a ridge, S. 49° 37', E. 261.30' to a point. Thence running S. 33°29', E. 202.18' to a point. Thence running S. 22°51', E. 238.88' to a point. Thence running S. 45°49', E. 123.90' to a point. Thence running S. 24°32', E. 326.10' to the point of beginning. Containing 16.860 acres.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Eastern Band of Cherokee Indians. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

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

[FR Doc.77-20826 Filed 7-19-77;8:45 am]

Bureau of Land Management

[CA 3509]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 12, 1977.

The Bureau of Land Management, U.S. Department of the Interior, filed application Serial No. CA 3509 on February 3, 1976, for a withdrawal in relation to the following described lands:

SAN BERNARDINO MERIDIAN, CALIF.

T. 8S., R. 2E.,
Sec. 20, All;
Sec. 21, S½;
Sec. 22, All;
Sec. 23, W½ and W½SE¼;
Sec. 26, W½ and W½E½;
Sec. 27, All;
Sec. 28, NE¼ and W½;
Sec. 29, All;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, W½NE¼ and W½.

The area aggregates 6,560 acres in Riverside County, California.

The applicant desires that the land be reserved for use as the selected lands in a proposed exchange with the San Diego Gas and Electric Company for other lands in Riverside County.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on March 12, 1976, pages 10691 and 10692, FR Doc. 76-7080.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 23, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 23, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2) and mineral leasing laws, except for disposition under Section 206 of the Federal Land Policy and Management Act of 1976, Pub. L. 94-579, October 21, 1976, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204 (g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-20827 Filed 7-19-77;8:45 am]

[CA 3613]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 12, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 3613 on March 24, 1976, for a withdrawal in relation to the following described lands:

ELDORADO NATIONAL FOREST,
BALD MOUNTAIN LOOKOUT,
MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 N., R. 11 E.,
Sec. 12, NE¼SW¼NW¼, SW¼SW¼NW¼, SE¼SW¼NW¼, S½SE¼NW¼, and N½NE¼SW¼.

The area described aggregates 70 acres in El Dorado County, California.

The applicant desires the land for the protection of existing and future fire detection structures.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on July 2, 1976, pages 27404 and 27405, FR Doc. 76-19173.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 23, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 23, 1977.

The above described lands are temporarily segregated from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc.77-20828 Filed 7-19-77;8:45 am]

[C-23653]

COLORADO

Proposed Withdrawal and Reservation of Lands

JULY 11, 1977.

The United States Forest Service, Department of Agriculture, has filed application, Serial No. C-23653, for the withdrawal of 4.78 Acres of Public Land in the White River National Forest from settlement, sale, location, or entry under all of the general land laws, including the mining and mineral leasing laws subject to valid existing rights.

The Forest Service desires this land for the purpose of establishing the Fravert Administrative Site on the White River National Forest.

On or before August 18, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Puruant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, by July 5, 1977. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized office will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant

agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

For a period of two years from the date of publication of this notice in the FEDERAL REGISTER, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for an indefinite period, and the lands will remain segregated.

The lands involved in the application are:

T. 6 S., R. 93 W., 6th P.M.

Beginning at the corner common to Sections 4, 5, 8 and 9 of T. 6 S., R. 93 W., 6th P.M., bear S. 89° 52' W. for 1329.6 feet to 1/16 corner marker.

This corner is Corner No. 1 and is the northeast corner of the tract.

From Corner No. 1, by metes and bounds,
S. 89° 52' W., 366.93 ft., to Corner No. 2;
S. 16° 16' E., 216.51 ft., to Corner No. 3;
S. 35° 53' E., 232.85 ft., to Corner No. 4;
S. 17° 19' E., 257.19 ft., to Corner No. 5;
S. 2° 59' W., 389.19 ft., to Corner No. 6;
S. 15° 58' E., 300.20 ft., to Corner No. 7;
N. 89° 51' E., 30.92 ft., to Corner No. 8;
N. 1320.00 ft., to Corner No. 1; the place of beginning which is the NE corner of the west half of the NE¼, Section 8, T. 6 S., R. 93 W., 6th P.M.

All communicaions in connection with this withdrawal should be addressed to the Chief, Branch of Adjudictation, Bureau of Land Management, Department of the Interior, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

THOMAS HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-20807 Filed 7-19-77;8:45 am]

[M 18888]

MONTANA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 11, 1977.

The Department of Agriculture filed application, Serial No. M 18888, on June 28, 1971, for a withdrawal in relation to the following described lands:

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD NATIONAL FOREST

Minnconpa Lake Recreation Area

Unsurveyed, but which probably will be when surveyed:
T. 5 S., R. 11 W.,
Sec. 16, S½SW¼NE¼SE¼, S½SE¼NW¼SE¼, W½SE¼SE¼, E½SW¼SE¼, and E½SW¼SW¼SE¼; and
Sec. 21, NW¼NE¼NE¼, N½SW¼NE¼NE¼, NE¼NW¼NE¼, E½NW¼NW¼NE¼, and N½SE¼NW¼NE¼.

The area described contains 90 acres in Beaverhead County, Montana.

The applicant desires that the land be reserved for a public campground.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on July 22, 1971, Volume No. 36, Page No. 13623, Document No. 71-10386.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, on or before August 22, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 22, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20829 Filed 7-19-77;8:45 am]

[NM 31012]

NEW MEXICO

Application

JULY 11, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for a field booster plant site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.,
Sec. 17, SW¼NE¼.

The plant site will be used in connection with natural gas operations and will occupy 1.033 acres of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20830 Filed 7-19-77;8:45 am]

NEVADA

Filing of Plats of Survey and Order Providing for Opening of Lands

1. The plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective 10 a.m. on August 25, 1977:

MOUNT DIABLO MERIDIAN, NEV.

T. 3 N., R. 65 E.

A dependent resurvey of the Bristol Townsite and the retracement and remonumentation of Mineral Survey 43B and the survey of Tract 37.

2. The land within the above area is mostly gently rolling terrain from 5,400 to 5,500 feet above sea level. Soil consists of sandy loam and the vegetation consists of sagebrush. Access is provided by improved roads.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on August 25, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89509.

Dated: July 12, 1977.

LOYD C. MILLER,
Chief, Branch of Records.

[FR Doc.77-20831 Filed 7-19-77;8:45 am]

[OR 15675 (Wash.)]

WASHINGTON

Termination of Proposed Withdrawal and Reservation of Lands

JULY 11, 1977.

Notice of an application filed by the Corps of Engineers, U.S. Department of the Army, OR 15675 (Wash.), for withdrawal and reservation of public lands was published as FEDERAL REGISTER Document No. 76-14393 on pages 20429 and 20430 of the issue for May 18, 1976. The Corps of Engineers has cancelled its application involving the lands described in

the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1) such lands will be at 10 a.m. on August 16, 1977, relieved of the segregative effect of the above-mentioned application.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20832 Filed 7-19-77;8:45 am]

Geological Survey

[Gulf of Mexico Area]

REVISED OUTER CONTINENTAL SHELF ORDER NO. 2

Notice

Correction

In FR Doc. 77-19615 appearing on page 35705 in the issue for Monday, July 11, 1977, make the following changes:

1. The headings to the document should read as set forth above.

2. In the list of commentors, first column, page 35705, "Offshore Operations Committee" should read "Offshore Operators Committee".

3. In the second line of the fourth paragraph from the bottom of the third column, page 35705, "out of the hole. Once each trip," should read "out of the hole, once each trip."

INTERNATIONAL TRADE COMMISSION

[AA1921-168]

PRESSURE SENSITIVE PLASTIC TAPE FROM WEST GERMANY

Change of Date and Place of Public Hearing

Notice is hereby given that the public hearing in this matter, previously scheduled to begin on Tuesday, July 26, 1977, will now be held beginning Tuesday, August 9, 1977, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Postponement of this hearing does not affect the previously noticed date of July 26, 1977, for the hearing on investigation No. AA1921-167, Pressure Sensitive Plastic Tape from Italy.

Notice of the investigation and hearing for investigation No. AA1921-168 was published in the FEDERAL REGISTER of July 5, 1977 (42 FR 34385).

By order of the Commission.

Issued July 15, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-20888 Filed 7-19-77;8:45 am]

[AA1921-167]

PRESSURE SENSITIVE PLASTIC TAPE FROM ITALY

Place of Public Hearing

Notice is hereby given that the hearing in this matter set to begin at 10 a.m., e.d.t., on Tuesday, July 26, 1977, will be held in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of June 9, 1977 (42 FR 29568).

By order of the Commission.

Issued July 15, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-20887 Filed 7-19-77;8:45 am]

[TA-203-3]

STAINLESS STEEL AND ALLOY TOOL STEEL

Change of Date of Hearing

Notice is hereby given that the public hearing on this matter will be held beginning at 10 a.m., e.d.t., Wednesday, September 7, 1977 (instead of Tuesday, August 23), in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C.

Requests to appear at the public hearing should be received by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Friday, September 2, 1977 (instead of August 18, 1977).

Notice of the investigation and the public hearing was published in the FEDERAL REGISTER on June 24, 1977 (42 FR 32323).

By order of the Commissioner.

Issued July 15, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-20886 Filed 7-19-77;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. AMERICAN BUILDING MAINTENANCE CORP., ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and competitive impact statement as set out below have been filed with the United States District Court for the District of New Jersey in Civil Action No. 74-719, *United States of America* v. *American Building Maintenance Corp., et al.* All thirteen defendants listed in the caption of the Judgment have consented to its entry. The complaint in this case alleged that the defendants had conspired to allocate customers for building maintenance services and to rig bids for such services in violation of Section 1 of the Sherman Act. The proposed consent judgment enjoins the defendants from the continuation of such practices. Public comment is invited on or before September 12, 1977. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John J. Hughes, Chief, Middle Atlantic Office, Antitrust Division, Department of Justice, 3430 United States Courthouse, Philadelphia, Pennsylvania 19106.

Dated: July 12, 1977.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

United States of America, Plaintiff v. *American Building Maintenance Corp.; Atlantic Window Cleaning Co., Inc.; Bloomfield Window Cleaning Co., Inc.; Building Services Corp. of New Jersey; Eastern Maintenance Co.; International Services, Inc.; MacClean Service Co., Inc., of New Jersey; Metropolitan Maintnance Co.; Middlesex Building Service Co., Inc. of New Jersey; Metropoliton Window Cleaning Co.; Yankee Building Maintenance Co.; and Samuel S. Usdin,* Defendants.

Civil No. 74-719.

Filed: July 12, 1977.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding. Dated: July 12, 1977.

For the plaintiff: John H. Shenefield, *Acting Assistant Attorney General;* William E. Swope, Charles F. B. McAleer, John J. Hughes, Raymond D. Cauley, John L. Wilson, Roger L. Currier, Norma B. Carter, *Attorneys, Department of Justice, Antitrust Division, 3430 United States Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106.*

For the defendants: Mortimer Katz, *Counsel for American Building Maintenance Corp.;* Shanley & Fisher, by Frank L. Bate, *Counsel for Bloomfield Window Cleaning Company, Inc.;* Lum, Biunno & Tompkis, by John P. Croake, *Counsel for Eastern Maintenance Co.;* Shea Gould Climinko Kasey, by Ira Postel, *Counsel for MacClean Service Co., Inc. of New Jersey;* A. Kenneth Weiner, *Counsel for Middlesex Building Services;* Brown, Vogelman & Brown, by Irving I. Vogelman, *Counsel for Trenton Window Cleaning Company;* Amster & Levin, P.A., by Richard A. Levin, *Counsel for Samuel S. Usdin;* Walder, Steiner & Sonak, by Justin P. Walder, *Counsel for Atlantic Window Cleaning Co. Inc.;* Kay, Schaler, Pierman, Hays & Handler, by Mark C. Zauderer, *Counsel for Building*

Services Corporation of New Jersey; Nulty and Hayden, by Joseph A. Hayden, Jr., *Counsel for International Services, Inc.;* McCarter & English, by John R. Ford, *Counsel for Metropolitan Maintenance Company;* S.M. Chris Fransblau, by Steven P. Kaplan, *Counsel for Pioneer Maintenance Corp.;* McCarter & English, by John R. Ford, *Counsel for Yankee Building Maintenance Co.*

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

United States of America, Plaintiff, v. *American Building Maintenance Corp.; Atlantic Window Cleaning Co., Inc.; Bloomfield Window Cleaning Co., Inc.; Building Services Corp. of New Jersey; Eastern Maintenance Co.; International Services, Inc.; MacClean Service Co., Inc., of New Jersey; Metropolitan Maintenance Co.; Middlesex Building Services; Pioneer Maintenance Corp.; Trenton Window Cleaning Co.; Yankee Building Maintenance Co.; and Samuel S. Usdin*, Defendants.

Civil No. 74-719.

Filed: July 12, 1977.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein, on May 16, 1974; and all parties by their attorneys, having severally consented to the making and entry of this Final Judgment, without admission by any party in respect to any issue and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue;

Now, therefore, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter hereof and the parties consenting hereto. The complaint states claims upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. 1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Person" shall mean any individual, partnership, corporation, association, or any other business or legal entity.

(B) "Building Maintenance Services" shall mean the providing to owners, tenants, landlords, and managing agents of residential, commercial, industrial, and institutional buildings one or more services of the following kind: general cleaning; sweeping and dusting; stripping, waxing, and polishing floors; carpet vacuuming nad shampooing; venetian blind cleaning and repairing; washing of windows, floors, and walls; furniture cleaning and polishing; and other janitorial ad cleaning services.

III

(A) Except as otherwise specifically stated herein, the provisions of this Final Judgment shall apply to the defendants, their affiliates, subsidiaries, successors, and assigns and to their respective officers, directors, partners, agents, and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

(B) The provisions of this Final Judgment shall not apply (1) to activities between a defendant, its officers, directors, agents, or employees and its parent or subsidiary companies, or the affiliate corporations in which 50 percent or more of the voting stock is owned by a defendant, its parent or subsidiary company, or which is in fact controlled by any defendant, or such defendant's parent or subsidiary companies; or (2) to Prudential Building Maintenance Corp. and MacClean Service Company, Inc., other corporations affiliated with defendants Building Services Corporation of New Jersey and MacClean Service Co., Inc., of New Jersey, respectively, or to persons acting in their capacity as officers, directors, agents or employees of such corporations unless such corporations, their officers, directors, agents, or employees join or participate with one or more non-affiliated defendants, their respective officers, directors, partners, agents, and employees in any activities which violate any of the provisions of this Final Judgment.

IV

Each defendant is hereby enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, or engaging in any combination, agreement, understanding, plan, or program with any other supplier of building maintenance services:

(A) To divide, allocate, or apportion customers for building maintenance services.

(B) To refrain from soliciting or competing for any customer for building maintenance services, except in connection with bona fide transactions for the purchase and sale of businesses or customer accounts.

(C) To submit noncompetitive, collusive, or rigged bids for building maintenance services to customers or potential customers.

(D) To fix, stabilize, or maintain prices for building maintenance services.

V

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant, which may have counsel present, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of such defendant, who may have counsel present, regarding any such matters.

(B) A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Section V shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with the Final Judgment, or as otherwise required by law. If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which that defendant is not a party.

VI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and the punishment of violations thereof.

VII

Entry of this Final Judgment is in the public interest.

Dated: ----------

U.S. District Judge.

UNITED STATES DISTRICT COURT, FOR THE DISTRICT OF NEW JERSEY

United States of America, Plaintiff, v. *American Building Maintenance Corp.; Atlantic Window Cleaning Co., Inc.; Bloomfield Window Cleaning Co., Inc.; Building Services Corp. of New Jersey; Eastern Maintenance Co.; International Services, Inc.; MacClean Service Co., Inc. of New Jersey; Metropolitan Maintenance, Co.; Middlesex Building Services; Pioneer Maintenance Corp.; Trenton Window Cleaning Co.; Yankee Building Maintenance Co.; and Samuel S. Usdin*, Defendants.

Civil No. 74-719.

Filed: July 12, 1977.

I

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

II

NATURE AND PURPOSE OF THE ACTION

On May 16, 1974, the Department of Justice filed a civil antitrust action alleging that the above-named defendants had combined and conspired in violation of Section 1 of the Sherman Act to (1) allocate customers among themselves for the furnishing of building maintenance services; (2) submit noncompetitive and rigged bids for building maintenance services to customers or potential customers; and (3) impose requirements of compensation on building maintenance companies who failed to conform to the terms of the conspiracy. It was alleged that, as a result of the conspiracy, competition in the furnishing of building maintenance services had been restrained and that prices of building maintenance services had been fixed, stabilized, and maintained at high, artificial and noncompetitive levels thereby

depriving customers of the benefits of free and open competition.

The Court was requested to enjoin the defendants from continuing the alleged conspiracy and from entering into any other agreement or plan which would have a similar purpose or effect.

III

DESCRIPTION OF THE PRACTICES GIVING RISE TO THE ALLEGED VIOLATION

The defendant companies were among the principal suppliers of building maintenance services to commercial and industrial establishments in certain metropolitan areas of New Jersey. Such services included general cleaning, stripping, waxing, and polishing of floors, washing of windows, furniture cleaning and polishing and other janitorial services. In the performance of such services the defendant companies purchased substantial quantities of essential building maintenance materials from sources outside of the State of New Jersey and performed such services for customers located in the State of New Jersey and in other States. The defendants' total revenues in 1972 exceeded $25 million.

At trial the Government would have established that, from at least as early as 1967, the defendants agreed that they would not compete with one another for building maintenance accounts which they held. In addition they agreed that, if necessary, they would submit noncompetitive bids to maintain the accounts of other conspirators. The Government would further have established that this agreement was aided by membership in or affiliation with a trade association known as The Young Men's Club of the Cleaning Industry of New Jersey. This association developed rules detailing the circumstances under which the accounts of the defendants would be closed to competition from other defendants and coconspirators. Finally, the Government would have shown that if an account was taken by one of the conspirators, that company would give monetary compensation to the conspirator company losing the account in a lump sum payment or in monthly installments from the profits of the job. This conspiracy was alleged to continue to the time of the filing of the complaint.

The defendants pleaded no contest in a companion criminal case and were fined a total of $193,000.

IV

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment provides specific measures to dispel the anti-competitive effects of the conspiracy. Each defendant is enjoined from entering into any agreement or understanding with any other supplier of building maintenance services to:

(A) Divide, allocate, or apportion customers for building maintenance services.

(B) Refrain from soliciting or competing for any customer for building maintenance services, except in connection with bona fide transactions for the purchase and sale of businesses or customer accounts.

(C) Submit noncompetitive, collusive, or rigged bids for building maintenance services to customers or potential customers.

(D) Fix, stabilize or maintain prices for building maintenance services.

The proposed consent judgment does not apply to business dealings between a defendant and its parent or subsidiary companies, or the affiliate corporations in which 50 percent or more of the voting stock is owned by a defendant, its parent or subsidiary company, or which is, in fact, controlled by any defendant, or such defendant's parent or subsidiary companies. The parent companies of two of the defendants are themselves defendants in pending suit brought by the Department of Justice in New York; these parents are specifically excluded from the coverage of this judgment unless they conspire with an unaffiliated defendant to violate it. The purpose of this exclusion is to avoid a claim of mootness in the New York case.

In order to ensure compliance with the proposed consent judgment, representatives from the Department of Justice will be permitted to inspect the business records of the defendants and to interview their officers and employees. The defendants must also, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, submit reports in writing with respect to matters contained in the proposed consent judgment as may from time to time be requested.

V

COMPETITIVE EFFECTS OF THE PROPOSED CONSENT JUDGMENT

It is anticipated that the proposed consent judgment will have the effect of eliminating the conspiracy thereby restoring competition among the defendants to the benefit of their customers and potential customers.

VI

ALTERNATIVE REMEDIES CONSIDERED BY THE DEPARTMENT OF JUSTICE

The proposed consent judgment provides substantially all of the relief prayed for in the complaint. No alternative to the proposed consent judgment has been considered by the Department of Justice.

VII

REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had were the proposed consent judgment not entered. However, this judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a).

VIII

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment is subject to a stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed judgment until the Court has found that entry thereof is in the public interest. By its terms, the proposed consent judgment provides for retention of jurisdiction of this action in order, among other things, to permit any of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any persons believing that the proposed judgment should be modified, may, for a 60-day period, submit written comments to:

John J. Hughes, Chief, Middle Atlantic Office, Antitrust Division, United States Department of Justice, 3430 United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106.

The Department of Justice then will file with the Court and publish in the Federal Register such comments and its response to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

IX

DETERMINATIVE DOCUMENTS

There are no materials or documents which the Government considered determinative in formulating this proposed consent judgment. Therefore, none are being filed with this Competitive Impact Statement.

Dated: July 12, 1977.

ROGER L. CURRIER,
NORMA B. CARTER,
Attorneys, Department of Justice, Antitrust Division, Department of Justice, 3430 United States Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106.

[FR Doc.77-20833 Filed 7-19-77;8:45 am]

Office of the Attorney General

UNITED STATES v. STATE OF NEW YORK ET AL.

Proposed Partial Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 14, 1977, a proposed partial final judgment in *United States* v. *State of New York, et al.* was lodged with the United States District Court for the Southern District of New York. The proposed decree requires that the City and the State of New York operate a tri-annual emissions inspection program for medallion taxicabs beginning on October 1, 1977.

The Department of Justice will receive on or before August 18, 1977, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *State of New York, et al.*, D.J. Ref. 90-5-2-3-718.

The proposed partial final judgment may be examined at the office of the United States Attorney, Southern District of New York, New York, New York; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007; the Clerk of the District Court, Southern District of New York, New York, New York; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2629, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the proposed partial consent judgment may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.77-20808 Filed 7-19-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-49]

REFUSE FIRED STEAM GENERATING FACILITY, VA.

Final Environmental Impact Statement; Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Refuse Fired Steam Generating Facility, Langley Research Center, Hampton, Virginia.

Comments on the draft Environmental Impact Statement were previously solicited from state and local agencies and members of the public through a notice in the FEDERAL REGISTER of February 22, 1977.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, the Departments of Defense, Air Force, Army, Agriculture, Heath, Education, and Welfare, Housing and Urban Development, Interior, and Transportation, the Environmental Protection Agency, the Energy Research and Development Administration, the General Services Administration, the Advisory Council on Historic Preservation, and to appropriate state and local agencies.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goodard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-713), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory (Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C., this 5th day of July 1977.

By direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.77-20805 Filed 7-19-77;8:45 am]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

TRANSPORTATION ISSUE

Hearing

Conflicting views on national transportation issues will be aired at public hearings scheduled by the National Transportation Policy Study Commission for August 12, 1977, in Denver, Colorado.

The hearings, part of a nationwide series planned by the Commission, are intended to help determine the needs of our Nation's communities, the transportation industry, shippers, the traveling public and the American taxpayer.

The Commission, composed of 19 members, including twelve Members of Congress and seven public representatives, was created by Congress to examine, evaluate and analyze our Nation's transportation needs and resources through the year 2000. The Commission's final report and policy recommendations are due on December 31, 1978.

The Commission plans to organize testimony of witnesses to insure that it hears from all of the various interests with a stake in transportation, such as labor, management, shippers, consumers, state governments, and environmentalists.

The hearings will be held in the Post Office Building, 19th and Stout Streets, Denver, Colorado.

Those interested in testifying personally or in submitting written statements should contact, no later than 6:00 p.m., August 2, 1977: Mr. John Crutcher, NTPSC, 1750 K St. NW, Suite 800, Washington, D.C. 20006. Telephone number 202-254-7453.

Dated: July 15, 1977.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc.77-20811 Filed 7-19-77;8:45 am]

OFFICE OF THE FEDERAL REGISTER

EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

Region I Workshops in Boston, Mass.

The Office of the Federal Register (OFR) will hold three workshops on "The FEDERAL REGISTER—What It Is and How to Use It" in Boston, Massachusetts, as part of the General Service Administration's Consumer Representation Plan.

DATE: September 7, 8, and 9 (reservations required).

LOCATION: Room 208, John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts.

RESERVATIONS: Mrs. Louise Convoy (617) 223-7121.

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 substantive questions. Rather, the workshops are designed as an introduction for the person who discovers that he or she must use the FEDERAL REGISTER publications to keep track and to gain an understanding of Federal regulations.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.77-20934 Filed 7-19-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13746; File No. SR-Amex-77-16]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 24, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex"), proposes to amend certain policies with respect to option reporting requirements pursuant to Exchange Rule 906. Under its proposals, the Amex seeks to require its members to report options positions of accounts utilizing "same side of the market" computations. Reporting of positions would be required initially when an account establishes a position of 200 or more put and/or call contracts in an underlying stock on the same side of the market. Additional information with respect to underlying stock positions will also be required to be filed with the Exchange for accounts which need to file options positions reports.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed change in reporting requirements is due primarily to the commencement of put option trading and the attendant change in the options position limits rule (Exchange Rule 904).

Under current rules, accounts are limited to maximum positions of 1,000 put and/or call contracts on the same side of the market per underlying stock and reports are required when an account

establishes an option position of 100 or more contracts. The Exchange now proposes to obtain similar useful information with respect to such put and/or call positions by establishing initial reporting requirements when an account establishes a position of 200 contracts or more on the same side of the market. Thus, the Exchange will obtain, in some cases, information with respect to accounts that it otherwise would not obtain under present requirements. For example, if an account had a long position of 950 put options and a short position of 60 call options on the same underlying security, such account would be in violation of the position limits rule since the total number of contracts on the same side of the market exceeded 1,000. Today a firm need only report the long put position. Under the new reporting requirements, the total long put/short call positions indicated in the above example would be reported to the Exchange. Thus, the proposed change would enable the Amex to more effectively monitor position limits matters and potential position limits violations.

To effect the proposed change, the Exchange will adopt a new reporting form to reflect the information discussed above. In addition, the Exchange will require that positions in the underlying stock be reported as well. Such information will better assist the Exchange staff in investigating possible inter-market "mini-manipulation" matters. It should be noted that the present reporting form does not require reports of underlying stock positions; therefore, the Amex will be able to make better use of the new reporting form.

In considering the adoption of the amended policy, the Exchange conducted a study and review of the quantity and quality of reports present obtained and compared such reports with the anticipated report data to be received under the new policy.

It should be noted that under the prior position limit rule concerning 500 contracts per expiration date, a firm was required to report to the Exchange all accounts which had option positions of 100 contracts or more, in essence, a 20 percent report-to-limit ratio. Under the new position limits rule, an account, under certain circumstances, could have 1,000 option contracts of the same expiration date but an increase in the reporting requirements to 200 contracts would maintain the same 20 percent report-to-limit ratio.

While an effect of the new reporting requirements will be to decrease the numbers of reports to be received by the Exchange, the Amex believes that such fewer reports will permit it to make more effective use of its surveillance staff in reviewing all filings while still maintaining tight regulatory controls in this area.

The basis for the proposed rule change is found in Section 6(b)(5) of the Securities Exchange Act of 1934 ("the 1934 Act"), as amended, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

No comments were received or solicited with respect to the proposed change.

The Amex has determined that the proposed amendment will not impose any burden on competition.

On or before August 24, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 19, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 13, 1977.

[FR Doc.77-20825 Filed 7-19-77;8:45 am]

[Release No. 9849; 812-4129]

BEAVER INSURANCE CO. ET AL.

Filing of Application for Order Exempting a Proposed Transaction and Permitting Participation in Said Transaction

JULY 14, 1977.

In the matter of Beaver Insurance Company, Suite 440, 300 Montgomery Street, San Francisco, California 94104; Continental Capital Corporation, Suite 2690, 555 California Street, San Francisco, California 94104; Fred Parr Cox, Suite 5185, 555 California Street, San Francisco, California 94104; and Dunford Forrest Greene, Suite 2680, 555 California Street, San Francisco, California 94104.

Notice is hereby given that Continental Capital Corporation ("Continental"), licensed as a small business investment company under the Small Business Act of 1958 and registered under the Investment Company Act of 1940 (the "Act") as a non-diversified, close-end, management investment company, Beaver Insurance Company ("Beaver"), a privately owned workman's compensation insurance company, Mr. Fred Parr Cox ("Mr. Cox"), chairman of Continental and a director of Beaver, and Mr. Dunford Forrest Greene ("Mr. Greene"), a director of Continental and Beaver (collectively, "Applicants"), filed an application on April 27, 1977, and amendments thereto on May 20, 1977, May 25, 1977, and June 24, 1977, pursuant to Sections 17(b) and 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission: (1) Exempting from the provisions of section 17(a) of the Act the proposed sale by Beaver to Continental of 6,667 shares of Beaver common stock, and (2) permitting, as a joint transaction, the proposed sale of Beaver common stock to Continental, Mr. Cox, Mr. Greene, and certain officers, directors or employees of Beaver. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Beaver has outstanding 20,000 shares of common stock, and that of such shares: (1) Continental owns 6,667 shares; (2) Mr. Cox owns 400 shares; and (3) Mr. Greene's family owns 100 shares. According to the application, Beaver management deems it prudent to raise additional equity capital and therefore proposes to sell up to an additional 20,000 shares of its common stock: Applicants state that one of several tests of financial safety applied by insurance regulators and financial analysts is the ratio of premium writings of an insurer to its net worth, and that the sale of Beaver shares is intended to facilitate an increase in the volume of insurance written by Beaver.

According to the application, 20,000 Beaver shares will be offered at a price of $52.50 per share, and if such shares are not fully subscribed to by current Beaver shareholders, the remaining shares will be offered to non-shareholder officers, directors and selected employees of Beaver. Applicants state that: (1) Continental intends to purchase 6,667 shares; (2) Mr. Cox intends to purchase 1,000 shares; and (3) Mr. Greene intends to purchase 4,300 shares, respectively, of the Beaver shares to be sold.

Applicants state that Beaver was formed in 1970, and is licensed to do business in California as a workman's compensation insurance company. According to the application: (1) premiums written by Beaver during the calendar years 1975 and 1976 amounted to $1,788,000 and $2,802,000, respectively, and premium writings in 1977 indicate a continuation of this pattern of increase, and (2) net income (loss) after taxes was ($19,141), $135,920, ($55,999), and $95,275, for the fiscal years ended December 31, 1973 through December 31, 1976, respectively.

Section 2(a)(3) of the Act defines an "affiliated person" of another person to include, inter alia: (1) Any person owning 5 percent or more of the outstanding voting securities of such other person; (2) any person, 5 percent or more of whose outstanding voting securities

are owned by such other person; or (3) any officer, director or employee of such other person. Applicants conclude that Beaver, Mr. Cox and Mr. Greene are affiliated persons of Continental, and that Continental, Mr. Cox, Mr. Greene and the officers, directors and employees of Beaver are affiliated persons of Beaver. Applicants further state that Beaver is presumed to be a company "controlled" by Continental, as that term is defined by Section 2(a)(9) of the Act, by reason of its ownership of more than 25 percent of the voting securities of Beaver.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for an affiliated person of a registered investment company knowingly to sell to such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Applicants state that the proposed sale of Beaver stock to Continental requires an exemption from Section 17(a) of the Act because such transaction would involve the sale of a security to a registered investment company (Continental) by an affiliated person of such investment company (Beaver).

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, to effect any transaction in which such registered investment company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants submit that the proposed sale of Beaver stock to Continental, Mr. Cox, Mr. Greene and the officers, directors and selected employees of Beaver requires an order of the Commission pursuant to Rule 17d–1.

Applicants state that the officers of Continental, in the exercise of their business judgment, have carefully evaluated the proposed transaction and believe that the proposed transaction is in the best interest of Continental and all of its securityholders, and that Continental's directors, after disclosure of the material facts and with Mr. Cox and Mr. Greene abstaining, voted unanimously to authorize the proposed purchase of Beaver shares. Applicants further state that the proposed investment by Continental is consistent with the policy of the Small Business Act of 1958 and with its own investment policy.

According to the application, at December 31, 1976, the shareholders' equity in Beaver amounted to $57.24 per share and at May 31, 1977, shareholders' equity in Beaver amounted to $55.62 per share. Applicants submit that, although the proposed offering price of Beaver stock of $52.50 per share is less than the book value of outstanding Beaver shares, the price equals the fair value of Beaver shares as determined by Continental's directors for purposes of Continental's 1976 annual report. Applicants further submit that: (1) Continental's participation in the proposed transaction will be on the same basis as that of Mr. Cox and Mr. Greene to the extent that each will pay the same price for Beaver shares; (2) Continental's purchase of 6,667 shares would maintain its proportionate interest in Beaver; (3) Continental deems it prudent to restrict its purchase to 6,667 shares because after the proposed transaction is consummated Continental's total investment in Beaver would constitute 9.9 percent of Continental's net worth and it desires to maintain adequate diversification; and (4) each believes the proposed transaction to be fair, in its best interest, and not less advantageous to it than to the other participants.

Notice is further given that any interested person may, not later than August 8, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-20822 Filed 7-19-77;8:45 am]

[Release No. 9848; 811-1183]

FIRST KANSAS FINANCIAL, INC.

Filing of Application for an Order of Act Declaring That First Kansas Financial, Inc., Has Ceased To Be an Investment Company

JULY 14, 1977.

Notice is hereby given that First Kansas Financial, Inc. ("First Kansas"), 600 Bitting Building, 107 North Market, Wichita, Kansas 67202, a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 31, 1977, and an amendment thereto on June 29, 1977, pursuant to Section 8(f) of the Act, for an order declaring that First Kansas has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

First Kansas, formerly named First Home Investment Corporation of Kansas, Inc., was incorporated in Kansas in 1961. It registered under the Act as a face-amount certificate company on November 8, 1962. First Kansas states that, on April 24, 1973, it filed a voluntary petition for Reorganization under Chapter X of the Bankruptcy in the United States District Court for the District of Kansas (the "Court"), and for the next three years First Kansas was operated under the jurisdiction of the Court and under control of a trustee appointed by the Court. First Kansas further represents that, on April 26, 1976, a Plan of Reorganization for it was confirmed by the Court. Prior to the commencement of such reorganization proceedings, First Kansas issued face-amount certificates, but First Kansas has not issued any face-amount certificates since March 31, 1973, nor will it in the future issue any additional face-amount certificates.

First Kansas entered into an Agreement and Plan of Reorganization (the "Agreement") with Central National Bancshares, Inc. ("Central"), dated March 15, 1977, which provides, among other things, that upon the occurrence of certain conditions, which include obtaining approval of regulatory agencies, the Court and the shareholders of both First Kansas and Central, First Kansas will be merged into Central. Immediately prior to the merger, First Kansas will cause its wholly owned subsidiary, FKF, Inc., an Iowa corporation, to assume all of First Kansas' obligations to the holders of its outstanding face-amount certificates and First Kansas will transfer to FKF, Inc., assets having an approximate aggregate value at least equal to the then aggregate amount of First Kansas' face-amount certificate reserves plus $250,000. FKF, Inc., was registered as an investment company under the Act on May 31, 1977, and upon consummation of the merger will perform all of the duties which First Kansas would have otherwise been obligated to perform with respect to the outstanding face-amount certificates. In addition, Central will

continue to be liable to the holders of such face-amount certificates, although it is represented that the assets being transferred to FKF, Inc., immediately prior to the proposed merger should be sufficient to enable FKF, Inc., to satisfy all obligations to the certificate holders. Neither Central nor FKF, Inc., will issue any additional face-amount certificates.

First Kansas represents that Central is a bank holding company owning, exclusive of directors' qualifying shares, all or substantially all of the outstanding capital stock of four Iowa banks, and that upon consummation of the proposed merger, Central will use most of the assets of First Kansas to acquire additional commercial banks, to strengthen the capital of certain banks presently owned by Central, and, to a much lesser extent, to assist its mortgage banking operations. Accordingly, the application states that Central will not be an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect. If necessary for the protection of investors, such an order may be made subject to appropriate conditions.

An order disposing of this matter will be issued upon notification, by amendment to the application, to the Commission by First Kansas or Central that the merger was consummated substantially in accordance with the Agreement and that the requisite assets have been transferred to FKF, Inc., unless a hearing should be ordered as described below.

Notice is further given that any interested person may, not later than August 8, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-20623 Filed 7-19-77;8:45 am]

[Rel. No. 20110; 70-6029]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Credit Agreement Between Bank and Utility Company

JULY 14, 1977.

Notice is hereby given that Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, an electric utility subsidary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission, designating Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act"), as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

SWEPCO states that it commenced commercial operation this spring of its first coal-fired generating unit, Unit No. 1 at Welsh Power Plant, near Casow, Texas ("Welsh"). Coal for Welsh comes from a mine in Wyoming and is supplied under a 25 year requirements contract. SWEPCO plans to maintain a coal inventory at Welsh equivalent to an average of 60 to 90 days' supply, about 500,000 tons. Coal is delivered by unit train, three times a week, and SWEPCO pays the supplier on the 15th of the month for one-half the estimated deliveries for that month and one-half the actual deliveries for the prior month and pays the rail carrier its freight charges upon delivery. At current prices, including freight, SWEPCO states that the coal inventory at Welsh will have an average value of approximately $7,000,000.

SWEPCO proposes to enter into a Credit Agreement (the "Agreement") with Bank of America National Trust and Savings Association (the "Bank") to provide a source for financing the coal for Welsh, including transportation charges paid to carriers but not any of the Company's internal costs, until the time the Company reasonably expects to collect from customers revenues reimbursing it for such fuel costs. The maximum amount of loans outstanding under the Agreement at any one time is limited to $5,000,000.

The Agreement extends to the Company an acceptance line of credit under which the Bank will accept drafts until June 30, 1978, to finance coal for Welsh. Drafts shall be equal in term to the time the Company estimates will be necessary for its to recover its costs from customers, which is expected to average 60 days. No draft shall exceed 270 days. Each draft will be accepted at its face amount less the Bank's then prevailing acceptance commission and cost of discounting. The effective interest rate on the acceptances will, including such commission and cost, be approximately 103 basis points over the prevailing certificate of deposit bid rate for equivalent maturities, depending on the cost of discounting fixed by the Federal Reserve System. The 60 day certificates of deposit rate quoted in the Wall Street Journal on June 27, 1977, was 5.30 percent, which would produce a cost of money to the Company of 6.33 percent. No compensating balances or indirect costs are involved. The Agreement also extends to the Company an "advance credit" in a maximum amount of $500,000, to permit it to borrow the amount of the Bank's discount and commission. The interest rate on this credit would be 120 percent of the Bank's prime rate for 90-day loans to substantial borrowers in effect on the date of the loan. The Company does not expect to use this credit in normal operation. The prime rate of 6.50 percent to 6.75 percent would result in an effective interest cost to SWEPCO of 7.80 percent to 8.10 percent.

The Bank will enjoy a security interest in the coal financed under the Agreement. SWEPCO states its intention, if permitted by the applicable regulatory agencies, to include the financing costs under the Agreement as a component in its fuel costs under fuel adjustment clauses in its rates.

It is stated that no state commission and no federal commission, other than this Commission, has any jurisdiction with respect to the proposed transaction. It is stated that fees and expenses to be incurred in connection with the proposed transaction are estimated at $5,500, including a total of $2,000 in legal fees.

Notice is further given that any interested person may, not later than August 8, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-20824 Filed 7-19-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA

[Declaration of Disaster Loan Area No. 1292; Amdt. 3]

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 11301), amendment No. 1 (See 42 FR 21339), and amendment No. 2 (See 42 FR 32864), are amended by adding Sutter and Tulare Counties and adjacent counties within the State of California. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: July 13, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-20774 Filed 7-19-77;8:45 am]

[License No. 05/05-0119]

CERTCO CAPITAL CORP.

Issuance of a Small Business Investment Company License

On June 2, 1977, a notice was published in the FEDERAL REGISTER (42 FR 28197) stating that an application had been filed by Certco Capital Corporation, 6150 McKee Road, Madison 53707, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license as a small business investment company.

Interested parties were given until close of business June 17, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0119 on June 27, 1977, to Certco Capital Corporation, to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011 of Small Business Investment Companies)

Dated: July 13, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-20773 Filed 7-19-77;8:45 am]

EXCELSIOR CAPITAL CORP.

[LICENSE NO. 02/02-0246]

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration (SBA) Rules and Regulations governing Small Business Investment Companies, (13 CFR 107.105), Excelsior Capital Corporation, 768 Fifth Avenue, New York, New York 10019, incorporated under the laws of the State of New York has surrendered its license No. 02/02-0247 issued by the SBA on March 3, 1964.

Excelsior Capital Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited Regulations, the license of Excelsior Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalogue of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: July 13, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-20772 Filed 7-19-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 439]

ASSIGNMENT OF HEARINGS

JULY 15, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 12 (Sub-No. 35), Southern Pacific Transportation Co. Abandonment between Susanville and Westwood in Lassen County, California, now assigned September 18, 1977, is postponed to September 19, 1977 (1 week), at Susanville, California, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20879 Filed 7-19-77;8:45 am]

IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JULY 15, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before August 1, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1872 (Sub-No. E10), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' supplies* which are related to commodities, the transportation of which because of size or weight require the use of special equipment, when their transportation is incidental to the transportation of such commodities (except liquid products, in bulk, in tank vehicles), (1) between points in Oregon, on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, and points in South Dakota on and south of U.S. Highway 212 (points in Utah and Sweetwater or Uinta Counties, Wyo.);* (2) between points in Washington, on the one hand, and, on the other, points in Nebraska on and south of a line beginning at the Nebraska-Wyoming state line and extending along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to Nebraska-Iowa state line, points in Kansas and Missouri, points in Iowa on and south of a line beginning at the Iowa-Nebraska state line and extending along Iowa Highway 175 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 57, thence along Iowa Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to Iowa-Illinois state line, and points in Colorado (points in Utah and Sweetwater or Uinta Counties, Wyo.);*

(3) Between points in Washington on and west of a line beginning at the United States-Canada international boundary and extending along Interstate Highway 5 to junction Washington Highway 410, thence along Washington Highway 410 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wash-

ington Highway 125, thence along Washington Highway 125 to the Washington-Oregon state line, on the one hand, and, on the other, points in Wyoming on, south, and east of a line beginning at the Wyoming-Idaho state line and extending along Wyoming Highway 89 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wyoming-South Dakota state line (points in Utah and Sweetwater or Uinta Counties, Wyoming);* (4) between points in Washington on, west and south of a line beginning at the United States-Canada international boundary and extending along Interstate Highway 5 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 82, thence along Interstate Highway 82 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 125, thence along Washington Highway 125 to the Washington-Oregon state line, on the one hand, and, on the other, points in South Dakota on and south of a line beginning at the South Dakota-Wyoming state line and extending along U.S. Highway 18 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota state line (points in Utah and Sweetwater or Uinta Counties, Wyo.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 1872 (Sub-No. E11), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' material and supplies* which are related to commodities the transportation of which because of size or weight require the use of special equipment, when their transportation is incidental to the transportation of such commodities (except petroleum products, in bulk, in tank vehicles, and Class A and B explosives), between points in Oregon and Washington, on the one hand, and, on the other, points in Coconino County, Ariz., on and north of an east-west line extending through the Gap, Ariz. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC 1872 (Sub-No. E12), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, (1) between points in Arizona, on the one hand, and, on the other, points in Idaho, south of the Salmon River, and points in Lincoln, Teton, Sublette, and Uinta Counties, Wyo. (points in Utah within 50 miles of Salt Lake City, Utah);* (2) between points in Arizona on and east of a line beginning at the Arizona-Utah state line and extending along U.S. Highway 89 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arizona Highway 77, thence along Arizona Highway 77 to junction Arizona Highway 173, thence along Arizona Highway 173 to junction Arizona Highway 73, thence along Arizona Highway 73 to junction Arizona Highway 273, thence along Arizona Highway 273 to junction U.S. Highway 666, thence along U.S. Highway 666 to the United States-Mexico international boundary, on the one hand, and, on the other, points in Nevada on and north of a line beginning at the Nevada-Oregon state line and extending along Nevada Highway 140 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah state line (points in Utah within 50 miles of Salt Lake City, Utah);* (3) between points in Colorado, on the one hand, and, on the other, points in Idaho south of the Salmon River (points in Utah within 50 miles of Salt Lake City, Utah);* (4) between points in Colorado on and south of U.S. Highway 50, on the one hand, and, on the other, points in Lincoln, Teton, Sublette, and Uinta Counties, Wyo. (points in Utah within 50 miles of Salt Lake City Utah);* (5) between points in Colorado, on the one hand, and, on the other, points in Nevada on and north of a line beginning at the Nevada-California state line and extending along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah state line (points in Utah within 50 miles of Salt Lake City, Utah);*

(6) Between points in Colorado on, north, and east of a line beginning at the Colorado-Utah state line and extending along U.S. Highway 6 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico state line, on the one hand, and, on the other, points in Nevada (points in Utah within 50 miles of Salt Lake City, Utah);* (7) between points in New Mexico on and north of a line beginning at the New Mexico-Colorado state line and extending along Interstate Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 38, thence along New Mexico Highway 38 to junction New Mexico Highway 3, thence along New Mexico Highway 3 to junction New Mexico Highway 111, thence along New Mexico Highway 111 to junction New Mexico Highway 553, thence along New Mexico Highway 553 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 17, thence along New Mexico Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction New Mexico Highway 504, thence along New Mexico Highway 504 to the New Mexico-Arizona state line, on the one hand, and, on the other, points in Arizona on and west of a line beginning at the Arizona-Utah state line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Arizona Highway 85, thence along Arizona Highway 85 to the United States-Mexico international boundary (Utah);* (8) between points in New Mexico on and south of a line beginning at the Arizona-New Mexico state line and extending along Interstate Highway 40 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 82, thence along U.S. Highway 82 to the New Mexico-Texas state line, on the one hand, and, on the other, points in Colorado on and west of a line beginning at the Colorado-Wyoming state line and extending along Colorado Highway 13 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah state line (Utah);*

(9) Between points in New Mexico, on the one hand, and, on the other, points in Nevada on and north of a line beginning at the Nevada-California state line and extending along U.S. Highway 50 to the Nevada-Utah state line (Utah);* (10) between points in New Mexico on, west, and south of a line beginning at the New Mexico-Colorado state line and extending along New Mexico Highway 3 to junction New Mexico Highway 104, thence along New Mexico Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas state line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the United States-Canada international boundary and extending along Montana Highway 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 236, thence along Montana Highway 236 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming state line (Utah);* (11) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado state line and extending along

U.S. Highway 285 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas state line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Montana state line and extending along U.S. Highway 310 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado state line (Utah);* (12) between points in New Mexico, on the one hand, and, on the other, points in Idaho (Utah);*

(13) Between points in Montana on, north and east of a line beginning at the Montana-Idahc state line and extending along U.S. Highway 12 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming state line, on the one hand, and, on the other, points in Lincoln and Uinta Counties, Wyo., on and south of a line beginning at the Wyoming-Utah state line and extending along Wyoming Highway 89 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Uinta-Sweetwater County line (points in Utah within 50 miles of Salt Lake City, Utah);* (14) between points in Montana on and east of a line beginning at the United States-Canada international boundary and extending along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Idahc state line, on the one hand, and, on the other, points in Nevada on and south of a line beginning at the Nevada-California state line and extending along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah state line (points in Utah within 50 miles of Salt Lake City, Utah);* (15) between points in Nevada on and south of U.S. Highway 6, on the one hand, and, on the other, points in Idaho on and east of a line beginning at the Idaho-Montana state line and extending along U.S. Highway 93 to junction U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana state line (points in Utah within 50 miles of Salt Lake City, Utah);*

(16) Between points in Nevada, on the one hand, and, on the other, points in Wyoming (points in Utah within 50 miles of Salt Lake City, Utah);* (17) between points in Wyoming on and east of a line beginning at the Wyoming-Montana state line and extending along U.S. Highway 310 to junction Wyoming Highway 114, thence along Wyoming Highway 114 to junction U.S. Highway Alternate 14, thence along U.S. Highway Alternate 14 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 135, thence along Wyoming Highway 135 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado state line, on the one hand, and, on the other, points in Idaho on and south of a line beginning at the Idaho-Oregon state line and extending along Interstate Highway 80N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah state line (points in Utah within 50 miles of Salt Lake City, Utah);* (18) between points in Lincoln and Uinta Counties, Wyo., on and south of a line beginning at the Wyoming-Utah state line and extending along Wyoming Highway 89 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Uinta-Sweetwater County line, on the one hand, and, on the other, points in Idaho north of the Salmon River (points in Utah within 50 miles of Salt Lake City, Utah).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 1872 (Sub-No. E15), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such mining equipment and supplies* which are contractors' equipment and supplies (except liquid products, in bulk, in tank vehicles), (1) between points in Idaho south of the Salmon River, on the one hand, and, on the other, points in Colorado, points in Wyoming on and south of Interstate Highway 80, points in Iowa, Kansas, Missouri, and points in Nebraska on, east, and south of a line beginning at the Nebraska-South Dakota state line and extending along U.S. Highway 183 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 7, thence along Nebraska Highway 7 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming state line (points in Utah within 50 miles of Salt Lake City, Utah and Sweetwater or Uinta Counties, Wyoming);* (2) between points in Idaho on and south of Interstate Highway 80N, on the one hand, and, on the other, points in South Dakota on, east, and south of a line beginning at the South Dakota-North Dakota state line and extending along South Dakota Highway 65 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming state line (points in Utah within 50 miles of Salt Lake City, Utah and Sweetwater or Uinta Counties, Wyo.);* (3) between points in Idaho on and south of a line beginning at the Idaho-Oregon state line and extending along Interstate Highway 80N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming state line, on the one hand, and, on the other, points in South Dakota on, south, and east of a line beginning at the South Dakota-Minnesota state line and extending along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska state line (points in Utah within 50 miles of Salt Lake City, Utah and Sweetwater or Uinta Counties, Wyo.);*

(4) Between points in Nevada, on the one hand, and, on the other, points in South Dakota, points in Colorado on, north, and east of a line beginning at the Colorado-Wyoming state line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas state line, points in Wyoming and Iowa, points in Kansas on and north of a line beginning at the Kansas-Colorado state line and extending along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154, to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 the junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri state line, and points in Missouri and Nebraska (points in Utah within 50 miles of Salt Lake City, Utah and Sweetwater or Uinta Counties, Wyo.);* (5) between points in Nevada on and north of a line beginning at the Nevada-Californa state line and extending along U.S. Highway 50 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah state line, on the one hand, and, on the other, points in Colorado on, north, and east of a line beginning at the Colorado-Utah state line and extending along U.S. Highway

40 to junction Colorado Highway 789, thence along Colorado Highway 789 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico state line (points in Utah within 50 miles of Salt Lake City, Utah and Sweetwater or Uinta Counties, Wyo.);* (6) between points in Nevada on and north of U.S. Highway 6, on the one hand, and, on the other, points in Kansas (points in Utah within 50 miles of Salt Lake City, Utah and Sweetwater or Uinta Counties, Wyo.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 1872 (Sub-No. E16), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Such mining equipment and supplies* which are contractors' equipment and supplies (except petroleum products, in bulk, in tank vehicles, and Class A and B explosives), (1) between points in Nevada on, north, and east of a line beginning at the Nevada-Oregon state line and extending along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah state line, on the one hand, and, on the other, points in Coconino County, Ariz., north of a line beginning at the Arizona-Utah state line and extending along U.S. Highway Alternate 89 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Arizona-Utah state line (points in Utah within 50 miles of Salt Lake City, Utah);* (2) between points in Idaho south of the Salmon River, on the one hand, and, on the other, points in Coconino County, Ariz., north of an east-west line extending through the Gap, Ariz. (points in Utah within 50 miles of Salt Lake City, Utah).* The purpose of this filing is to eliminate the gateways indicated by an asterisk above.

No. MC 2607 (Sub-No. E14), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vheicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in New Jersey on and south of a line beginning at Trenton, N.J., thence along U.S. Highway 206 to junction New Jersey Highway 524, thence along New Jersey Highway 524 to Allentown, N.J., thence along New Jersey Highway 526 to junction New Jersey Highway 549, thence along New Jersey Highway 549 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E31), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Indiana-Kentucky state line, thence along U.S. Highway 431 to Central City, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to Kirkmonsville, Ky., thence along Kentucky Highway 107 to junction U.S. Alt. Highway 41, thence along U.S. Alt. Highway 41 to the Tennessee-Kentucky state line. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Clark County, Ill.

No. MC 2607 (Sub-No. E33), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at South Fulton, Tenn., thence along U.S. Highway 45E to Jackson, Tenn., thence along U.S. Highway 45 to the Alabama-Tennessee state line. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Macon County, Ill.

No. MC 2607 (Sub-No. E40), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 North Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New York on and north and west of a line beginning at the Pennsylvania-New York state line, thence along New York Highway 17 to Deposit, N.Y., thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 8 at Poland, N.Y., thence along New York Highway 8 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Canadian Border, on the one hand, and, on the other, points in New Jersey on and south and west of a line beginning at Trenton, N.J., thence along New Jersey Highway 33 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 61825 (Sub-No. E656), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, class A and B explosives, household goods, as defined by the Commission, and commodities requiring special equipment: (A) Between points in Allegheny, Fayette, Somerset, and Washington Counties, Pa., and those points in Bedford County, Pa., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Carroll, Columbiana, and Harrison Counties, Ohio, and those points in Mahoning, Stark, Monroe, Tuscarawas, Guernsey, Noble, and Portage Counties, Ohio, within 50 miles of Steubenville, Ohio. (B) Between points in Carroll, Columbiana, and Harrison Counties, Ohio, and those points in Mahoning, Stark, Monroe, Tuscarawas, Guernsey, Noble, and Portage Counties, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Allegheny, Fayette, Somerset, and Washington Counties, Pa., and those points in Bedford County, Pa., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va. (in the Steubenville, Ohio Commercial Zone).

No. MC 61825 (Sub-No. E717), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment: (A) Between points in Knox County, and those points in Marion and Morrow Counties, Ohio, within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, those points in Virginia bounded by a line beginning at the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to junction U.S. Highway 29, thence north along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to

junction Virginia Highway 249, thence along Virginia Highway 249 to junction Virginia Highway 33, thence east along Virginia Highway 33 to the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to the point of beginning; including all points on the routes shown. (B) Between those points in Virginia bounded by a line beginning at the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to junction U.S. Highway 29, thence north along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Virginia Highway 249, thence along Virginia Highway 249 to junction Virginia Highway 33, thence east along Virginia Highway 33 to the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to the point of beginning; including all points on the routes shown, on the one hand, and, on the other, points in Knox County, and those points in Marion and Morrow Counties, Ohio, within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateways of Coketown, Brooke County, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E720), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment: (A) Between points in Ashland, Cuyahoga, Holmes, Lorain, Medina, Richland, Summit, and Wayne Counties, Ohio, and those points in Crawford, Erie, and Huron Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Virginia on and west of a line beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 220, thence north along U.S. Highway 220 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to point of beginning; including all points on the routes shown. (B) Between points in Virginia on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 220, thence north along U.S. Highway 220 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence south along the Chesapeake Bay and the Atlantic Ocean to the point of beginning; including all points on the routes shown, on the one hand, and, on the other, points in Ashland, Cuyahoga, Holmes, Lorain, Medina, Richland, Summit, and Wayne Counties, Ohio, and those points in Crawford, Erie, and Huron Counties, Ohio, within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateways of: (A) Coketown, Brooke County, W. Va., and Lynchburg, Va.; (B) Lynchburg, Va., and Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E961), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials:* (A) Between points in Delaware, Franklin, Knox, Licking, Marion, and Morrow Counties, Ohio, on the one hand, and, on the other, points in Berkeley, Brooke, Grant, Hampshire, Hardy, Hancock, Jefferson, Mineral, Morgan, and Pendleton Counties, West Virginia; (B) between points in Berkeley, Brooke, Grant, Hampshire, Hardy, Hancock, Jefferson, Mineral, Morgan, and Pendleton Counties, West Virginia, on the one hand, and, on the other, points in Delaware, Franklin, Knox, Licking, Marion, and Morrow Counties, Ohio. The purpose of this filing is to eliminate the gateways of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E962), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP. P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials:* (A) Between points in Hancock and Brooke Counties, W. Va., on the one hand, and, on the other, points in Ohio except points in Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe, Portage, and Trumbull Counties; (B) between points in Ohio except points in Belmont, Columbiana, Carroll, Harrison, Jefferson, Mahoning, Monroe, Portage, and Trumbull, on the one hand, and, on the other, points in Hancock and Brooke Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E963), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials:* (A) Between points in Marshall and Ohio Counties, W. Va., on the one hand, and, on the other, points in Ohio except in Athens, Belmont, Fairfield, Fayette, Franklin, Gallia, Guernsey, Hocking, Lawrence, Licking, Jackson, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Vinton, and Washington Counties; (B) between points in Ohio except points in Athens, Belmont, Fairfield, Fayette, Franklin, Gallia, Guernsey, Hocking, Lawrence, Licking, Jackson, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Vinton, and Washington Counties, on the one hand, and, on the other, points in Marshall and Ohio Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E964), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel* articles as are used as construction materials: (A) Between points in Barbour, Doddridge, Harrison, Lewis, Tyler, Upshur, and Wetzel Counties, W. Va., and those points in Pocahontas, Randolph, and Webster Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Juron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottowa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood and Wyandot Counties, Ohio; (B) between points in Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie Fulton, Geauga, Hancock, Hardin, Henry, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottowa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, Wyandot Counties, Ohio, on the one hand, and, on the other, points in Barbour, Doddridge, Harrison, Lewis, Tyler, Upshur, and Wetzel Counties, W. Va., and those points in Pocahontas, Randolph, and Webster Counties, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E977), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Grant, Marion, Mineral, Monongalia, Taylor, Tucker, and Preston Counties, W. Va., and those points in Hampshire, Hardy and Pendleton Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Ohio, except points in Athens, Belmont, Fairfield, Gallia, Guernsey, Hocking, Jackson, Lawrence, Licking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Vinton, and Washington Counties. (B) Between points in Ohio except points in Athens, Belmont, Fairfield, Gallia, Guernsey, Hocking, Jackson, Lawrence, Licking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Vinton and Washington Counties, W. Va., and those points in Hampshire, Hardy, and Pendleton Counties, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E978), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Braxton, Calhoun, Gilmer, Pleasants, and Ritchie Counties, W. Va., and those points in Clay and Nicholas Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Ashtabula, Carroll, Columbiana, Defiance, Erie, Fulton, Geauga, Harrison, Henry, Huron, Jefferson, Lake, Lorain, Lucas, Mahoning, Medina, Ottowa, Portage, Sandusky, Seneca, Stark, Summit, Trumbull, Williams and Wood Counties, Ohio. (B) Between points in Ashtabula, Carroll, Columbiana, Defiance, Erie, Fulton, Geauga, Harrison, Henry, Huron, Jefferson, Lake, Lorain, Lucas, Mahoning, Medina, Ottowa, Portage, Sandusky, Seneca, Stark, Summit, Trumbull, Williams and Wood Counties, Ohio, on the one hand, and, on the other, points in Braxton, Calhoun, Gilmer, Pleasants, and Ritchie Counties, W. Va., and those points in Clay and Nicholas Counties, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E979), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between those points in Jackson and Mason Counties, within 125 miles of Wellsburg, W. Va., and points in Roane, Wirt and Wood Counties, W. Va., on the one hand, and, on the other, points in Ashtabula, Columbiana, Cuyahoga, Geauga, Lake, Mahoning, Portage, Summit and Trumbull Counties, Ohio. (B) Between points in Ashtabula, Columbiana, Cuyahoga, Geauga, Lake, Mahoning, Portage, Summit, and Trumbull Counties, Ohio, on the one hand, and, on the other, those points in Jackson, and Mason Counties, Ohio, within 125 miles of Wellsburg, W. Va., and point in Roane, Wirt and Wood Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E980), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Barbour, Brooke, Braxton, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Lewis, Marion, Marshall, Mongalia, Ohio, Pleasants, Ritchie, Taylor, Tyler, Upshur, Wetzel, Wirt, and Wood Counties, W. Va., and those points in Clay, Jackson, Mason, Nicholas, Pocahontas, Randolph, Roane, and Webster Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in New York. (B) Between points in New York, on the one hand, and, on the other, points in Barbour, Brooke, Braxton, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Lewis, Marion, Marshall, Mongongalia, Ohio, Pleasants, Ritchie, Taylor, Tyler, Upshur, Wetzel, Wirt and Wood Counties, W. Va., and those points in Clay, Jackson, Mason, Nicholas, Pocahontas, Randolph, and Webster Counties, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 108676 (Sub-No. E8), filed June 4, 1974. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Part I Sec. L) *Iron and steel articles*, consisting of *contractors' equipment and coal and coke mining equipment; Iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments* therefor (not including contactors' equipment), *maintenance equipment, and parts, accessories and attachments*, therefor (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachments* therefor (not including contractors' equipment), and *plant equipment, and parts, accessories and attachments, and parts, accessories and attachments* therefor (not including contractors' equipment), and *plant equipment, and parts, accessories and attachments* therefor (not including contractors' equipment), *iron and steel articles*, consisting of *signs, sign poles and parts and accessories, Iron and steel articles*, consisting of *contractors' equipment and coal and coke mining equipment, iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments*, therefor (not including contractors' equipment), *maintenance equipment, and parts, accessories and attachments*, therefor (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachments*, therefor (not including contractors' equipment), and *plant equipment, and parts, accessories and attachments* therefor (not including contractors' equipment). *Iron and steel articles*, consisting of *signs, sign poles and parts and accessories*, (1) Between points in South Carolina located in Jasper, Hampton, Colleton, Dorchester, Charleston, and Beaufort Counties, on the one hand, and, on the other, points in Kentucky. (2) Between points in South Carolina located in or south of Oconee, Anderson, Abbeville, Greenwood, Saluda, Lexington, Richland, Calhoun, Orangeburg, Dorchester, and Charleston Counties, on the one hand, and, on the other, points in Kentucky located in or west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties. (3) Between points in South Carolina, on the one hand, and, on the other, points in Kentucky located in or west of Mason, Robertson, Nicholas, Bourbon, Fayette, Madison, Rock Castle, Laurel, Knox, and Bell Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 108676 (Sub-No. E9), filed June 4, 1974. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, consisting of *contractors' equipment* and *coal and coke mining equipment; Iron and steel articles*, consisting of *construction equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' equipment), *maintenance equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' equipment), *power distribution equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' equipment), and *plant equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' equipment); *iron and steel articles*, consisting of *signs, sign poles* and *parts* and *accessories*, (1) between points in South Carolina, on the one hand, and, on the other, points in Tennessee excluding those in or east of Claiborne, Grainger, Jefferson, and Cocke Counties, and those in or east of Lincoln and Bedford Counties, and in or south of Coffee, Grundy, Dequatchie, Bledsoe,

Rhea, Meigs, McMinn, Monroe, Blount, and Sevier Counties; (2) between points in South Carolina in or north of Greenville, Spartanburg, and Union Counties, and in or east of Fairfield, Richland, Calhoun, Orangeburg, Colleton, and Jasper Counties, on the one hand, and, on the other, points in Tennessee excluding those in or east of Claiborne, Grainger, Jefferson, and Sevier Counties, and those located in Marion, Dequatchie, Hamilton, Bradley, and Polk Counties; (3) between points in South Carolina in or east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Berkley, and Charleston Counties, on the one hand, and, on the other, points in Tennessee in or west of Campbell, Anderson, Knox and Blount Counties; (4) between points in South Carolina on and east of a line beginning at the North Carolina-South Carolina state line and extending along U.S. Highway 601 (including Orangeburg), thence along U.S. Highway 601 to the South Carolina-Georgia state line, on the one hand, and, on the other, points in Tennessee in or west of Claiborne, Grainger, Hamblen, Jefferson, and Knox Counties, in or north of Loudon, Roane, Cumberland, Van Buren, Warren, Cannon, and Rutherford Counties, and in or west of Marshall and Giles Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 112070 (Sub-No. E137), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., P.O. Box 10096, Denver, Colo. 80210. Applicant's representative: Daniel Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) Between points in Crawford and Sebastian Counties, Ark., on the one hand, and, on the other, points in Fairfield County, Conn. (B) Between points in Crawford, Franklin, Johnson and Sebastian Counties, Ark., on the one hand, and, on the other, points in Windham County, Conn. (C) Between points in Arkansas on and west of a line beginning at the Oklahoma-Arkansas State line, and extending along U.S. Highway 40, to junction Arkansas Highway 71, thence along Arkansas Highway 71 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Connecticut except Fairfield County. (D) Between points in Arkansas on and west of a line beginning at the Arkansas-Louisiana State line, and extending along Arkansas Highway 71, thence along Arkansas Highway 71, to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Connecticut on and north and west of a line beginning at the Connecticut-New York State line, and extending along U.S. Highway 44 to junction U.S. Highway 7, thence along U.S. Highway 7 to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Enid, Okla., and points within 90 miles thereof, and points in Missouri.

No. MC 113843 (Sub-No. E77) (Partial correction), filed May 3, 1974, published in the FEDERAL REGISTER issue of August 27, 1975, and, republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (9) Between points in Chautauqua County, New York, on the one hand, and, on the other, those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line; The purpose of his filing is to eliminate the gateway of Buffalo, New York.

NOTE.—The purpose of this partial correction is to correct the territorial description in Part (9) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E480) (Partial correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of September 1, 1976, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* . . . (9) between those points in New Jersey bounded by a line beginning at Toms River and extending along U.S. Highway 9 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the New Jersey-Pennsylvania State line, and bounded by a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 1 to junction New Jersey Highway 440 to the Hudson River, on the one hand, and, on the other, points in Ohio on, north and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio-Indiana State line and . . . The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E504) (Partial correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of August 27, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (3) from those points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, to Portland and Bangor, Maine; Sioux City, Iowa; Grand Forks, North Dakota; and Sioux Falls, South Dakota; . . . The purpose of this filing is to eliminate the gateway of Dundee, New York.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E677) (Partial correction), filed May 21, 1974, published in the FEDERAL REGISTER issue of June 12, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (33) Between points in Pennsylvania on, north and east of a line beginning at the Pennsylvania-Delaware State line approximately 1 mile north of Yorklyn, Del., thence along Pennsylvania Highway 82 to its intersection with Interstate Highway 76, thence along Interstate Highway 76 to its intersection with Interstate Highway 176, thence along Interstate Highway 176 to Reading, thence along Pennsylvania Highway 61 to its intersection with U.S. Highway 209, thence along U.S. Highway 209 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Illinois on, north and west of a line beginning at the Mississippi River at or near Alton, Ill., thence along Illinois Highway 140 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to its intersection with Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line. (34) Between points in Pennsylvania on, north and east of a line beginning at the Delaware River at or near Chester, Pa., thence along Pennsylvania Highway 320 to its intersection with Pennsylvania Highway 23, thence along Pennsylvania Highway 23 to its intersection with Pennsylvania Highway 10, thence along Penn-

sylvania Highway 10 to Reading, Pa., thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to its intersection with Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to state the correct territorial description in Part (33) and to include Part (34) that was omitted in the June 12, 1975 publication. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E771) (Partial correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of July 17, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (12) Between Norristown, Pa., on the one hand, and, on the other, those points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 20 to Cleveland, thence along U.S. Highway 6 to junction Ohio Highway 13, thence along Ohio Highway 13 to Norwalk, thence along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 33 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line; . . . The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to state the correct word in Part (12). The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E776) (Partial correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of August 4, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juices and frozen berries*, (7) From those points in New Jersey on, north and east of a line beginning at or near Atlantic City, N.J., thence along U.S. Highway 322 to its intersection with New Jersey Highway 54, thence along New Jersey Highway 54 to its intersection with U.S. Highway 206, thence along U.S. Highway 206 to junction New Persey Highway 541, thence along New Jersey Highway 541 to the Delaware River to those points in Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Ohio River; . . . The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E864) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of October 15, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, fom Seabrook, N.J., to points in that portion of Arkansas on, north, and west of a line beginning at the Arkansas-Missouri State line north and extending along U.S. Highway 61 to junction Arkansas Highway 18, thence along Arkansas Highway 18 to Jonesboro, thence along Arkansas Highway 39 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 33, thence along Arkansas Highway 33 to junction Arkansas Highway 130, thence along Arkansas Highway 130 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction Arkansas Highway 54, thence along Arkansas Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 113843 (Sub-No. E942) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of November 26, 1974, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that portion of New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line at or near Lebanon, and extending along U.S. Highway 4 to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

NOTE.—The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E964) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of August 27, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from those points in that part of Maryland on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to Rochester, Minn. and points in Minnesota except those points on and south of a line beginning at Winona, Minn., thence over U.S. Highway 14 to its intersection with U.S. Highway 63, thence south of U.S. Highway 63 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 113843 (Sub-No. E974), (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issues of June 16, 1975, August 27, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Lehigh County, Pa., on the one hand, and, on the other, points in Indiana (except points in Wayne, Randolph, Jay, Adams, Fayette, Union, Franklin, Switzerland, Ohio, Dearborn and Ripley Counties). The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 113843 (Sub-No. E1002) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issues of June 16, 1975, August 27, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Washington, D.C., on the one hand, and, on the other, points in Michigan on and west of a line beginning at or near Marquette, Mich., thence along U.S. Highway 41 to its intersection with Michigan State Highway 95, thence along Michigan State Highway 95 to the Wisconsin-Michigan border, and Marquette and Norway, Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 113843 (Sub-No. E1053) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of August 4, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods*, from Hanover, Pa., to those points in New York bounded on the west by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to Lake Ontario, and bounded on the south and east by a line beginning at the New York-Pennsylvania State line and extending along unnumbered highway to junction New York Highway 17, thence along New York Highway 17 to Binghampton, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 113843 (Sub-No. E1057), (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of September 1, 1976, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between those points in Michigan south and east of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 94 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Ohio State line, on the one hand, and, on the other, Salem County, N.J. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 113843 (Sub-No. E1058) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of July 17, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Vineland, N.J., to that part of New York west of a line beginning at Lake Erie extending along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, and Owego, Ithaca, Cortland, Hornell, Silver Creek, Ogdensburg, and Watertown, N.Y. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 113843 (Sub-No. E1073), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in that part of Minnesota on, north and west of a line beginning at the Iowa-Minnesota State line at or near Bigelow, Minn., thence over Minnesota Highway 60 to its intersection with U.S. Highway 71, thence north on U.S. Highway 71 to its junction with Interstate Highway 94, thence southeast on Interstate Highway 94 to its junction with Minnesota Highway 23, thence northeast on Minnesota Highway 23 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC 113843 (Sub-No. E1074), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Canned meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles) from Boston, Mass., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant-site and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, N.Y.

NOTE.—This E letter-notice was previously published as E14 and should be E1074.

No. MC 113843 (Sub-No. E1075), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

NOTE.—This E letter-notice was previously published in the FEDERAL REGISTER as E14 and should be E1075.

No. MC 113843 (Sub-No. E1076), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut, to points in Colorado. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

NOTE.—This E letter-notice was previously published as E14 and should read as E1076 instead.

No. MC 114019 (Sub-No. E254), (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of March 5, 1975, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, scrap, *Asphalt*, liquid or solid, in packages, *automobile body panels*, fibreboard, not covered, with cut-outs, or of shape other than rectangular, painted or not painted, loaded on platforms on wooden skids, *blocks*, mastic (asphalt flooring, compound), *boards*, fibreboard and/or pulpboard (impregnated with asphalt), in rectangular shapes, without cut-outs, painted or not painted, loaded on wooden platforms or wooden skids, *Boards*, asphalt composition, paving or flooring, *board*, wall asbestos, *board*, wall, fibreboard, pulpboard or strawboard, *burlap*, bituminized, in packages, *caps*, roofing, tin, in packages, *carpet lining*, paper, including felt paper plain, other than indented, *cement*, asbestos, in packages, *Cement*, composition or asbestos, *cement, furnace*, in packages, *cement*, tile liquid, *cement*, roofing, in packages, *cement*, magnesia, *clamps*, metal, in packages, *cloth*, cotton, saturated with asbestos, *coating*, roof having asbestos, pitch tar or rosin base, in packages, *conduits*, bituminized fibre, *creosote*, in packages, *eave filler strips*, asphalt composition, *fasteners*, metal, in packages, *felt*, building or roofing, saturated, or unsaturated, *felts*, paper fabrics saturated, and/or coated, *flashing blocks*, asphalt composition, *insulating materials*, asbestos or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets, *millboard*, asbestos, in packages, *mineral wool*, (rock or slag wool), metal reinforced, in packages, *mineral wool*, (rock or slag wool), plain or saturated with or without paper backs in batts or other than batts, in packages, *mortar or cement*, high temperature bonding, N.O.I., in packages, *nails*, in packages, *packing*, asbestos, braid or wick, in packages, *paint*, asphaltum, in packages, *paint*, coal tar, in packages, *paper*, asbestos, and/or other than asbestos, building roofing or sheathing, plain or saturated, *paper*, building, roofing or sheathing, saturated or unsaturated, *paving joints*, expansion (asphalt or asphalt base), *paving joints*, expansion (rubber composition), *pipe*, cement, containing asbestos fibre, *pitch*, roofing, in packages, *planks*, asphalt composition, paving or flooring, *ridge rools*, asbestos, in packages, *roofing*, composition or prepared, *roofing*, or sheathing, asbestos

hard, corrugated, *sheathing*, asbestos, hard flat, ornamented or not ornamented, polish or shaped, with or without fibreboard center or back, and/or air-cell paper center, *shingles*, asbestos, hard (artificial stone shingles or slates) in bundles.

Shingles, asbestos, *shingles*, asphalt, asbestos or composition, *sheathings*, *shorts*, asbestos, siding, asbestos, *siding*, asphalt, *straps*, tin, *tar*, roofing, in packages, with fasteners, in packages, *tile*, asphalt, composition, floor, *wood preservatives*, in packages, *aluminum siding* and *parts*, *accessories* and *materials* used in the installation of aluminum siding, in mixed shipments with other building, roofing, and insulating materials, from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles thereof, points in those parts of New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., those points in West Virginia on and north of U.S. Highway 50, those points in Pennsylvania on and south and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, to points in Wisconsin, Iowa, Missouri, Illinois, those points in Indiana on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Interstate Highway 65, thence Interstate Highway 65 to Lake Michigan, and those points in Kentucky on and west of Interstate Highway 27.

The purpose of this filing is to eliminate the gateway of Lockland, Ohio.

The purpose of this republication is to correctly describe the commodity description. The remainder of this letter-notice remains as previously published.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-20880 Filed 7-19-77;8:45 am]

[Ex Parte No. MC-106]

ADMINISTRATIVE RULING NO. 84 INVESTIGATION TO CONSIDER MODIFICATION

Order

July 13, 1977.

It is ordered, That based on the reasons set forth in the attached notice, a proceeding is hereby instituted pursuant to 5 U.S.C. 553, and 559 (the Administrative Procedure Act), and under the authority of part II, of the Interstate Commerce Act to examine, to update and enlarge the service provisions of part (b) of Administrative Ruling No. 84 in light of current economic, regulatory and service conditions, and for the purpose of taking such other and future action as the circumstances may justify or require.

It is further ordered, That the attached notice is hereby adopted and incorporated by reference into this order.

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by delivery of a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of the Institution of Investigation to Consider Modification of Administrative Ruling No. 84.

SUMMARY: The Commission deems it to be in the public interest to now examine whether present economic, regulatory, and service conditions affecting the regular-route motor freight industry on a national scale require the modification of Part (b) of Administrative Ruling No. 84 to allow motor common carriers of property authorized to serve all intermediate points on a designated route or a defined route segment the right to serve points within 5 airline miles on both sides of said authorized route or route segment. This proposed modification would expand the so-called off-route point territory authorized in Administrative Ruling No. 84 from 1 to 5 airline miles. The decision to institute this investigation is based on this Commission's review and consideration of recommendation No. 33 of the so-called Blue Ribbon Study Panel.

DATES: Comments on or before September 19, 1977.

ADDRESSES: Send comments to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423 202-275-7292.

SUPPLEMENTARY INFORMATION: On April 23, 1940 in response to inquiries by the public, the Bureau of Motor Carriers (now the Bureau of Operations) of the Interstate Commerce Commission issued Administrative Ruling No. 84 which pertains to regular-route motor common carriers of property holding authority to serve all intermediate points on a designated route or a definite portion or segment thereof and which reads as follows:

> Authority to serve all intermediate points on a designated route or a definite portion or segment thereof includes the right to serve—
>
> (a) all places within the corporate limits of those incorporated boroughs, cities, towns (other than those of the New England type), or villages, all integral parts of unincorporated communities and villages, and all separate places located on the highway or highways composing such route, portion or segment thereof; and
>
> (b) All municipalities, communities, and villages of the types mentioned in paragraph (a) of this item and all separate places that lie and are situated wholly within one mile of the highway or highways composing such route, portion or segment thereof.
>
> If the authority is to serve certain named intermediate points, excluding others, the provisions of paragraph (a) of this ruling apply to the intermediate points so authorized.

The language "wholly within one mile of the highway or highways" as used in Administrative Ruling No. 84 permits carriers which come under its provisions to serve any place, that is, any place of business, home, building, etc., which lies within one airline mile of the highway, *Provided*, That if it is located within a municipality, community, or village of the type described in the ruling, the entire municipality, community, or village must be within one mile of the highway. See *Lavigne* v. *J. E. Faltin Motor Transp., Inc.*, 54 M.C.C. 503 (1952).

Recommendation No. 33 of the Commission's Blue Ribbon Panel would amend the above-noted portion of part (b) of Administrative Ruling No. 84 "to allow regular-route carriers to serve all points within 5 air miles of the highway, maintaining the other limitations of the present policy." See Interstate Commerce Commission press release No. 187-75, dated July 7, 1975. After careful consideration, the Commission has instituted this proceeding in order to determine whether economic, demographic, environmental and service conditions require implementation of this recommendation.

Consideration of the proposed modification will include a determination whether the so-called 1-mile off-route point authority provisions of Administrative Ruling No. 84 should be modified to allow the regular-route carrier to serve not only all points within 1 airline mile, or some other fixed distance, of the authorized regular route, but also to allow service at all portions of any municipality, community, or village which, while partly within the designated service corridor, extends beyond it. Compare *Property Motor Carrier Superhighway Rules*, 117 M.C.C. 119, 150-151, footnote 12 (1972).

The Commission will also consider whether the rights to be conferred should be permissive or obligatory. At present the rights conferred by part (b) of Administrative Ruling No. 84 are permissive in nature and do not require the carrier to provide the involved service.

The Commission will also consider whether the 5-mile expansion proposed by the Blue Ribbon Panel represents the appropriate scope of the regular-route motor carriers' service corridor, or whether adoption of regulations establishing some other greater or lesser distance from the authorized regular route would better serve the public interest.

No oral hearing is contemplated at this time, but anyone wishing to present views and evidence, either in support of, or in opposition to the action proposed in the Commission's order may do so by submission of written evidence or views.

Likewise, any person desiring to comment upon the environmental issues raised by this proceeding is hereby invited to do so by the submission of written evidence or views. An original and 15 copies (wherever possible) of such evidence or views shall be filed with this Commission on or before September 19, 1977. Written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-20885 Filed 7-19-77;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).

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1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., July 21, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of items adopted by notation.[1]

2. Docket 29926, SPDR-56 (one-stop-inclusive tours), notice of proposed rulemaking to amend Part 378a to allow substitutions for cancellations of charter participants after the advance-booking deadline and to invite comment on the elimination of the advance-booking deadline requirement.

3. Application of World Airways, Inc., for a waiver of § 208.32a of the Board's regulations to permit reduced-rate transportation on scheduled air carriers of World's overbooked charter passengers and applications of British Airways, Compagnie Nationale Air France, KLM Royal Dutch Airlines, and Pakistan International Airline to transport such passengers on their scheduled service at World's charter rates.

4. Docket 30257, application of Meridian Air Cargo, Inc., for an emergency exemption pursuant to section 416(b) of the Federal Aviation Act to operate two CV-600 aircraft in scheduled all cargo service between Memphis and both Chicago and Detroit.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary (202-673-5068).

[S-929-77 Filed 7-15-77;3:34 pm]

[1] The ratification process provides an entry in the Board's minutes of items already adopted by the Board through the written notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room, Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428, following the meeting.

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: S-909-77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 3 p.m., July 20, 1977.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

CHANGE IN THE MEETING: This meeting has been rescheduled to start at 2 p.m., at which time the open meeting will start, to be followed by a closed meeting.

A majority of the entire membership of the Commission has determined by recorded vote that the business of the Commission requires this change and that no earlier announcement was possible.

The vote was as follows:

In favor of change: Eleanor Holmes Norton, Chair, 7-14-77; Ethel Bent Walsh, Vice Chair, 7-15-77; Daniel E. Leach, Commissioner, 7-15-77.

Opposed: None

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued July 15, 1977.

[S-924-77 Filed 7-15-77;1:59 pm]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Allocation of "splinter" and "offset" channels in the 150-174 MHz band for non-voice operations (remote control and telemetry) in the local government (Part 89) and industrial (Part 91) radio services (Docket No. 20149). 2—Notice of inquiry relating to amendment of Parts 81 and 83 of the rules to implement changes in frequencies, operating procedures and other criteria relating to radiotelephony in the band 4000 to 27,500 kHz in the maritime mobile services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974.

Safety and special radio services—1—Re-regulation of Parts 89, 91, and 93 of the rules governing the private land mobile radio services. 2—Petition filed by the National Association of Radiotelephone Systems (NARS) on December 27, 1976, directed to Safety Bureau's November 24, 1976, "Clarification" statement. 3—Various procedural rule changes in the radio services administered by Parts 89, 91, 93, and 94 of the rules; re-regulation purposes. 4—Increase in waiting period for filing applications for new station license in the citizens band radio service following revocation, denial or dismissal with prejudice. 5—Notice of proposed rule making on United States/Canada arrangement to allot Appendix 18 VHF frequencies (Docket No. 20617). 6—Waiver of section 89.751(a) of the rules to permit the assignment of five non-contiguous frequencies to allow the Chicago Fire Department to operate a mobile relay system within the 800 MHz frequency band.

Common carrier—1—Petitions to suspend and reject AT&T Transmittal No. 12745, revising rates for wide area telecommunications service (WATS).

Cable Television—1—Applications for certification of existing operations in Havre de Grace and Aberdeen, Maryland, filed by Multiview Cable Company; and opposition filed by Westinghouse Broadcasting, Inc., licensee of station WJZ-TV, Baltimore, Maryland, directed against authorization of applicants' carriage of WJLA-TV (formerly WMAL-TV). 2—Applications for interim authorization to add television broadcast station WTVS, Detroit, Michigan, to existing cable television operations; and opposition filed by Delta College, licensee of station WUCM-TV (Educ., Channel 19) University Center, Michigan.

Renewal—1—Petition for reconsideration of renewal granted international broadcast station KGEI, filed by Mobil Oil Estates (Redwood) Limited.

Broadcast—1—Reassignment of television channel 40 from Riverside (Fontana) California, to Santa Ana, California, and denial of a request to modify the Fontana station's license ot specify the new community (Docket No. 20727).

Special—1—Amendment of Part 97 concerning operator classes, privileges, and requirements in the amateur radio service (Docket No. 20282). 2—Notice of proposed rulemaking relating to Part 13 of the rules to re-structure the radio operator examination and licensing program and to delineate operator responsibility (Docket No. 20817). 3—Discussion of rulemaking in Docket No. 21002 concerning possible amendment of section 76.13 relating to the certification process, and section 76.31 relating to the Commission's franchise standards.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 14, 1977.

[S-925-77 Filed 7-15-77;2:17 pm]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., open meeting, Thursday, July 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—Application for review of a Review Board memorandum opinion and order enlarging the hearing issues in the Jackson, Mississippi, comparative television proceeding (Docket Nos. 18845-18849). 2—Draft decision in the WLLE, Incorporated (WLLE), Raleigh, North Carolina, revocation proceedings (Docket No. 19908). 3—Petition for reconsideration of the Commission's decision disciplining Benedict P. Cottone in the show cause proceeding in Docket No. 20293. 4—Draft decision in the Hall's Crossing, Utah, consolidated revocation/renewal/new application/suspension proceeding, involving Arthur W. Brothers, the Telephone Company, Inc., and the Silver Beehive Telephone Company (Docket Nos. 20155-20177 and 20211).

General—1—A proposed arrangement for the use of UHF channels 14 and 15 in Cleveland, Ohio, and channels 15 and 16 in Detroit, Michigan, for land mobile. 2—*Pacifica Foundation* v. *FCC* (Case No. 75-1391).

Complaints and compliance—1—Immunity orders for witnesses in payola inquiry, Docket No. 16648. 2—Field inquiry into the operation of television station KPAZ, Phoenix, Arizona.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 14, 1977.

[S-926-77 Filed 7-15-77;2:17 pm]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2:30 p.m., Wednesday, July 20, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Special—1—Discussion of licensing standards for FM noncommercial educational stations. 2—Discussion of international facilities plans (Docket No. 18875).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 13, 1977.

[S-927-77 Filed 7-15-77;2:17 pm]

6

FEDERAL RESERVE SYSTEM.

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 36588, July 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, July 20, 1977.

CHANGES IN THE MEETING: Cancellation or Postponement of the following open item until an undetermined date:

1. Board response on the Securities and Exchange Commission proposals issued for public comment or revisions in its regulations (Article 9 of Regulation S-X) with respect to the "Form and Content of Financial Statements of Bank Holding Companies and Banks."

As so modified, the previously announced open items for this meeting are:

1. Proposal to amend Regulation Z (Truth in Lending) to clarify provisions relating to discounts for cash customers. (Proposed earlier for public comment; docket no. R-0072.)

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board (202-452-3204).

Dated: July 15, 1977.

[S-930-77 Filed 7-15-77;3:48 pm]

7

INTERNATIONAL TRADE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 36361.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., July 21, 1977.

CHANGES IN THE MEETING: Item on the agenda expanded as follows:

6. Discussion of clerical support throughout the agency.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary (202-523-0161).

[S-931-77 Filed 7-18-77;9:13 am]

8

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on July 27, 1977.

TIME, DATE AND PLACE: A. The meeting will be held on Wednesday, July 27, 1977, in the Monet Room of the L'Enfant Plaza Hotel, 480 L'Enfant Plaza East SW., Washington, D.C., beginning at 9:30 a.m. The portion of the meeting beginning at 9:30 will be closed to the public, during which time the Board will consider agenda items Nos. 1 and 2, as identified below.

STATUS: B. The meeting will be open to the public beginning at 10 a.m. starting with agenda item No. 3, as identified below.

SUBJECT: C. The agenda items to be discussed at the meeting follow:

AGENDA

NATIONAL RAILROAD PASSENGER CORPORATION; MEETING OF THE BOARD OF DIRECTORS—JULY 27, 1977

9:30—Closed session. 1. Internal personnel matters, including election of Board and corporate officers. 2. Approval of additional advertising funds for fiscal year 1978.

10—Open session:

3. Approval of minutes of regular meeting of June 29, 1977.

4. Commitment Approval Requests:

A. (1) 76T-25-SI—Baltimore-Washington International intermodal facility architectural and engineering supplement; (2) 77-187—Provide additional IBM 370/158 equipment; (3) 77-208—Omaha station—Lease, rehabilitation, and track work; (4) 77-227—Oakland-Sacramento 403(b) capital improvements.

B. On-Board Magazine Publishing Agreement.

5. Board committee reports:

A. Planning/equipment—(1) Quarterly review—equipment retirements; (2) five year plan status report; (3) route criteria—Floridian status; (4) Auto-Train: Louisville service status.

B. Northeast corridor improvement project—(1) Update on improvement master plan; (2) status of 1977 program to date; (3) status of clean-up program; (4) status of Woonasquatucket River bridge; (5) status of station program; (6) labor situation.

C. Audit/finance.

6. President's reports:

A. Operations—(1) National operations; (2) operations support; (3) northeast corridor operations.

B. Marketing.

C. Government affairs.

D. Other—(1) Fall schedule for trains 7 and 8.

7. Financial reports.

8. Route profitability system overview.

9. New business.

10. Adjournment.

D. Inquiries regarding the information required to be made available to the public pursuant to Appendix A of the Corporation's By-laws should be directed to the Assistant Secretary at 202-484-7232.

Dated: July 14, 1977.

T. PAGE SHARP,
Assistant Secretary.

[S-923-77 Filed 7-15-77;1:43 pm]

federal register

WEDNESDAY, JULY 20, 1977
PART II

ENVIRONMENTAL PROTECTION AGENCY

■

INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources; Interim Final Regulations

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 764-2]

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources; Interim Final Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Interim final regulations.

SUMMARY: These regulations prescribe pretreatment standards for existing sources in nine subcategories of the inorganic chemicals manufacturing point source category. They govern the introduction of pollutants or pollutant properties into publicy owned treatment works (POTW) from plants that produce aluminum chloride, aluminum sulfate, potassium dichromate, copper sulfate, ferric chloride, lead monoxide, nickel sulfate, silver nitrate, and sodium fluoride.

EFFECTIVE DATE: July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, 401 M Street SW., Room 911 WSME (WH-552), Washington, D.C. 20460, 202-426-2560.

SUPPLEMENTARY INFORMATION: On March 11, 1974, the Environmental Protection Agency (EPA) promulgated a regulation adding Part 415 to Title 40 of the Code of Federal Regulations (39 FR 96412). That regulation with subsequent amendments established effluent limitations guidelines for existing sources, and standards of performance and pretreatment standards for new sources, in the inorganic chemicals manufacturing point source category. The regulations issued today amend 40 CFR Part 415 by adding pretreatment standards for existing sources to several of the subcategories within the Inorganic Chemicals Manufacturing Source Category. Specifically, pretreatment standards are established for the Aluminum Chloride Production Subcategory (Subpart A), the Aluminum Sulfate Production Subcategory (Subpart B), the Potassium Dichromate Production Subcategory (Subpart L), the Copper Sulfate Production Subcategory (Subpart AJ), the Ferric Chloride Production Subcategory (Subpart AL), the Lead Monoxide Production Subcategory (Subpart AR), the Nickel Sulfate Production Subcategory (Subpart AU), the Silver Nitrate Production Subcategory (Subpart BA), and the Sodium Fluoride Production Subcategory (Subpart BC). In addition, the applicability sections of these subparts have been amended to include the introduction of pollutants into treatment works which are publicly owned.

Legal Authority

These regulations are issued pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act)). It requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works (POTW).

Summary of Pretreatment Standards for Existing Sources

These regulations establish two sets of pretreatment requirements for the subcategories mentioned. The first set, the "prohibited discharge" standards, are designed to prevent inhibition of, or interference with, the municipal treatment works, by prohibiting the discharge of pollutants of a nature or in a quantity that would endanger the mechanical or hydraulic integrity of the works. Except for minor changes, these prohibited discharge standards are identical to the prohibitions contained in the general pretreatment regulation now found at 40 CFR 128.131.

The second set of standards, known as "categorical" pretreatment standards, contain specific numerical limitations based on an evaluation of available technologies in a particular industrial subcategory. The specific numerical limitations are arrived at separately for each subcategory, and are imposed on pollutants which may interfere with, pass through, or otherwise be incompatible with publicly owned treatment works.

For the purpose of clarity, the subcategories affected by the present regulations are exempted from 40 CFR Part 128. The provisions of the present regulation overlap considerably with the language of 40 CFR Part 128. 40 CFR Part 128 was proposed on July 19, 1973 (38 FR 19236), and published in final form on November 1973 (38 FR 30982). It limits the discharge of pollutants which pass through or interfere with the operation of publicly owned treatment works, but it does not set numerical limitations or explicitly list particular pollutants to be regulated. The provisions of 40 CFR Part 128 have sometimes been a source of confusion in the past. New general pretreatment regulations have been proposed (42 FR 6476, February 2, 1977) which will revoke and replace 40 CFR Part 128 upon promulgation. Therefore, the general pretreatment requirements set forth in 40 CFR Part 128 are superseded with respect to the subcategories governed by the present regulations. All pretreatment requirements currently applicable to the subcategories listed are included in the regulations set forth below. When the new general pretreatment regulations are promulgated, these standards will be reviewed for consistency with the new general policies.

Technical Basis for Standards

A technical study was conducted to determine what pretreatment requirements should be established. Information which had already been gathered in establishing limitations for direct dischargers under sections 301 and 304 of the Act was found to be relevant in setting pretreatment standards. The findings of this study, and the rationale for establishing national pretreatment standards at this time for the particular subcategories which were selected, are summarized in Appendix A to this preamble. The full details of the study are set forth in a report entitled "Supplement for Pretreatment to the Development Documents for the Inorganic Chemicals Manufacturing Point Source Category."

Economic Impact and Inflationary Impact Analysis

No significant economic impact is expected for any of the categories included in this regulation. Depending on the number of plants discharging into POTW (the number is between 5 and 17 plants), total industry investment required to comply with the pretreatment standards would be between $98,200 and $793,500. Total annual cost is estimated to be between $72,710 and $934,288. For some categories, a small price increase may occur (less than 2 percent of 1975 selling price). Based on the economic analyses, no plant closures are expected The economic impact is discussed in greater detail in Appendix A to this preamble. The full details of the study are set forth in a report entitled "Economic Analysis of Pretreatment Standards for the Inorganic Chemical Industry."

Availability of Documents

The technical and economic reports mentioned above are available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460, at all EPA Regional Offices and at State Water Pollution Control Offices.

Copies of both documents are being sent to persons or institutions affected by the regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). A limited number of additional copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated in final rather than interim form, revised copies of the technical documentation will be available from the Superintendant of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Virginia 22151.

Public Participation

Prior to this publication the contractor's draft of the "Supplement for Pretreatment to the Development Documents for the Inorganic Chemicals Manufacturing Point Source Category"

was distributed to many agencies and groups. With this distribution, recipients were given an opportunity to comment and to attend a public meeting to explain their comments or make additional comments. As a result of comments received additional review and study of pretreatment requirements have been made and replies to the comments prepared. A summary of public participation in this rulemaking, public comments and the Agency's response and consideration of these is contained in Appendix B of this preamble.

Form and Effective Date

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council (NRDC) v. EPA*, 8 E.R.C. 2120 (D.D.C. 1976) which requires the promulgation of pretreatment standards for this industry category no later than May 15, 1977. This order also requires that such regulations become effective immediately upon publication.

It has not been practical to develop and republish regulations for this category in proposed form and to provide a 30-day comment period within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations prior to promulgation would be impractical and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Section 301 of the Act anticipates that pretreatment standards for existing sources would be established and compliance would be required before July 1, 1977, while section 307(b) specifies "a time for compliance not to exceed three years from the date of promulgation" of the standard. In view of this conflict of statutory language and the fact that the pretreatment standards are only now being promulgated, the Agency believes that the compliance deadline as set forth in section 307(b) should apply. The time for compliance with the categorical pretreatment standards will be within the shortest reasonable time but not later than three years from the effective date. However, this does not preclude a Regional Administrator or local or State authority from establishing a more expeditious compliance date on an individual basis where it is appropriate. Compliance with the prohibited discharge standards is required immediately upon the effective date of these regulations since these standards are essentially the same as 40 CFR 128.131 and since the deadline for compliance with 40 CFR 128.131 has passed.

Opportunity For Public Comment

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data suggest amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing pretreatment standards, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20460. A copy of the technical study and economic study referred to above, and certain supplementary materials will be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within sixty days after date of publication will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Small Business Administration Loans

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

For further details on this Federal loan program write to EPA, Office of Analysis and Evaluation, WH-586, 401 M St. SW., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 415 is hereby amended as set forth below.

Dated: July 8, 1977.

Douglas M. Costle,
Administrator.

Appendix A.—Technical Summary and Basis for Regulations

This Appendix summarizes the basis of interim final pretreatment standards for existing sources.

(1) *General methodology.* The pretreatment standards set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The compatibility of each raw waste characteristic with municipal treatment works was then considered. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations, and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiations was identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology reflected the application of the appropriate pretreatment technologies. In identifying such technologies, various factors were considered. These included the total cost of application of technology, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to sections of the inorganic chemicals manufacturing point source category.

(1) *Categorization.* The inorganic chemicals industry is divided into subcategories based on the specific chemicals produced. Various other means of subcategorization were investigated. Factors such as raw waste loads, water requirements, and manufacturing processes do not establish a sound basis for subcategorization because the raw materials used and production processes employed are specific for each chemical.

The subcategories for which pretreatment standards were considered were those for which regulations based on best practicable control technology currently available are already in effect. A survey was made of plants in these subcategories to identify plants with discharges to municipal systems. Plants selected for study were those which have a publicly owned treatment works connection. As the study developed, it was found that plants in several of the subcategories being studied had no known discharge of wastes to a POTW from the specific product of concern, despite the existence of sewer connections. However, regulations are established for these subcategories because the likelihood that these plants will become POTW dischargers is high. Regulations were not established for five of the subcategories studied because their wastes are compatible with a POTW.

(ii) Origin and characteristics of process waste water pollutants generated by the manufacture of inorganic products.

(A) *Aluminum chloride.* Anhydrous aluminum chloride is manufactured by the reaction of gaseous chlorine with molten aluminum metal. Chlorine is introduced below the surface of the molten aluminum. The aluminum chloride sublimes and is collected by condensation.

No water is used in the process except in cases where a wet scrubber is used to eliminate the discharge of unreacted chlorine gas to the atmosphere. The regulation based on best practicable control technology currently available (BPT) for direct dischargers allows no discharge of process waste water pollutants. Waste water from the process comes from wet scrubbers, plant washdown and minor leaks and spills and is highly acidic. Scrap aluminum is frequently used as a raw material and scrubber water can be expected to resemble that generated by the secondary aluminum industry demagging operation. In the demagging operation chlorine is introduced below the surface of the molten aluminum to remove impurities. Although the two processes differ in detail they are similar enough so that the data from the demagging scrubbers is indicative of the pollutants and their proportions that can be expected from the aluminum chloride scrubbers. From these indications zinc is the pollutant of concern. However, from the data available it was the judgment of the Agency that national pretreatment limits on zinc do not appear to be warranted at this time. The available data indicate that the amounts and concentrations being discharged are sufficiently low that no interference with the POTW or significant pass-through problems are anticipated. However, regulation may be justified in individual cases. The Agency is consequently issuing guidance for local regulation of the introduction of zinc by plants in this category. In view of demonstrated health hazards and effects on POTW operations a zinc limitation of 2.5 mg/l (monthly average) and 5 mg/l (daily maximum) is recommended as guidance for the purpose of assisting local authorities in carrying out programs of this type. A pH range was established for this subcategory for the purpose of limiting the concentrations of dissolved aluminum because it is found in very high concentrations in the wastes and is found to interfere with POTW operations and pose pass-through problems.

(B) *Aluminum sulfate.* Aluminum sulfate is produced by the reaction of bauxite ore with concentrated sulfuric acid. Ground ore and acid are reacted in a digester, yielding aluminum sulfate in solution plus muds and insoluble waste materials. These waste products are removed during sedimentation and filtration. The filtered product liquor is either shipped as liquid aluminum sulfate or evaporated to recover a solid product. Waste muds may be ponded to settle the solids and the clear water may be recycled. Generally, the sources of process water are spent liquor from settling ponds, wash water from residue washing, and water from equipment and plant washdown. Each of these streams contains residual sulfuric acid, but the two latter streams are much diluted versions of the former. The washdown water may contain minor spills and leaks. Aluminum is not regulated because in the quantities expected there is no harm to the POTW or to the environment. Indicated flows are up to 105,000 gallons per day. The BPT regulation for direct dischargers allows no discharge of process waste water pollutants. A pretreatment limitation is established for zinc because it is present in significant quantities in the wastes from this subcategory, has known harmful effects, is found to interfere with operation of a POTW and poses pass-through problems.

(C) *Calcium carbide.* Calcium carbide is prepared by the reaction of calcium oxide with carbon in a high temperature furnace. The product is then cooled, crushed, screened, packaged and shipped. The only wastes from this process are airborne dusts from the furnace coke dryer, from screening and from the packing station. All collected dusts may be returned to the furnace. The only source of process waste water is wet-scrubber discharge, having a moderate total suspended solids (TSS) concentration. The BPT regulation for direct dischargers is no discharge of process waste water pollutants. Because the pollutants are judged to be compatible with POTW operations no pretreatment regulation is established for this subcategory at this time.

(D) *Calcium chloride.* Calcium chloride has classically been produced by extraction as a joint product from natural salt brines, and as a by-product of soda ash (sodium carbonate) via the solvay process. Other, less complex processes, such as reaction of limestone and hydrochloric acid are used to produce smaller quantities of the salt. The only sources of process water discharge are concentrated brine wastes, equipment washdown, and wet scrubbers. These wastes characteristically have a low pH and high total dissolved solids (TDS) concentrations. Because no economical treatment technology is available and because wastes from this process are judged to be compatible with POTW operation no pretreatment regulation is established for this subcategory at this time.

(E) *Sodium bicarbonate.* Sodium bicarbonate is made by reacting sodium carbonate with water and carbon dioxide under pressure. The bicarbonate precipitates from solution and is centrifuged or filtered, washed, dried, and packaged. Treated process waste water may be recycled after concentration with respect to sodium carbonate. The sources of waste water normally include recycle liquor, filter backwash, noncontact cooling water, washdowns, and compressor blowdowns. High TDS and TSS concentrations are found in these wastes. Large leaks and spills are not common to the industry since the materials used in the process are neither highly acidic nor highly basic, and the corrosion of pipes or fittings is not a problem. The BPT regulation for direct dischargers allows no discharge of process waste water pollutants. Because economical treatment technology other than total recycle is not available at this time and the pollutants are judged to be compatible with POTW operation, no pretreatment regulation is established for this subcategory.

(F) *Potassium dichromate.* Most potassium dichromate manufactured in the U.S. is made by reacting a sodium dichromate dihydrate solution with potassium chloride. The potassium dichromate is crystallized from solution resulting in a relatively pure product which requires only removal of water prior to sizing and packaging. The process water may be recycled back to the initial reaction tank. The BPT regulation for direct dischargers allows no discharge of process waste water pollutants. Pretreatment limitations are established for hexavalent chromium and total chromium because they are present in significant quantities in wastes from this subcategory, have known harmful effects and pose pass-through problems.

(G) *Copper sulfate.* Copper sulfate may be produced from a pure copper raw material or from an impure copper source.

When a pure raw material is used, copper, sulfuric acid, water, and air are introduced into a steam-heated oxidizing tower. The resulting copper sulfate solution is sent to a sedimentation basin and then to a crystallizing tank. The concentrated crystals are centrifuged, separated and dried. All waste streams are recycled to the process.

In the by-product recovery process, a waste stream from a copper refinery is fed to an oxidizer tank where it is reacted with copper shot, steam, and air. The resulting solution is concentrated and filtered. The filtrate is crystallized, centrifuged, and screened. Product copper sulfate is dried and packaged. Process waste waters consist of spent mother liquors and wash down waters. Indicated flows in this subcategory are up to 9000 gallons per day. Pretreatment limitations are established for copper and nickel because they are present in significant quantities in the wastes from this subcategory, have known harmful effects, are found to interfere with POTW operation and pose pass-through problems.

(H) *Ferric chloride.* Ferric chloride is produced from waste pickle liquor. The pickle liquor is preheated and reacted with iron, chlorine and sometimes hydrochloric acid. The solution is filtered and sold in solution or evaporated to dryness to recover a solid product. Wastes consist of filter sludges and washdown and pump seal waters containing grease and various iron compounds. Pump seal leaks are common and can be significant, as process material (pickle liquor and contaminants) will be lost. Wastes are acidic. The BPT regulation for direct discharges allows no discharge of process waste water pollutants. Indicated flows are up to 13,500 gallons per day. Pretreatment limitations are established for hexavalent chromium, total chromium, copper, nickel, and zinc because they are present in significant quantities in wastes from this subcategory, have known harmful effects, are found to interfere with POTW operation and pose pass-through problems.

(I) *Lead monoxide.* Lead monoxide is produced by the thermal oxidation of lead. There are no process waste water streams generated by lead monoxide production. The only sources of waste water from lead monoxide production are plant washdown and compressor blowdown, and dust control. The wastes from this process contain lead monoxide and a small amount of oil and grease in the compressor blowdown. The BPT regulation for direct discharges allows no discharge of process waste water pollutants. A pretreatment limitation is established for lead because it is present in significant quantities in the wastes from this subcategory, has known harmful effects, is found to interfere with operation of a POTW and poses pass-through problems.

(J) *Nickel sulfate.* Nickel sulfate is produced from pure nickel or nickel oxide and from impure nickel-containing materials.

When pure nickel is used as the raw material, the metal or oxide is digested in sulfuric acid. The solution is then filtered and sold or further processed to yield a solid product. Virtually no process wastes are generated by this process.

When impure raw materials are used, the sulfuric acid reaction solution must be treated with oxidizers to remove impurities. After filtration the product is marketed or converted into a solid product. Raw wastes consist of copper, nickel, suspended solids, and dissolved solids present in the impure nickel raw material. Waste streams result from the use of wet scrubbers, from barometric condensers and from treatment of the raw materials to remove impurities. Indicated flows are less than 1,500 gallons per day. Pretreatment limitations for nickel and copper are established because they are present in significant quantities in the wastes from this subcategory, have known harmful effects, are found to interfere with POTW operations and pose pass-through problems.

(K) *Nitrogen and oxygen.* Nitrogen and oxygen are manufactured by the distillation of liquefied air. Air is compressed, cooled and then separated into nitrogen and oxygen by distillation. The primary process wastes are oil and grease contained in compressor condensates. The highest flows found were 7,000 gallons per day. Oil and grease in the quantities discharged from this process are judged to be compatible with POTW operations. Because of this, no pretreatment regulation is established for this subcategory at this time.

(L) *Potassium iodide.* Potassium iodide is produced by the reaction of potassium hydroxide and iodine. The waterborne wastes are product and raw material losses. The BPT regulation for direct dischargers allows no discharge of process waste water pollutants. Because no economical treatment technology is available and the wastes are not expected to interfere with POTW operations or harm the environment, no pretreatment regulation for this subcategory is established at this time.

(M) *Silver nitrate.* Silver nitrate is produced by dissolving silver in nitric acid. The solution is evaporated yielding a concentrated mother liquor which is sent to a crystallizer. The crystals are centrifuged washed, dried, and packaged. Waste water streams result from the use of wet scrubbers, from product washing and purification operations, from the evaporators, and from floor and equipment washings. The waste streams are sent to a recovery system to reclaim the silver. However, even after recovery enough silver may still remain in the waste stream to make it a parameter of concern. A pretreatment limitation is established for silver because it is present in significant quantities in the wastes from this subcategory, has known harmful effects, is found to interfere with operation of a POTW and poses pass-through problems.

(N) *Sodium fluoride.* Sodium fluoride may be made by two similar processes. Anhydrous hydrofluoric acid may be reacted with sodium carbonate. The solution is then sent to a vacuum filter to recover product sodium fluoride. Process wastes from this process consist of filtrate, mother liquors, wash down waters and scrubber solutions which are recycled. The mother liquor and wash down waters generally contain sodium carbonate and waste sodium fluoride.

Sodium fluoride may also be produced by the reaction of sodium silicofluoride with sodium hydroxide. The solution is fed to a multi-stage separator, wherein sodium fluoride separates from the sodium silicate solution. The product sodium fluoride is washed, dried, and packaged. Process waste water from this process consists of waste liquor containing sodium silicate and sodium fluoride, wet scrubber blowdown and wash waters. The BPT regulation for direct dischargers allows no discharge of process waste water pollutants. Fluoride concentration in raw waste load is very high, up to several thousand mg/l. A pretreatment limitation is established for fluoride because it is present in significant quantities in the wastes from this subcategory, has known harmful effects, is found to interfere with POTW operations and poses pass-through problems.

(iii) *Treatment and control technology.* Parameters selected for control by these regulations are zinc, copper, nickel, hexavalent chromium, total chromium, lead, silver, and fluoride. These pollutants were found to interfere with POTW operations or pose pass-through problems. The known toxic effects of these pollutants were taken into account in assessing the significance of pass-through problems and the potential for interference with POTW biological systems. Furthermore, the extent to which these pollutants are partially removed at the POTW and accumulate in the municipal sludge was an important factor in the decision to regulate these parameters. In a POTW with secondary treatment, conservative estimates indicate that at least 45 percent of the zinc, 38 percent of the chromium, 55 percent of the copper, 31 percent of the lead, and 60 percent of the silver introduced into the POTW will be incidentally removed and will be deposited in the municipal sludge. The data also showed that 0 to 61 percent of the nickel will be incidentally removed. The accumulation of these metals in the sludge can seriously limit the disposal options open to a municipality and can prevent use of the sludge for beneficial purposes such as agricultural uses. Based on a consideration of the extent to which these pollutants pass through a POTW, the toxicity of these pollutants, the effects on the biota in the POTW, and the potential for accumulation in the municipal sludge, it was decided that the pollutants mentioned should be controlled by industrial users in this category to the extent feasible, based on an assessment of appropriate pretreatment technologies.

On February 2, 1977, the Agency proposed a general pretreatment regulation (40 CFR Part 403) which included for public comment four alternative pretreatment strategies. The four strategies included consideration of pollutant removals achieved by POTW both at the national level in establishing Federal pretreatment standards, and on a case-by-case basis at the local level (i.e., POTW variances or local credits). For the reasons discussed above, and since the Agency does not wish to pre-judge the selection of a national pretreatment strategy, these standards for the inorganic chemicals category are based on the pollutant reductions technically and economically feasible, and do not incorporate pollutant removals achieved by the POTW. If the way in which pollutant removals are taken into account in the overall pretreatment strategy is inconsistent with these standards for the inorganic chemicals category, then these standards will be revised to be consistent.

Parameters for which limitations are not established include TSS, TDS, carbonate, calcium, chloride, potassium, sodium, sulfate and oil, and grease. The TSS concentrations found are expected to be compatible with municipal systems. TDS, carbonate, calcium, chloride, potassium, sodium, and sulfate are not regulated because they are not expected to harm operations of a municipal system and no economically practicable pretreatment technology is available at this time. Oil and grease are not regulated because the small quantities in the wastes from lead monoxide and oxygen and nitrogen production will be effectively treated by a POTW. Aluminum and iron are not regulated because in the quantities expected there is no harm to the POTW or to the environment. However, for these two metals large discharges in wastes would be detrimental to POTW operations or the environment. For this reason a POTW should consider the need for establishing a limit for aluminum and/or iron if large discharges occur.

Treatment technology for metals and fluoride removal is precipitation followed by removal of the precipitate by clarifier, settling and/or filtration. Lime can generally be used as the precipitating agent although more positive results for lead, zinc and nickel will be obtained by precipitation with sodium carbonate. Hexavalent chromium will require reduction by sulfur dioxide to convert it to trivalent chromium. The trivalent chromium is readily removed by lime precipitation.

Most of the wastes are acidic and will require neutralization to meet the minimum requirement of pH 5.0. Neutralization with lime, sodium carbonate or caustic will achieve the required result and at the same time precipitate metals.

The above discussions form the basis for pretreatment standards. However this does not preclude the selection of other waste water treatment alternatives which provide equivalent or better levels of treatment. Some alternate treatment technologies that may be more cost effective for some plants are evaporation ponds, dry collection of wastes, recycle of effluents, leak and spill control, flow reduction and process changes.

Solid waste control by industrial users of POTW must be considered. The best pretreatment technologies as known today require disposal of the pollutants removed from waste waters in the form of solid wastes and liquid concentrates. Some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long-term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(iv) *Cost estimates for control of waste water pollutants.* Cost information was obtained directly from industry, from engineering firms, equipment suppliers, government sources, and available literature whenever possible. Costs are based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies. In the absense of such information, cost estimates have been developed from either plant-supplied costs for similar waste treatment installation at plants making other inorganic chemicals or general cost estimates for treatment technology.

(v) *Energy requirements and nonwater quality environment impacts.* The energy costs related to the implementation of these regulations are generally limited to electricity required for liquid transfer pumps, agitator motors, and skimmers. Electrical energy costs will range from one to seven percent of total annual treatment costs or from 0 to 0.2 percent of total product cost.

The major nonwater quality consideration which may be associated with the recommended pretreatment technologies is the generation of metals bearing solid wastes from pH adjustment and settling facilities. In some cases these wastes can be reprocessed to recover metals but in most cases these wastes will be landfilled.

No significant increase in noise pollution, radiation, air pollution or thermal pollution will result from the implementation of pretreatment technology.

(vi) *Economic impact analysis.* This section summarizes the economic and inflationary impacts of the pretreatment standards for the Inorganic Chemicals Manufacturing Point Source Category. No significant economic impact is expected for any of the nine subcategories. This summary will present the estimated investment and annual costs required for complying with the pretreatment standards, and the estimated price increase due to these standards.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal

has been evaluated. The Administrator has directed that all regulatory actions which are likely to exceed any of the following four criteria will require certification:

1. Additional national annualized costs of compliance, including capital charges (interest and depreciation), will total $100 million within any calendar year by the attainment date, if applicable, or within five years of implementation.

2. Total additional cost of production of any major product is more than 5 percent of the selling price of the product.

3. Net national energy consumption will be increased by the equivalent of 25,000 barrels of oil a day (equal to 50 x 10^{12} BTU per year or 5 x 10^{9} kilowatt-hours per year).

For the nine subcategories, an attempt was made to identify all known dischargers into POTW (indirect dischargers). When that was not possible, an estimate of that number was made from the number of plants currently unidentified as to their discharge status. Table A below presents the number of known and estimated indirect dischargers.

TABLE A.—*Number of dischargers into POTW's*

Subcategory	Known	Additional [1]	Total
Aluminum chloride	0	1	1
Aluminum sulfate	0	6	6
Copper sulfate	0	1	1
Ferric chloride	2	1	3
Lead monoxide	0	1	1
Nickel sulfate	3	1	4
Potassium dichromate	0	0	0
Silver nitrate	0	1	1
Sodium fluoride	0	0	0
Total	5	12	17

[1] Estimated number.

Source: "Economic Analysis of Pretreatment Standards for the Inorganic Chemicals Manufacturing Point Source Category," Arthur D. Little, Inc. March 1977. "Supplement for Pretreatment to the Development Documents for the Inorganic Chemicals Manufacturing Point Source Category," EPA, February 1977.

For each subcategory, costs were calculated for two cases: Known POTW dischargers and the total (known and estimated) number of POTW dischargers. Table B presents the total investment costs and Table C presents the annual costs and the expected price increases.

TABLE B

Subcategory	Total investment required (dollars) [1]	
	Known	Total [2]
Aluminum chloride	0	30,500
Aluminum sulfate	0	426,000
Copper sulfate	0	44,500
Ferric chloride	59,800	89,700
Lead monoxide	0	111,800
Nickel sulfate	38,400	51,200
Potassium dichromate	0	0
Silver nitrate	0	39,800
Sodium fluoride	0	0
Total	98,200	793,500

[1] 1975 dollars.
[2] Total figures include costs for both known and estimated plants.

Source: "Economic Analysis of Pretreatment Standards for the Inorganic Chemicals Manufacturing Point Source Category." Arthur D. Little, Inc. March 1977.

TABLE C

Subcategory	Total annual cost pretreatment (dollars) [1]		Average expected price increase (percent) [2]
	Known	Total [3]	
Aluminum chloride	0	33,870	1.6
Aluminum sulfate	0	702,408	1.9
Copper sulfate	0	24,450	.2
Ferric chloride	50,600	75,900	1.3
Lead monoxide	0	45,510	.4
Nickel sulfate	22,110	29,480	.2
Potassium dichromate	0	0	0
Silver nitrate	0	22,580	.007
Sodium fluoride	0	0	
Total	72,710	934,288	

[1] 1975 dollars. Annual costs include capital charges such as depreciation.
[2] Annual cost as a percentage of 1975 selling price (per ton based on model plant cost estimates).
[3] Total figures include costs for both known and estimated plants.

Source: "Economic Analysis of Pretreatment Standards for the Inorganic Chemicals Manufacturing Point Source Category," Arthur D. Little, Inc. March 1977.

As can be seen above, total national annualized costs of compliance for the Pretreatment Standards are well below $100 million per year. Energy consumption will be increased by a nominal amount. The projected increase in demand or decrease in supply for any of the above materials is nominal. Thus an inflationary impact statement is not necessary.

The Agency has considered the economic impact of the internal and external costs of the effluent limitation guidelines. Internal costs (see Tables B and C above) are defined as investment and annual costs, where annual cost is composed of operating costs, maintenance costs, the cost of capital, and depreciation. External costs include the assessments of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

The impact of these regulations is expected to be minimal for the inorganic chemicals industry. In most cases, pretreatment costs can be passed on to the consumer through price increases ranging from 0 percent to 1.9 percent of 1975 selling price on a per ton basis. No production curtailment or plant closures are projected as a result of these pretreatment standards. Based on this analysis, the effects on employment, industry growth, and international trade are expected to be minimal.

APPENDIX B—SUMMARY OF PUBLIC PARTICIPATION

Prior to this publication, copies of the draft development document ("Draft Supplement for Pretreatment to the Development Documents for the Inorganic Chemicals Manufacturing Point Source Category") were sent to industry trade groups, Federal agencies, and State, local, and territorial pollution control agencies, and ESWQIAC (the Effluent Standards and Water Quality Information Advisory Committee established under section 515 of the FWPCA). These persons were given an opportunity to participate in the development of pretreatment standards by submitting written comments. In addition, a public meeting was held on March 18, 1977, at EPA headquarters in Washington, D.C., at which interested person were invited to express their views publicly.

The following organizations responded with comments: Allied Chemical Company; American Cyanamid Company; United States Steel Corporation; New York State Department of Environmental Conservation; Georgia Department of Natural Resources; The Metropolitan Sanitary District of Greater Chicago; The Indiana State Board of Health; and the Maryland Department of Health and Mental Hygiene.

The major issues raised by commenters during the development of the pretreatment standards and the resolution of these issues are as follows:

(1) One commenter suggested that the pretreatment standards be delayed until the policy issues involved with the four options in the Proposed Regulations on Pretreatment Standards for Existing and New Sources of Pollution (FEDERAL REGISTER, 42 FR 6476, Wednesday, February 2, 1977) are settled.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in "Natural Resources Defense Council (NRDC) v. EPA," 8 E.R.C. 2120 (D.D.C. 1976) which requires the promulgation of pretreatment standards for this industry category no later than May 15, 1977. The industry-specific pretreatment regulations promulgated today are based primarily upon technological and economic factors while the general pretreatment regulations involve the methodology by which the industry-specific regulations will be applied to individual plants, and the relationship between the Federal and State governments.

When the new general pretreatment regulations are promulgated, these standards will be reviewed for consistency with the new general policies.

(2) One commenter objected to the language in the document which states that allowable pollutants discharged into POTW should be "similar in all material respects to municipal sewage which a 'normal type' POTW is designed to treat."

The Agency agrees that this statement is unclear and subject to misinterpretation. The statement has been deleted from the development document. The statement now reads, "Pretreatment standards should allow material to be discharged into a POTW when such materials are wastes which a normal POTW has been designed to treat."

(3) One commenter objects to the inclusion in the Development Document of charts and tables expressing minimum theoretical concentrations of metals. The concern is that these theoretical concentrations may be used for effluent and pretreatment standards.

Solubility tables and figures are included in the development document to provide the user of the document with background material for comparative purposes. The proposed limitations are based on demonstrated effluent levels, and are higher than the minimum theoretical solubilities.

(4) One commenter suggested that for subcategories where promulgated effluent guidelines require zero discharge of process contaminants by July 1, 1977, no discharge be allowed to a POTW. It was also suggested that all waste discharges to POTW be prohibited unless they benefit from treatment in a POTW, or are beneficial to a POTW.

The Agency, in developing pretreatment standards, is charged with the responsibility of limiting the discharge of pollutants into a POTW which would interfere with, pass through, or otherwise be incompatible with the POTW. It is beyond the scope of these regulations to require no discharge to a POTW unless such a requirement is necessary in light of these criteria. An additional consideration is that dischargers in urban locations may be unable to discharge except into a POTW.

(5) One commenter was concerned about the lack of control over TDS (total dissolved solids), stating that variations in TDS concentrations may adversely affect biological waste treatment processes.

The Agency recognizes the potential need for limiting TDS discharges. However, technology for TDS removal is not economically achievable at this time, and in most cases TDS removal will not be necessary to protect either the treatment plant or water quality standards. More stringent standards may be set locally, particularly if there is any adverse effect on the treatment plant or the receiving water.

(6) One commenter suggested that a range of limits be promulgated based on the size of the receiving POTW.

The proposed limits represent the maximum allowable concentrations, regardless of the size of the receiving POTW. The local municipalities have the option of imposing more stringent limitations if necessary.

(7) One commenter questions the use of estimated discharge characteristics, and data from one plant to set pretreatment standards for the lead monoxide subcategory.

The source of lead waste from lead monoxide operations is dust loss and plant washdown. This waste is eliminated in three of the plants investigated by dry collection methods; in others it is not. Lead is limited because it is present in significant quantities in the wastes of some plants, it has known harmful effects, is found to interfere with POTW operations and poses pass-through problems.

(8) One comment objects to the statement (with regard to aluminum sulfate production) that "* * * all process wastes can be recycled."

Zero discharge technology is in operation at several aluminum sulfate plants. The Agency realizes, however, that some raw materials contain inert materials that cannot be recycled. The pretreatment models proposed in the development document take this into account. The sentence has been changed to read "all process wastes are recycled at some plants."

(9) Several commenters pointed out several errors or inconsistencies in the development document. These have been corrected.

Part 415, Chapter I, Subchapter N, Title 40 of the Code of Federal Regulations is amended as follows:

§ 415.10 [Amended]

Section 415.10 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart A is amended by adding § 415.14 as follows:

§ 415.14 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the aluminum chloride production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the aluminum chloride production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	Within the range 5.0 to 10.0.

§ 415.20 [Amended]

Section 415.20 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart B is amended by adding § 415.24 as follows:

§ 415.24 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under Section 307(b) of the Act for a source within the aluminum sulfate production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the aluminum sulfate production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works.

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Zinc	5.0	2.5

§ 415.120 [Amended]

Section 415.120 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart L is amended by adding § 415.124 as follows:

§ 415.124 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the potassium dichromate production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the potassium dichromate production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establishes the quality or quantity of pollutants or pollutant properties controlled by this section which

may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	*	
Hexavalent chromium	0.25	0.09
Total chromium	3.0	1.0

§ 415.360 [Amended]

Section 415.360 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart AJ is amended by adding § 415.364 as follows:

§ 415.364 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the copper sulfate production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the copper sulfate production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Copper	1.0	0.5
Nickel	2.0	1.0

§ 415.380 [Amended]

Section 415.380 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart AL is amended by adding section 415.384 as follows:

§ 415.384 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the ferric chloride production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the ferric chloride production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total Chromium	3.0	1.0
Hexavalent Chromium	.25	.09
Copper	1.0	.5
Nickel	2.0	1.0
Zinc	5.0	2.5

§ 415.440 [Amended]

Section 415.440 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart AR is amended by adding § 415.444 as follows:

§ 415.444 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the lead monoxide production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the lead monoxide production subcategory or set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
Lead	2.0	1.0

§ 415.470 [Amended]

Section 415.470 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart AU is amended by adding § 415.474 as follows:

§ 415.474 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the nickel sulfate production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the nickel sulfate production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
Nickel	2.0	1.0
Copper	1.0	.5

§ 415.530 [Amended]

Section 415.530 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart BA is amended by adding § 415.534 as follows:

§ 415.534 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under Section 307 (b) of the Act for a source within the silver nitrate production subcategory, the provisions of Part 128 shall not apply. The pretreatment standards for an existing source within the silver nitrate production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
Silver	1.0	0.5

§ 415.550 [Amended]

Section 415.550 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

Subpart BC is amended by adding § 415.554 as follows:

§ 415.554 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307(b) of the Act for a source within the sodium fluoride production subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the sodium fluoride production subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which would create a fire or explosion hazard in the publicly owned treatement works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

[Milligrams per liter]

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
Fluoride	50	25

[FR Doc.77-20555 Filed 7-19-77;8:45 am]

federal register

WEDNESDAY, JULY 20, 1977

PART III

FEDERAL COMMUNICATIONS COMMISSION

■

CITIZENS BAND (CB) RADIO SERVICE

Proposed Rewriting and Simplification of Regulations

READERS ARE ENCOURAGED TO FILL OUT AND RETURN THE QUESTIONNAIRE AT THE END OF THIS DOCUMENT

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 95]

[FCC 77-457; Docket No. 21318]

CITIZENS BAND (CB) RADIO SERVICE

Rewriting of Regulations

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing a completely rewritten and simplified rule part concerning the Citizens Band (CB) Radio Service. We are taking this action in response to many complaints that the CB Radio Service Rules are difficult to read and understand. If adopted, we expect that the new, rewritten rules will be much more readable and comprehensible, and that, as a result, user rule compliance will increase.

DATES: Comments must be received on or before October 3, 1977. Reply comments must be received on or before November 1, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Erika M. Ziebarth or Gregory M. Jones, Personal Radio Division, 202-634-6619 or 634-6620.

SUPPLEMENTARY INFORMATION: In the matter of Revision of Subpart D of Part 95 of the Commission's Rules, Citizens Band Radio Service (RM-2638, RM-2773, RM-2777).

Adopted: June 30, 1977.

Released: June 30, 1977.

By the Commission: Commissioner Lee concurring and issuing a statement; Commissioner Hooks absent.

1. The Commission is considering a completely rewritten and simplified Subpart D of Part 95 of its Rules, 47 CFR 95.401, *et seq.*, concerning the Citizens Band Radio Service. We are by this document giving Notice of Proposed Rule Making.

Why is the FCC Considering New Rules for the CB Radio Service?

2. The Citizens Band (CB) Radio Service is the largest radio service administered by the FCC. On May 1, 1977, there were 9,830,122 stations licensed in the CB Service, and this number is growing at the rate of about one-half million per month. Two years ago there were only a little more than one million licensed CB radio stations.

3. The phenomenal growth in the public's interest in and awareness of CB radio has caused several substantial problems. Chief among these are the problems associated with the crowding of an estimated twenty million or more essentially untrained, nontechnically oriented users of the CB Service onto a relative handful of frequencies.

4. The FCC Rules governing the CB Radio Service, Subpart D of Part 95 of Title 47 of the Code of Federal Regulations, are intended, at least in part, to ensure the most efficient use by CB licensees of one of the scarcest of all natural resources, the radio spectrum. If all CB licensees comply with the FCC's Rules, a greater number of users can make effective use of those frequencies available. Nonobservance of the rules by even a small percentage of CB operators results in unnecessary frequency congestion, interference, and spectrum waste. These problems will become more critical as time passes and a larger number of operators attempt to use the small number of available frequencies.

5. We have long believed that failure by a CB operator to observe FCC Rules results more from ignorance of the Rules than a deliberate decision to violate those Rules. As a consequence, in an effort to increase voluntary user rule compliance, the Commission has taken several steps towards increasing both the availability and readability of its CB Rules.

6. For many years CB Service licensees were required to maintain as part of their station records complete editions of Part 95 of the Rules, even though Part 95 contained much material of no interest or applicability to CB licensees, such as rules governing operation of stations in the General Mobile and Radio Control Services. Additionally, Part 95 was available only as part of a volume of the FCC Rules which included two completely separate rule parts, Parts 97 and 99.

7. In April 1976 we divided Parts 95, 97, and 99 and published each in separate booklets. CB licensees were no longer required to purchase rule parts for which they had no use and were required, instead, to possess rules of only thirty pages in length, rather than the previous seventy. Also in April 1976, the Commission's Personal Use Radio Advisory Committee (PURAC) established an advisory task to make recommendations to the Commission concerning the readability of Part 95.

8. On July 29, 1976, the Commission released a Second Report and Order in Docket 20120, FCC 76-707, 41 FR 32678 (1976). Among the rule revisions adopted in the Second Report and Order was a requirement that CB equipment manufacturers pack a current copy of Part 95 of the Rules with every CB unit sold on or after January 1, 1977. This amendment was intended to ensure that each purchaser of a CB unit at least receive a copy of Part 95 without having to suffer the inconvenience of ordering directly from the Superintendent of Documents. After consultations with the PURAC Part 95 Task Area Coordinator, Mr. P. Randall Knowles, Esq., of Kenilworth, Illinois, we released a Third Report and Order in Docket 20120, FCC 76-1138, 41 FR 56068 (December 23, 1976), republished at 42 FR 8326 (February 6, 1977). In the Third Report and Order we editorially reorganized Part 95 into four separate subparts. All rules governing CB radio stations were placed in Subpart D. (CB Service Rules had previously been interspersed throughout Part 95 with rules affecting the General Mobile and Radio Control Services, as well as rules of a very technical nature directed at CB equipment manufacturers). We also amended the Rules to require, at a minimum, that CB equipment manufacturers pack, and CB licensees possess, Subpart D of Part 95, instead of the entire Part 95. A CB licensee now need only maintain a rule subpart of some eight to ten pages in length, and all the rules in that Subpart are of direct applicability to CB licensees.

9. In reorganizing Part 95 we recognized that any reorganization, however helpful it might be, must be an interim measure. We stated we were aware that many of the CB Rules were not clearly written or easily understood. We said our objectives were to simplify and clarify the text of Subpart D, thereby increasing its readability, to enable those responsible for observing the rules contained in Subpart D to do so. We also said we intended to eliminate those regulations found to be nonessential. In short, we announced our intention, in the words of President Carter, to "cut down on government regulations and make sure that those that are written are in plain English."

What Is the FCC Proposing and Why?

10. With this Notice of Proposed Rulemaking we begin the difficult task of redrafting Subpart D of Part 95 to make it fully understandable to those to whom it is directed, CB Radio Service licensees. We have consulted with the PURAC Part 95 Readability Task Area members, and we are now prepared to propose a completely rewritten and simplified Subpart D of Part 95. The majority of the revisions we are proposing are editorial and are intended to clarify existing rules. The substantive amendments we are proposing are clearly identified below and are intended to make the rules simpler and easier to understand.

11. Our proposed Subpart D of Part 95 is set forth below. In order that our

proposals be more fully understood, we have taken sections of existing Subpart D and matched them with the corresponding sections of proposed Subpart D. Each proposed section is followed by an explanation of the changes proposed. In this way, we believe full public participation in the rule making process may more readily be achieved. We have also drafted the rules in question-answer and first and second person form.

12. Authority for these proposals is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. The Commission invites interested parties to submit comments concerning our proposed revision of Subpart D of Part 95 on or before October 3, 1977, and reply comments on or before November 1, 1977. We stress that we wish to receive well considered comments not only on our substantive proposals but on the style and content of our proposed editorial redrafting, as well.

13. An original and five copies of all comments and reply comments shall be furnished the Commission. Those submitting comments wishing each Commissioner to have a personal copy of the comments may submit an additional six copies. Members of the public wishing to express interest in our proposals, but unable to supply the required copies, are invited to participate informally by submitting one copy of their comments, without regard to form, provided the correct Docket number is specified in the heading of the comments. All comments and reply comments filed in this proceeding should be sent to the Secretary, Federal Communications Commission, Washington, D.C. 20554. Individuals wishing to inspect the comments and reply comments filed in this proceeding may do so during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, in the Commission's Public Reference Room, 1919 M Street NW., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

CONCURRING STATEMENT OF COMMISSIONER ROBERT E. LEE IN RE-REVISION OF CITIZENS BAND RADIO SERVICE RULES

I heartily endorse the Commission's efforts to write readable and understandable rules. However, I continue to question whether licensing CB radio users serves any useful purpose.

I hope that people commenting about the proposed new rules will also comment about the need for CB licenses. In particular, I would like to know whether licensing encourages compliance with the FCC's CB rules, makes the FCC's enforcement job easier, or significantly helps the FCC resolve complaints about CB operation.

The FCC proposes to amend Part 95 of its Rules (47 CFR Part 95) as follows:

1. By revising Subpart D (§ 95.401 *et seq.*) as follows:

Subpart D—Citizens Band Radio Service

GENERAL PROVISIONS

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95.403 How do I use these rules?
95.405 How are the key words in these rules defined?

HOW TO APPLY FOR A CB LICENSE

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95.411 Am I eligible to get a CB license?
95.413 How do I apply for a CB license?
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95.421 How does a corporation apply for consent to transfer control?
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95.427 How long is my license valid?
95.429 What kind of operation does my CB license allow?
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95.435 Are there any special restrictions on the location of my station?

HOW TO OPERATE A CB STATION

95.455 On what channels may I operate?
95.457 How high can I put my antenna?
95.459 What equipment may I use at my CB station?
95.461 How much power can I use?
95.463 Can I use power amplifiers?
95.465 What communications may I transmit?
95.467 What communications am I prohibited from transmitting?
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95.471 How do I use my CB station in an emergency or to assist a traveler?
95.473 Who can operate under my license?
95.475 Who is responsible for transmissions made under the authority of my license?
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95.481 How do I identify my CB communications?
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OTHER THINGS YOU NEED TO KNOW

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95.503 Where must I keep my license?
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95.509 How do I answer violation notices?
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95.511 Can I connect my CB radio to a telephone?
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95.517 Do I have to make my station available for inspection?
95.519 What are my station records?
95.521 How do I contact the FCC?

PROPOSED

GENERAL PROVISIONS

§ 95.401 What is the Citizens Band (CB) Radio Service?

The CB Radio Service is designed to be a private, two-way, short-distance voice communications (radiotelephony) service for personal activities. All frequencies in the CB Radio Service are shared. The CB Radio Service may also be used for voice paging and for business activities.

Explanation

Editorial change. This section has been rewritten in simpler, easier to understand language to clarify the Commission's intention in creating the CB Radio Service, namely that the CB Service is a radio service available to nearly everyone for personal and business activities at a reasonable cost.

§ 95.403 How do I use these rules?

(a) Read and obey the rules. See § 95.507 for the penalties for violations of these rules.

(b) Wherever the rules are addressing "you," the rules are addressing the applicant or the licensee. For purposes of these rules, an individual holding a valid temporary permit is included in the term "licensee," whenever appropriate. Unless otherwise specified in a particular section, all rules pertain to all licensees, including corporations, partnerships and associations.

(c) Where the rules use the word "person," the rules are concerned with any person, including an individual, a corporation, a partnership or an association.

Explanation

We believe it will be helpful to the readers of these rules to include a section on proper usage. We also believe that a discussion of the scope of the rules will assist licensees to understand their duties under these rules.

§ 95.405 How are the key words in these rules defined?

In these Rules, the following definitions apply:

Antenna structure means the antenna's radiating system, the antenna's supporting structure, and anything mounted on the antenna or its supporting structure.

Broadcast means to transmit a message which is not directed to one or more particular CB station or stations.

Carrier power means the average power at the output terminals of a transmitter (other than a single sideband unit or a transmitter with a suppressed, reduced or controlled carrier) during one radio frequency cycle under conditions of no modulation.

Citizens Band (CB) Radio Service station means a licensed station in the Personal Radio Services which is authorized to operate with voice transmissions (radiotelephony) only on an authorized frequency in the 27.96–27.41 MHz band.

Communication means a conversation or exchange of messages between CB stations not to exceed five minutes.

Emergency communications means messages concerning the immediate safety of life or the immediate protection of property.

External radio frequency power amplifier means any device which is not included by the manufacturer in a type-accepted transmitter and which, when used with a radio transmitter as a signal source, is capable of amplifying that signal. (External radio frequency amplifiers are sometimes known as "linears.")

Harmful interference means any transmission, emission, radiation, or induction which obstructs or repeatedly interrupts any legally transmitted communication.

Mailing address means the place where the licensee receives mail.

Man-made structure means any construction other than a tower, mast, or pole. (See the antenna height regulations, § 95.457.)

Omnidirectional antenna means an antenna designed so that the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

One-way communication means a message which is not intended to establish communications with one or more particular CB station or stations.

EXISTING

GENERAL

§ 95.401 Basis and purpose.

These rules are designed to provide a private short-distance radiocommunications service for the business or personal activities of licensees, all to the extent that these uses are not specifically prohibited in this part.

(No existing rule.)

§ 95.403 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of stations.

Citizens Band (CB) Radio Service station. A station in the Personal Radio Services licensed to be operated for radiotelephony only, on an authorized frequency in the 26.96–27.41 MHz band.

Mobile station. A station intended to be operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

Antenna structures. The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

Control point. A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

Dispatch point. A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

External radio frequency power amplifiers. As defined in § 2.815(a) and as used in this part, an external radio frequency power amplifier is any device which: (1) When used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

Harmful interference. Any emission, radiation, or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs, or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

Man-made structure. A man-made structure is any construction other than a tower, mast, or pole.

Omnidirectional antenna. An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

Person. The term "person" indicates an individual, partnership, association, joint-stock company, trust, or corporation.

Remote control. The term "remote control" when applied to the use or operation of a Personal Radio Services station

PROPOSED

Peak envelope power (used by SSB units) means the average power at the output terminals of a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal (voice) operation.

Person means an individual, a partnership, an association, a joint-stock company, a trust, or a corporation.

Plain language transmission means a communication without codes or coded messages. (Operating signals (such as "ten-codes") are not considered "codes or coded messages.")

Remote control means operation of CB transmitting equipment from any place other than the location of the transmitting equipment. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the transmitting equipment is not considered remote control.

Single sideband emission means an emission in which only one sideband is transmitted. The carrier, or a portion of the carrier, may be present in the emission.

Double sideband emission means an emission in which both upper and lower sidebands are transmitted. The carrier, or a portion of the carrier, may also be present in the emission.

Station means all of the equipment used by a CB licensee or authorized user, regardless of ownership of the equipment.

Station address means the place where the station license is kept or posted (See § 95.501), where the station records are kept (See § 95.505 and 95.519) and where the primary fixed transmitter (if any) is operated.

Station authorization means a CB temporary permit or a CB license or special temporary authority issued by the FCC.

Subaudible tone means any tone or combination of tones having only frequencies below 150 Hertz.

Two-way communications means messages between specific licensed stations or a message directed to one or more specific licensed station or stations or to transmitters of the same station.

Voice paging means directing a message to a particular CB receiver (or receivers) solely for the purpose of conveying a particular communication to that receiver (or receivers).

Explanation

Editorial and substantive changes. The definitions of *control point* and *dispatch point* have been deleted, because they appear to have little or no applicability to the CB Service. New definitions of *carrier power, communication, emergency communications, mailing address, one-way communication, peak envelope power, plain language transmission, station, station address, subaudible tone,* and *two-way communications* have been added because there have been many questions in the past concerning their meaning. In the definition of *station authorization*, the words "construction permit" have been deleted, because construction permits are not normally required or issued in the CB Service. Some of the remaining definitions have been rewritten in simpler, easier to understand language, while others, because of their necessary technical character, have been left unchanged.

HOW TO APPLY FOR A CB LICENSE

§ 95.409 Do I need a license?

Before transmitting on a CB radio, you must have authority from the FCC, as follows:

AN INDIVIDUAL MUST:
Get a CB license from the FCC; *OR* Have a properly filled-out temporary permit (FCC Form 555-B); *OR* Qualify to operate a CB radio under the authority of another person's license.
AN ASSOCIATION, PARTNERSHIP, CORPORATION OR GOVERNMENTAL UNIT MUST:
Get a CB license from the FCC; *OR* Request, receive, and comply with a special temporary authority or other special authorization from the FCC.

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means control of the transmitting equipment of that station from any place other than the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft, or vehicle shall not be considered to be remote control.

Single sideband emission. An emission in which only one sideband is transmitted. The carrier, or a portion thereof, also may be present in the emission.

Double sideband emission. An emission in which both upper and lower sidebands resulting from the modulation of a particular carrier are transmitted. The carrier, or a portion thereof, also may be present in the emission.

Station authorization. Any construction permit, temporary permit, license, or special temporary authorization issued by the Commission.

APPLICATIONS AND LICENSES

§ 95.451 Station authorization required.

No radio station shall be operated in this service except under and in accordance with an authorization granted by the Federal Communications Commission.

PROPOSED

Explanation

This section redrafts existing § 95.451. In this Section we are emphasizing the requirement that before a person transmits on a CB radio he have a valid station authorization issued by the FCC or otherwise qualify to operate a CB radio under the authority of another person's license.

§ 95.411 Am I eligible to get a CB license?

(a) You are eligible for a CB license if—

(1) You are an individual eighteen years of age or older, an association, a partnership, a corporation, or a state, territorial, or local governmental unit; and

(2) You are not a foreign government or a representative of a foreign government.

(b) You must not have more than one CB license at any one time.

(c) Any partnership, corporation, association, state, territorial, or local governmental unit is eligible for one CB license at any one time, subject to the following restrictions:

(1) If the applicant is a partnership, each partner must be eighteen years of age or older.

(2) Any agency operating under the authority of an eligible governmental unit, including an authorized Civil Defense agency, is also eligible for a CB license.

(3) A subsidiary or division of a corporation is not eligible for its own CB license unless the subsidiary or division is separately incorporated.

Explanation

Editorial change. In this Section we have combined existing Rule §§ 95.411 and 95.413, both of which concern eligibility for CB station licenses, into a new § 95.411.

This Section has been rewritten in simpler, easier to understand language to ensure that interested persons know whether or not they are eligible for CB station licenses.

§ 95.413 How do I apply for a CB license?

(a) You apply for a new CB license by filling out an application (FCC Form 505) and sending it to the FCC, Gettysburg, Pa. 17326.

(b) You can get applications from the FCC; Washington, D.C. 20554 or from any FCC field office. (A list of FCC field offices is contained in § 95.521.) Many CB equipment dealers also have application forms.

(c) If you have questions about your application, you should write to the Personal Radio Division, FCC, Washington, D.C. 20554.

(d) If your application is not completely filled out, or if you do not include all necessary information with your application, the FCC may return your application.

§ 95.415 Can I operate my CB station while my application is being processed?

(a) If you are an individual, you may operate your CB radio after you have mailed your CB license application to the FCC, if—

(1) You fill out a temporary permit application (FCC Form 555–B), and

(2) You *keep* this form with your station records. The completed form *is* your temporary permit.

(b) A CB temporary permit is valid for 60 days after you mail your CB license application to the FCC.

§ 95.417 How does a nonindividual applicant request temporary privileges?

(a) Only an individual applicant may use a temporary CB permit.

(b) A partnership, corporation, association, or governmental unit may operate a CB radio while its application for a new CB license is pending only if it has obtained special temporary authority from the FCC. A written request for such authority, including justification for the request, must be submitted to the Personal Radio Division, FCC, Washington D.C. 20554.

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§ 95.411 Eligibility for station license.

(a) Subject to the general restrictions of § 95.413, any person is eligible to hold an authorization to operate a station: *Provided*, That if an applicant for a station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

NOTE.—While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

(b) No person shall hold more than one station license.

§ 95.413 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

§ 95.415 Standard forms to be used.

(a) *FCC Form 505. Application for Station License in the R/C or CB Service.* This form shall be used when:

(1) Application is made for a new station authorization.

(2) Application is made for modification of any existing station authorization in those cases where prior Commission approval of certain changes is required (see § 95.435).

(3) Application is made for renewal of an existing station authorization, or for reinstatement of such an expired authorization.

(b) *FCC Form 555–B. Temporary Permit in the CB Service.* This form shall be used when application is made by an individual for temporary operating authorization.

(c) *FCC Form 703. Application for Consen' to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any station authorization.

§ 95.417 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to this service are discussed in § 95.415, and may be obtained from the Washington, D.C. 20554, office of the Commission, or from any of its engineering field offices.

(b) All formal applications for new, modified, or renewal station authorizations shall be submitted to the Commission's office, Gettysburg, Pa. 17326. An application for a temporary permit shall be made by completing and making the certifications required by FCC Form 555–B. Applications for consent to transfer of control of a corporation holding a station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for a station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary.

(c) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing na-

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§ 95.419 How do I renew or modify my CB license?

(a) You renew or modify your license in the same way that you apply for a new CB license. You should allow at least sixty days for FCC action on your application.

(b) If you send your application before your license expires, you may continue to operate under that license until the FCC acts on your application. You do not need a temporary permit, but you should keep a copy of the application you send to the FCC.

§ 95.421 How does a corporation apply for consent to transfer control?

(a) If a corporation holds a CB license, advance written consent must be obtained from the FCC before control of the corporation can be transferred. A request for this consent must be made on FCC Form 703, and must be sent to the FCC; Washington, D.C. 20554.

(b) If the transfer of corporate control involves a change in the name of the corporation, the corporation's license must be surrended to the FCC for cancellation. An application may be made for a new CB license.

Explanation

Editorial change. We have divided present §§ 95.415 and 95.417 into new §§ 95. 413, .415, .417, .419 and .421. We believe the five new sections are arranged in a more logical fashion and enable a better understanding of how an applicant obtains a CB license and how he may operate his CB station while he is awaiting his station license. That part of existing § 95.417(b) concerning corporate control has been designated a new, separate section to minimize confusion. The proposed rules have been redrafted in a simpler, easier to understand style.

§ 95.423 What address do I put on my application?

(a) You must include your current complete mailing address and station address in the United States on your CB license application.

(b) A Canadian General Radio Service licensee may supply a Canadian address, if he or she is applying for permission to operate under TIAS No. 6931.

Explanation

Editorial changes. The rule concerning the address to be furnished by the applicant to the Commission has been redrafted in simpler language. The language concerning Canadian applicants has been redrafted because it refers not to Canadian applicants for regular CB station licenses, but to Canadians operating their General Radio Service stations in the United States under international agreement.

§ 95.425 How do I sign my CB license application?

(a) If you are an individual, you must sign your own application personally.

(b) If the applicant is not an individual, the signature on an application must be made as follows:

Type of applicant	*Signature of applicant*
Partnership	One of the partners.
Corporation	Officer.
Association	Member who is an officer.
Governmental Unit	Appropriate elected or appointed official.

(c) If the FCC requires you to submit additional information, you must sign it in the same way you signed your application.

(d) If you willfully make a false statement on your application, you may be punished by fine, imprisonment and revocation of your station license.

Explanation

Editorial changes. This section has been redrafted in greatly simplified language to ensure that an applicant for a CB license knows how to sign his or her application. Paragraph (b) of existing § 95.421 has been deleted as duplicative of § 1.913(b) of the Commission's Rules. Paragraph (c) of existing § 95.421 has been deleted as unnecessary.

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ture shall expire until such application shall have been finally determined.

(d) A temporary permit may not be held by an applicant already holding a station license.

(e) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(f) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

§ 95.419 Mailing address furnished by licensee.

Except for applications submitted by Canadian citzens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

§ 95.421 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of the fact need not be signed under oath. Willful false state-

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§ 95.427 How long is my license valid?

Your CB license is normally valid for five years from the date it was first issued or renewed.

Explanation

Editorial change. This section has been redrafted in simpler language to aid understanding.

§ 95.429 What kind of operation does my CB license allow?

(a) You must obey all the conditions and terms of your license.

(b) Your CB license allows you to operate as a mobile station. You may operate your mobile station at a fixed location.

(c) Your CB license allows you to operate with up to 25 transmitters. To use more than 25 transmitters, you must request and receive written permission from the FCC, Washington, D.C. 20554.

Explanation

Existing § 95.431 has been redrafted in simpler language and is contained in new paragraph (b). Paragraphs (a) and (c) are new. Paragraph (a) emphasizes the necessity for operation in compliance with all license terms. Paragraph (c) authorizes each licensee a maximum of 25 transmitters for use with his station. Presently, an applicant must check off on his application the number of transmitters he will be operating. If an applicant wishes to operate more than 15 transmitters, he must attach a statement of need to his application. We believe an increase in the number of transmitters authorized to licensees without special FCC approval to 25 to be appropriate. Those applicants needing more than 25 transmitters must attach a statement of need to their applications. Those already licensed and who subsequently need 25 or more transmitters may apply by letter to the FCC explaining why additional transmitters are needed.

§ 95.431 What must I do if my name or address changes?

(a) If your name, station address, or mailing address changes, you must inform the FCC, Gettysburg, Pa. 17326. Your notice must include the name and address as it appears on your license, the new name or new address, and your call sign. You must keep a copy of this notice in your station records. (Your CB license may have a form attached to it which you can use for this purpose.)

(b) If a change in name represents a change in control of a corporation, the license must be surrendered to the FCC for cancellation. An application may be made for a new CB license.

(c) If you incorporate, you must apply for a new CB license.

Explanation

Substantive and editorial changes. Paragraphs (a) and (c) of existing § 95.435 have been deleted as duplicative of other rule provisions. Proposed paragraph (a) states in simple language what a licensee must do if his name or mailing address changes. Proposed paragraphs (b) and (c) are new. They merely state in positive language what may be inferred from existing § 95.435; namely, that changes in corporate control require issuance of a new CB license.

§ 95.433 Can I transfer my CB license to another person?

(a) You cannot transfer, assign, sell, or give your CB license or its operating authority to another person.

(b) If you sell or give your CB radio to another person, you must not transfer your CB license with the radio. The new owner of the CB radio must obtain a CB license or other authorization from the FCC in his or her own name or qualify to operate under § 95.473 before he or she can operate the station.

Explanation

Editorial changes. In this section we have combined § 95.433 and paragraph (a) of § 95.465, both of which concern transferring or assigning CB licenses, to ensure that rules governing transfers and assignments of licenses appear at the same point in the rules.

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ments made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 95.429 License term.

Licenses will normally be issued for a term of 5 years from the date or original issuance, major modification, or renewal.

§ 95.431 Types of operation authorized.

Stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

§ 95.435 Changes in terms of license.

(a) Commission approval is required to increase the number of transmitters authorized for a particular station.

(b) Commission approval is not required to change either of the following terms:

(1) Name of a licensee (without changes in the ownership, control or corporate structure.)

(2) Mailing address of a licensee.

Although prior approval of the Commission is not required for any of these changes, prompt written notice must be furnished to the Commission as soon as possible after the change has been implemented. This notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, and the call signs and classes of all radio stations authorized to the licensee under this part. This notice shall be sent to FCC, Gettysburg, Pa. 17325, and a copy shall be maintained with the records of the station.

(c) Commission approval is not required to substitute transmitting equipment at any station, provided that the equipment employed is included in the Commission's "Radio Equipment List" and is listed as acceptable for use in this service.

§ 95.433 Transfer of license prohibited.

A station authorization may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

§ 95.465 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

* * * * *

PROPOSED

§ 95.435 Are there any special restrictions on the location of my station?

(a) If your station will be constructed on land of environmental or historical importance, you may be required to provide additional information with your license application and to comply with §§ 1.1305–1.1319 of the FCC's Rules.

(b) If your station is located on land controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

Explanation

Editorial changes. Paragraph (a) of existing § 95.437, concerning permissible antenna heights, has been separated from paragraph (b) and moved to the part of Subpart D concerning operating requirements. The remainder of existing § 95 437 has been redrafted and simplified. Paragraph (b) concerning CB operation on a military installation is added to clarify the responsibilities of a CB licensee who operates his station on land controlled by the Department of Defense.

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§ 95.437 Limitations on antenna structures.

(a) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a station operated from a fixed location must comply with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and exceeds neither 60 feet above ground level nor the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

(5) The antenna is omnidirectional and the highest point of the antenna and its supporting structure do not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet of horizontal distance from the nearest point of the nearest airport runway.

NOTE: A work sheet will be made available upon request to assist in determining the maximum permissible height of an antenna structure.

(b) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE: The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

PROPOSED

HOW TO OPERATE A CB STATION

§ 95.455 On what channels may I operate?

(a) You may transmit on only the following channels (frequencies).

Channel:	Frequency (megahertz)	Channel:	Frequency (megahertz)
1	26.965	20	27.205
2	26.975	21	27.215
3	26.985	22	27.225
4	27.005	23	27.255
5	27.015	24	27.235
6	27.025	25	27.245
7	27.035	26	27.265
8	27.055	27	27.275
		28	27.285
9	27.065	29	27.295
		30	27.305
10	27.075	31	27.315
11	27.085	32	27.325
12	27.105	33	27.335
13	27.115	34	27.345
14	27.125	35	27.355
15	27.135	36	27.365
16	27.155	37	27.375
17	27.165	38	27.385
18	27.175	39	27.395
19	27.185	40	27.405

(b) CHANNEL 9 MAY BE USED *ONLY* FOR EMERGENCY COMMUNICATIONS OR FOR TRAVELER ASSISTANCE.

(c) Any channel may be used for emergency communications or for traveler assistance.

(d) Each channel must be shared by all users.

(e) No channel shall be assigned for the private or exclusive use of a CB station.

(f) Channels 1–27 are not protected from interference due to the operation of industrial, scientific or medical devices.

Explanation

Editorial changes. We are proposing to combine existing §§ 95.455 and 95.457, both of which concern selection and use of frequencies in the CB Service. We are proposing to designate each available frequency with an official "channel" number to conform to accepted practice in the CB Service today. We also propose to add a paragraph (e), stating clearly that the FCC will not assign channels for exclusive use of any licensee or group of licensees.

§ 95.457 How high can I put my antenna?

(a) If your antenna is installed at a fixed location, the antenna (whether receiving, transmitting or both) and its supporting structure must comply with *either one* of the following:

(1) The highest point must not be more than 10 meters (about 30 feet) higher than the building or tree on which it is mounted; or

(2) The highest point must not be more than 20 meters (about 60 feet) above the ground.

(b) If your station is located near an airport, your antenna may have to meet additional limitations. At level ground, the highest point of your antenna must not exceed one (1) meter for every one hundred (100) meters of distance from the nearest point of the nearest airport runway. Unlevel ground may complicate this formula. If your station is located near an airport, you may contact the FCC for a worksheet to help you figure the maximum allowable height for your antenna.

Explanation

In this Section we propose to simplify greatly paragraph (a) of existing § 95.437, which, as currently written, is extremely difficult to understand. Petitioner in RM-2368, the Citizens Radio Federation of Virginia, Inc., and petitioner in RM-2777, the United States Citizens Radio Council, Inc. request that the present rule treating directional and omnidirectional antennas differently be amended to permit mounting of both types of antennas at the same heights. We believe this proposal to have merit, and proposed § 95.457, if adopted, would permit mounting both directional and omnidirectional antennas at points *either* no more than 10 meters above a building or tree *or* 20 meters above the ground. We believe the proposed rule, as redrafted, is significantly simpler than the exist-

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STATION OPERATING REQUIREMENTS

§ 95.455 Authorized frequencies.

(a) The following frequencies may be used for communications between stations:

MHz—26.965; 26.975; 26.985; 27.005; 27.015; 27.025; 27.035; 27.055; 27.075; 27.085; 27.105; 27.115; 27.125; 27.135; 27.155; 27.165; 27.175; 27.185; 27.205; 27.215; 27.225; 27.235; 27.245; 27.255; 27.265; 27.275; 27.285; 27.295; 27.305; 27.315; 27.325; 27.335; 27.345; 27.355; 27.365; 27.375; 27.385; 27.395; 27.405;

(b) Special conditions.

(1) These frequencies are available on a shared basis with other stations in this service.

(2) These frequencies are subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96–27.28 MHz band.

(3) The frequency 27.065 MHz shall be used solely for:

(i) Emergency communications involving immediate safety of life of individuals or the immediate protection of property or

(ii) Communications necessary to render assistance to a motorist.

§ 95.457 Policy governing the availability of frequencies.

(a) Each frequency available for use by stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

§ 95.437 Limitations on antenna structures.

(a) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a station operated from a fixed location must comply with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and exceeds neither 60 feet above ground level nor the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

(5) The antenna is omnidirectional and the highest point of the antenna and its supporting structure do not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet of horizontal distance from the nearest point of the nearest airport runway.

NOTE.—A work sheet will be made available upon request to assist in determining the maximum permissible height of an antenna structure

(b) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major ac-

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ing rule and should result in much greater understanding and compliance by licensees. We wish to receive comments, however, addressing the question of whether an increase in the permissible height of a directional antenna will result in increased or decreased interference to CB operations or television broadcast reception.

§ 95.459 What equipment may I use at my CB station?

(a) You must use an FCC type-accepted CB transmitter at your station. You can identify an FCC type-accepted transmitter by the type-acceptance label placed on it by the manufacturer.

(b) Any internal modification made to type-accepted equipment voids the type-acceptance.

(c) You must have all repairs or internal adjustments to your transmitter made by, or under the direct supervision of, a licensed first- or second-class radiotelephone commercial operator (See § 95.513.)

Explanation

We propose to combine existing § 95.511 and part of § 95.641 to emphasize that CB transmitters must be type-accepted by the FCC and that no modifications may be made to type-accepted transmitters. (§ 95.641 will also appear in the Subpart on Technical Regulations, as it does now.) We also propose to tighten the existing rule concerning repair and adjustment of CB transmitters. Under the existing rule, tests, adjustments and repairs to a CB transmitter while the transmitter is radiating energy must be made by, or under the direct supervision of, the holder of a first- or second-class commercial radiotelephony or radiotelegraphy operator license, as "appropriate for the type of emission employed." Tests, adjustments, and repairs made while the transmitter is not radiating energy may be made without the supervision of a commercial licensee or possession of a commercial operator license, but such a transmitter must be checked by a commercial licensee before it is put back in operation. We wish to ensure that *all* repairs and adjustments to CB equipment are properly conducted, and we are, for this reason, proposing that *all* repairs and adjustments of CB transmitters be made only by the holders of first- or second-class radiotelephony commercial operator licenses. (Radiotelephony is the only emission authorized in the CB Service.)

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tions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (a) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE.—The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

§ 95.511 Transmitter Service and Maintenance.

(a) Except as provided in paragraph (b) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radio telegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

* * * * *

(c) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

§ 95.641 Acceptability of transmitters for licensing.

* * * * *

(c) CB Stations:

(1) All transmitters first licensed, or marketed as specified in § 2.805 of this chapter, prior to November 22, 1974, shall be type accepted or crystal controlled.

(2) All transmitters first licensed, or marketed as specified in § 2.803 of this chapter, on or after November 22, 1974, shall be type accepted.

(3) Effective November 23, 1978, all transmitters shall be type accepted.

(4) Effective January 1, 1977 transmitters which are equipped to operate on any frequency not included in § 95.611 may not be installed at or used by any CB station unless there is a station license posted at the transmitter location, or a

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§ 95.461 How much power can I use?

Your CB radio transmitter power must not exceed the following values under any conditions:

AM or Double Sideband (A3) ... 4 watts (carrier power).
Single Sideband (A 3 J) ... 12 watts (peak envelope power)

Explanation

This rule does not currently appear in Subpart D of Part 95, but it does appear in Subpart E (Technical Regulations). We are proposing to include it in the redrafted Subpart D, because CB licensees are responsible for its observance and because we consider it to be one of the most important rules affecting the CB Service. Over-powered operation is probably the most common cause of interference to both television reception and the operation of other CB stations. All type-accepted CB transmitters meet these specifications, and the purchasers of such units need not ordinarily be concerned about violation of this Section. Those individuals who attach illegal power amplifiers to their CB transmitters are in violation of this Section, however. We stress that we believe this Section to be quite important and that violation of this Section is one of the most serious violations possible under the CB Rules.

§ 95.463 Can I use power amplifiers?

(a) You must not use or attach in any way a linear or external radio frequency (RF) power amplifier at any CB station.

(b) You cannot get a waiver of this rule.

(c) The FCC will presume you have used a linear or other external RF power amplifier if—

(1) It is in your possession or on your premises; and

(2) There is other evidence that you have operated your CB station with more power than allowed by § 95.461.

NOTE.—Paragraph (c) of this rule does not apply if you hold a license in another radio service which allows you to operate an external RF power amplifier.

Explanation

The language of this rule, which we consider extremely important, has been simplified to enhance understanding. We have added a new paragraph, (b), in response to the many requests for waivers we receive, stating our firm policy that *no waivers* of the rule prohibiting the use of power amplifiers will be granted. We have also redrafted the presumption contained in the existing Note as new paragraph (c). The existing exception is contained in a new, shorter Note.

§ 95.465 What communications may I transmit?

(a) You may transmit two-way plain language communications with other CB stations or authorized government stations on CB frequencies concerning—

(1) Your personal or business activities or those of members of your immediate family living in your household;

(2) Emergencies; (see § 95.471); and

(3) Traveler assistance; (See § 95.471).

(4) Civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located.

(b) You may transmit tone signals only when used for tone operated squelch, selective calling, or similar circuits used to establish or maintain voice contact. The transmission of audible tone signals is limited to fifteen seconds duration. The transmission of a subaudible tone for these purposes may be continuous while the carrier is otherwise modulated.

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transmitter identification card (FCC Form 452-C) attached to the transmitter, which indicates that operation of the transmitter on such frequency has been authorized by the Commission.

(5) No CB transmitter type accepted pursuant to an application filed prior to September 10, 1976 shall be manufactured on or after August 1, 1977.

(6) No CB transmitter type accepted pursuant to an application filed prior to September 10, 1976 shall be marketed on or after January 1, 1978.

NOTE.—A "transmitter" is defined to include any radio frequency (RF) power amplifier.

* * * * *

§ 95.613 Transmitter power.

(a) Transmitter power is the power at the transmitter output terminals and delivered to the antenna, antenna transmission line, or any other impedance-matched, radio frequency load.

(1) For single sideband transmitters and other transmitters employing a reduced carrier, a suppressed carrier or a controlled carrier, used at CB stations, transmitter power is the peak envelope power.

(2) For all transmitters other than those covered by paragraph (a)(1) of this section, the transmitter power is the carrier power.

(b) The transmitter power of a station shall not exceed the following values under any condition of modulation or other circumstances.

Class of station:	*Transmitter power in watts*
General mobile radio service	50
R/C 27.255 MHz	25
R/C 26.995 to 27.195 MHz	4
R/C 72 to 76 MHz	.75
CB (Carrier (where applicable))	4
CB (Peak envelope power (where applicable))	12

§ 95.509 External radio frequency power amplifiers prohibited.

No external radio frequency power amplifier shall be used or attached, by connection, coupling attachment or in any other way at any station.

NOTE.—An external radio frequency power amplifier at a station will be presumed to have been used where it is in the operator's possession or on his premises and there is extrinsic evidence of any operation of such station in excess of power limitations provided under this rule part unless the operator of such equipment holds a station license in another radio service under which license the use of the said amplifier at its maximum rated output power is permitted.

§ 95.459 Telephony only.

(a) Transmitters used at stations in this service are authorized to transmit telephony (voice), either single or double sideband.

(b) Tone signals or signaling devices may not be used, except for functions such as tone operated squelch or selective calling circuits used primarily to establish or maintain voice contact. Signals may not be used solely to attract attention or to control remote objects or devices.

(c) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits shall not exceed a total of 15 seconds duration. Continuous transmission of a subaudible tone for this purpose is permitted. For the purposes of this section, any tone or combination of tones having no frequency above 150 hertz shall be considered subaudible.

§ 95.461 Permissible communications.

Stations are authorized to transmit the following types of communications:

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(c) You may transmit one-way communications for the purpose of voice paging.

Explanation

We propose to combine existing §§ 95.459, 95.461, and 95.477 into new § 95.465 concerning permissible communications in the CB service. Each section has been greatly simplified to enhance understanding. The notice requirements of existing § 95.477 have been deleted as unnecessary to the FCC and an inconvenience to licensees. Existing § 95.501(a)(10) has been redrafted in positive language. We wish, however, to receive comments concerning the desirability of having a rule section concerning permissible communications at all.

§ 95.467 What communications am I prohibited from transmitting?

(a) You must not use a CB station—

(1) In connection with any activity which is contrary to federal, state or local law;

(2) For the transmission of obscene, indecent or profane words, language, or meaning;

(3) To interfere intentionally with the communications of another CB station;

(4) To transmit one-way communications, except for emergency communications, traveler assistance or brief tests (radio checks);

(5) To advertise or solicit the sale of any goods or services;

(6) For the transmission of music, whistling, sound effects or any material for amusement or entertainment purposes;

(7) For the transmission of any material or sound effect solely to attract attention;

(8) To transmit the word "MAYDAY" or other international distress signals, except when the station is located in a ship, aircraft or other vehicle which is threatened by grave and imminent danger and requests immediate assistance.

(9) To communicate with, or attempt to communicate with, any CB station more than 250 kilometers (about 150 miles) away.

(10) To advertise a political candidate or a political campaign, (you may use your CB radio for the business or

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(a) Communications to facilitate the personal or business activities of the licensee.

(b) Communications relating to:

(1) The immediate safety of life or the immediate protection of property in accordance with § 95.463.

(2) The rendering of assistance to a motorist, mariner or other traveler.

(3) Civil defense activities in accordance with § 95.477.

(4) Other activities only as specifically authorized pursuant to § 95.465.

(c) Communications with stations authorized in other radio services except as prohibited in § 95.501(a)(3).

§ 95.477 Civil defense communications.

A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) Such communications are conducted under the direction of civil defense authorities.

(c) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communication being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(d) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(e) The Commisison may, at any time, order the discontinuance of such special use of the authorized facilities.

§ 95.501 Prohibited communications.

(a) A station shall not be used:

* * * * *

(10) For transmitting messages in other than plain language. Abbreviations including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

* * * * *

§ 95.467 Telephone answering services.

(a) Notwithstanding the provisions of § 95.465 a licensee may install a transmitting unit of his station on the premises of a telephone answering service. The same unit may not be operated under the authorization of more than one licensee. In all cases, the licensee must enter into a written agreement with the answering service. This agreement must be kept with the licensee's station records and must provide, as a minimum that:

(1) The licensee will have control over the operation of the radio unit at all times;

(2) The licensee will have full and unrestricted access to the transmitter to enable him to carry out his responsibilities under his license;

(3) Both parties understand that the licensee is fully responsible for the proper operation of the station; and

(4) The unit so furnished shall be used only for the transmission of communications to other units belonging to the licensee's station.

(b) A station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

§ 95.501 Prohibited communications.

(a) A station shall not be used:

(1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

PROPOSED

organizational aspects of a campaign, if you follow all other applicable rules);

(11) To communicate with nonlicensed or foreign stations;

(12) To transmit a false or deceptive communication.

(b) You must not transmit communications for the purpose of being rebroadcast, live or delayed, on a radio or television station. You may use your CB radio to gather news items or to prepare programs.

(c) A CB station licensed to a telephone answering service must not be used to transmit messages to its customers. (See § 95.473(d).)

Explanation

In proposed § 95.467, a new prohibition, paragraph (a)(4), has been added to prohibit the transmission of material to other than specific CB stations. We believe this new prohibition to be necessary to ensure that the CB Service remain a *two-way* communications service. As requested by Mr. Earl V. Stevens, petitioner in RM-2773, we are proposing to add a new paragraph, (a)(10), to prohibit the use of a CB ratio station to advertise or solicit support for a political candidate or campaign. Such use is presently prohibited under § 95.501(a)(9), which prohibits advertising or soliciting the sale of goods or services; but we received a number of inquiries in the last election, and we believe a separate prohibition is necessary. Existing rule §§ 95.501 (a)(3) and (a)(10) have been deleted as duplicative of proposed § 95.465(a). Existing § 95.501(a)(4) has been deleted as unnecessary, because it is the Commission's policy to grant waivers of this section on request. Existing § 95.501(c) appears in proposed § 95.473. Existing § 95.501(a)(11) appears in proposed § 95.469. Existing § 95.501(a)(3) has been redrafted for readability. The prohibition on communications with Amateur stations has been deleted as unnecessary, because the regulation governing authorized channels prohibits CB communications on Amateur frequencies. Existing § 95.503, concerning false communications, has been included in proposed § 95.467(a)(12). Existing § 95.467 has been substantially simplified, and appears as proposed §§ 95.467(c) and 95.473(d).

§ 95.469 Can I be paid to use my CB station?

(a) You must not accept direct or indirect compensation for transmitting or receiving messages with a CB radio.

(b) You may use a CB radio while providing other services, and be paid for those services, if the use of the radio is incidental to the services.

Explanation

We propose to take existing § 95.501(a)(11) and make it a separate section because of the frequency with which questions concerning compensation for the use of CB radios arise. The proposed second sentence of § 95.469 states the FCC's policy in interpreting existing § 95.471; namely, that a CB radio may be used in providing a service, as long as the CB licensee is paid *for the service, not the actual use of the CB radio.*

§ 95.471 How do I use my CB station in an emergency or to assist a traveler?

(a) YOU MUST, AT ALL TIMES AND ON ALL CHANNELS, GIVE PRIORITY TO EMERGENCY COMMUNICATIONS.

(b) While you are directly participating in actual emergency communications, you do not have to comply with the rules concerning authorized users (§ 95.473), duration of transmissions (§ 95.479) and communications with licensed stations (§ 95.467). You must comply with all other rule provisions.

(c) You may use your CB for communications necessary to assist a traveler to reach a destination or to receive necessary services. While you are using your CB radio to assist a traveler, you do not have to comply with the rule concerning duration of transmissions (§ 95.479). You must comply with all other rule provisions.

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(2) For the transmission of communications containing obscene, indecent, profane words, language, or meaning.

(3) To communicate with an Amateur Radio Service station, an unlicensed station, or foreign stations except for communications pursuant to § 95.463(b) and § 95.477.

(4) To convey program material for retransmission, live or delayed, on a broadcast facility.

NOTE.—A station may be used in connection with administrative, engineering, or maintenance activities of a broadcasting station. A station may be used in the gathering of news items or preparation of programs: Provided, that the actual or recorded transmissions of the station are not broadcast at any time in whole or in part.

(5) To intentionally interfere with the communications of another station.

(6) For the direct transmission of any material to the public through a public address system or similar means.

(7) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(8) To transmit the word "MAYDAY" or other international distress signals, except when the station is located in a ship, aircraft, or other vehicle which is threatened by grave and imminent danger and requests immediate assistance.

(9) For advertising or soliciting the sale of any goods or services.

(10) For transmitting messages in other than plain language. Abbreviations including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(11) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.

(b) A station may not be used to communicate with, or attempt to communicate with, any unit of the same or another station over a distance of more than 150 miles.

(c) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purposes of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

§ 95.503 False signals.

No person shall transmit false or deceptive communications by radio or identify the station he is operating by means of a call sign which has not been assigned to that station.

§ 95.501 Prohibited communications.

(a) A station shall not be used:

* * * * *

(11) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.

* * * * *

§ 95.463 Emergency and assistance to motorist use.

(a) All stations shall give priority to the emergency communications of other stations which involve the immediate safety of life of individuals or the immediate protection of property.

(b) Any station in this service may be utilized during an emergency involving the immediate safety of life of individuals or the immediate protection of property for the transmission of emergency communications. It may also be used to transmit communications necessary to render assistance to a motorist.

(1) When used for transmission of emergency communications certain provisions in this part concerning use of frequencies (§ 95.455); prohibited uses (§ 95.501(a)(3)); operation by or on behalf of persons other than the licensee (§ 95.465) and duration of transmissions (§ 95.469 (a) and (b)) shall not apply.

PROPOSED

Explanation

This section has been redrafted in simple, easier to understand language. Existing § 95.463(c), requiring notice to the Commission in certain emergency situations, has been deleted as unnecessary to the Commission and an inconvenience to licensees.

§ 95.473 Who can operate under my license?

(a) You may permit only the persons listed below to operate under your license:

LICENSEE	AUTHORIZED USERS
INDIVIDUAL	YOURSELF. Members of your immediate FAMILY living in your household. Your EMPLOYEES as long as their communications relate *only* to your business.
PARTNERSHIP	The PARTNERS and EMPLOYEES of the partnership, as long as their communications relate *only* to the business of the partnership.
ASSOCIATION	The MEMBERS of the association, as long as the members' communications relate *only to the business of the association.* EMPLOYEES of the association, as long as their communications relate *only* to the business of the association.
CORPORATION	OFFICERS, DIRECTORS, and EMPLOYEES of the corporation, as long as their communications relate *only* to the business of the corporation.
GOVERNMENTAL UNIT.	EMPLOYEES of the governmental unit, as long as the employees' communications relate *only* to the business of that governmental unit.

(b) You may operate a CB radio if you request, and the FCC grants, special authorization to allow operation under another person's license where you would not otherwise qualify to operate that station.

(c) Upon request and FCC approval, a corporation may obtain special authorization to allow operation under a corporation's license when that corporation proposes to provide a private radiocommunications service on a nonprofit or cost-sharing basis to its subsidiary, its parent corporation or another subsidiary or parent corporation.

(d) You may employ a telephone answering service to relay telephone messages to you on your CB radio if—

(1) You install a transmitter of your station at the answering service;

(2) Your transmitter is used *only* under the authority of your license; and

(3) Your transmitter is used *only* to relay messages to you concerning only your personal or business affairs.

Your transmitter must not be used under the authority of any CB license other than yours.

(e) If you authorize any of the persons specified in paragraphs (a), (b), (c), or (d) of this section to operate under your license, you must keep a list of all authorized users as part of your station records.

(f) To authorize more than 25 users, you must request and receive written permission from the FCC. You must keep this permission as a part of your station records.

Explanation

This Rule has been greatly simplified to aid in its understanding. Existing § 95.465(a) has been moved to proposed § 95.433 and 475. Section 95.465(b)(6) has been moved to proposed § 95.473. New paragraph (f) has been added to limit to 25 the number of

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(2) When used for transmissions of communications necessary to render assistance to a traveler, the provisions of this part concerning duration of transmissions § 95.469(b) shall not apply.

(3) The exemptions granted from certain rule provisions in subparagraphs (1) and (2) of this paragraph may be rescinded by the Commission at its discretion.

(c) If the emergency use under paragraph (b) of this section extends over a period of 12 hours or more, notice shall be sent to the Commission in Washington, D.C., as soon as it is evident that the emergency has or will exceed 12 hours. The notice should include the identity of the stations participating, the nature of the emergency, and the use made of the stations. A single notice covering all participating stations may be submitted.

§ 95.465 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Stations may be operated only by the following persons, except as provided in paragraph (c) of this section:

(1) The licensee;

(2) Members of the licensee's immediate family living in the same household;

(3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership;

(4) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association;

(5) Employees of the licensee only while acting within the scope of their employment;

(6) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

(c) An individual who was formerly a station licensee shall not be permitted to operate any station licensed to another person until such time as he again has been issued a valid radio license, when his license has been:

(1) Revoked by the Commission.

(2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.

(3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

PROPOSED

users of a CB station which can be authorized under paragraphs (a), (b), (c), and (d) without special permission from the FCC. We would require that a list of all authorized users be kept with the station records in order that FCC personnel could trace all violations of the Rules to their source.

§ 95.475 Who is responsible for transmissions made under the authority of my license?

You are responsible for all transmissions which are made by you or others under the authority of your license, including transmissions which are in violation of these rules. Because you are responsible for all transmissions, you should be certain that anyone operating under your license obeys the CB rules.

Explanation

In this section, we have extracted that portion of the existing rule which pertains to control of the transmitter. As the existing rule combines two unrelated provisions, we have separated those two provisions into two distinct proposed rules. We believe that a separately stated rule about responsibility for transmissions will assist our enforcement efforts. The remaining provision of the existing rule, concerning transfer of a CB license, is incorporated in proposed rule § 95.433.

§ 95.477 Who cannot operate under my license?

(a) You must not permit anyone to operate under your license who is not listed in § 95.473, except in an emergency.

(b) If an individual was formerly a CB licensee, and if—

(1) His or her license was revoked by the FCC; or

(2) His or her license was surrendered for cancellation after the FCC instituted revocation proceedings; or

(3) His or her license was surrendered for cancellation after a notice of apparent liability to forfeiture was served by the Commission;

You must not permit that individual to operate under your license until he or she has been issued a new CB license by the FCC.

(c) You must not permit an individual to operate your CB radio if he or she is the subject of an outstanding cease and desist order issued by the FCC.

(d) You must not permit any individual to operate under your license if that individual's most recent CB license application was denied by the Commission or dismissed with prejudice.

(e) If you sell CB radio transmitting equipment, you must not allow a customer to operate a CB radio under the authority of your license.

Explanation

The proposed rule combines provisions from two existing rules and adds three new paragraphs. The purpose of restructuring the rule on unauthorized operators is to assist the reader in understanding his or her responsibility to deny operating privileges to certain persons. The new introductory paragraph reminds the reader that only certain persons are permitted by the FCC to be authorized operators of another's CB unit.

The two paragraphs concerning cease and desist orders and application denial or dismissal are added to aid FCC enforcement efforts. The remaining language comes directly from the existing rules, but has been redrafted for simplicity.

§ 95.479 Do I have to limit the length of my communications?

(a) Your communications must be limited to the minimum practical time; but your communications must not last longer than five (5) continuous minutes.

(b) At the end of your communications, you, and the stations communicating with you, must remain silent for at least one minute between communications.

Explanation

We are proposing to change the existing rule to delete the distinction between interstation and intrastation communications. Under the existing rule, communications between different stations are limited to a maximum of five minutes, while transmissions between units of the same station are not subject to a particular time limitation. In light of the severe congestion on the forty CB channels, we cannot justify a rule which allows one station to monopolize a frequency for an unlimited period of time. Although we recognize that adoption of this proposal might hinder some public service functions of CB radio, we believe that any such

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§ 95.465 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

* * * * *

§ 95.501 Prohibited communications.

* * * * *

(c) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

§ 95.465 Operation by, or on behalf of, persons other than the licensee.

* * * * *

(c) An individual who was formerly a station licensee shall not be permitted to operate any station licensed to another person until such time as he again has been issued a valid radio license, when his license has been:

(1) Revoked by the Commission.

(2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.

(3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

§ 95.469 Duration of transmissions.

(a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) All communications between stations (interstation) station be restricted to not longer than five (5) continuous minutes. At the conclusion of this 5 minute period, or the exchange of less than 5 minutes, the participating stations shall remain silent for at least one minute.

(c) All communications between units of the same station (intrastation) shall be restricted to the minimum practicable transmission.

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difficulty is outweighed by the necessity to maximize utilization of the available 40 CB channels. We are particularly interested in receiving comments on this proposed change.

§ 95.481 How do I identify my CB communications?

(a) You must identify your CB communications by your FCC-assigned call sign at the end of each communication.
(b) Your FCC-assigned call sign must be clearly given in the English language. A phonetic alphabet may be used as an aid for identification. A "Handle," unit designator, or special identifier may be used *in addition to*, but not instead of, your FCC-assigned call sign.

Explanation

We are proposing to delete a substantial portion of the existing rule as unnecessary. The opening paragraph of the existing rule, which merely describes the composition of CB call signs, is not a necessary component of this rule. Also, the provision of the existing rule which requires that each letter and number of the call sign be separately and distinctly transmitted is proposed to be deleted as unnecessarily burdensome on CB licensees and immaterial to our enforcement efforts. Finally, we are proposing to change the identification requirement to state that transmissions need be identified only at the end of the communication. This change is proposed with the hope that voluntary compliance with the identification rule will increase if the demands are slightly reduced.

§ 95.483 Where may I operate my CB station?

(a) You may operate your CB station in any of the fifty United States, in the District of Columbia, in Puerto Rico, and in the United States Virgin Islands.
(b) You may operate your CB station in or on any aircraft or vessel of United States registry, with the permission of the appropriate officer.
(c) If your CB station is outside the fifty United States, the District of Columbia, Puerto Rico, or the United States Virgin Islands, you are subject to any applicable laws or regulations governing the location at which you are operating.
(d) You may operate your CB station in Canada, if you request and obtain written permission *in advance* from the Canadian Department of Communications.
(e) If your CB station is located on land controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

Explanation

We have not proposed any substantive change in this section. We have redrafted the language to aid the reader in understanding it. We have added a sentence informing CB licensees that they may, in certain cases, be permitted to operate their stations in Canada. Also, we have duplicated the reminder from § 95.435 that a CB station which is located on land controlled by the Department of Defense may be subject to additional regulations.

§ 95.485 Can I operate my CB station by remote control?

(a) You must not operate a CB station by remote control, except as provided in paragraph (b).
(b) If you can show satisfactory need, the FCC may grant you written permission to operate by wire-line remote control. You must keep this permission as a part of your station records.

Explanation

We are proposing to delete paragraph (a) of the existing rule as unnecessary. The remaining language of the existing rule has been editorially rewritten for clarity.

OTHER THINGS YOU NEED TO KNOW

§ 95.501 How long must I keep my license?

You must keep your license (or other authorization) until it expires or until it is terminated.

§ 95.503 Where must I keep my license?

(a) You must keep your license (or other authorization) in your station records or post it at your station.
(b) You may photocopy your license for any purpose.

Explanation

This section has been greatly simplified to require merely that the current instrument of authorization be kept with the station records until expiration or termination of the authorization. In addition, the existing rule has been redrafted into two separate sections to aid readability.

EXISTING

§ 95.471 Station identification.

(a) The call sign of a station shall consist of either three letters followed by four digits or shall consist of four letters followed by four digits. The call sign of a station operating under a temporary permit shall consist of three letters followed by five digits.
(b) Each transmission of the station call sign shall be made in the English language by each unit, shall be complete, and each letter and digit shall be separately and distinctly transmitted. Only standard phonetic alphabets, nationally or internationally recognized, may be used in lieu of pronunciation of letters for voice transmission of call signs. A unit designator or special identification may be used in addition to the station call sign but not as a substitute therefor.
(c) Except as otherwise provided, all transmissions from each unit of a station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions, but at least at intervals not to exceed ten (10) minutes.

§ 95.473 Station location.

(a) A station may be used or operated anywhere in the United States subject to the provisions of paragraph (b) of this section.
(b) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 95.475 Dispatch points and remote control.

(a) No authorization is required to install dispatch points.
(b) Operation of any station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

STATION ADMINISTRATION REQUIREMENTS

§ 95.453 Posting station license * * *.

(a) The current authorization, or a clearly legible photocopy thereof, for each station (including units of a station) operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy.
(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. * * *

PROPOSED

§ 95.505 Do I need to have a current copy of the CB Rules?

(a) You must keep the current CB Rules (Subpart D of Part 95) in your station records. The CB Rules are published periodically by the Government Printing Office.

(b) You must keep current with changes to the CB Rules. Changes to the CB Rules are found in the FEDERAL REGISTER and in other publications.

(c) Your station must comply with technical regulations found in Subpart E of Part 95, but you need not keep that Subpart in your station records.

Explanation

This Section has merely been redrafted slightly to enhance its readability and to emphasize the fact that all licensees are responsible for certain technical regulations in Subpart E of Part 95, although they are not required to retain Subpart E as part of their station records.

§ 95.507 What are the penalties for violations of these rules?

(a) If the FCC finds that you have willfully violated certain of these rules, you may have to pay as much as $100 for each violation, up to a total of $500. (See Section 510(a) of the Communications Act.)

(b) If the FCC finds that you have willfully or repeatedly violated the Communications Act or FCC rules, it may revoke your CB license. (Other grounds for revocation of a CB license are listed in Section 312(a) of the Communications Act.)

(c) If the FCC finds that you have violated any provision of the Communications Act, you may be ordered to stop whatever action caused the violation. (See Section 312(b) of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any FCC rule, you may be fined up to $500 for each day you committed the violation. (See Section 502 of the Communications Act.)

(e) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to $10,000, or you may be imprisoned for one year, or both. (See Section 501 of the Communications Act.)

Explanation

Although the penalties to which violators of the Communications Act subject themselves are listed in the Communications Act, they are not now enumerated in the Rules. We have added this new § 95.507 listing potential penalties to those who violate the Communications Act and the Commission's Rules to emphasize the seriousness of CB operation not in compliance with the law.

§ 95.509 How do I answer violation notices?

(a) If it appears that you have violated the Communications Act or these rules, you will be served with a written notice of the apparent violation.

(b) Within the time period stated in the notice, you must provide—

(1) A complete written statement about the apparent violation;

(2) A written statement about any action you have taken to correct the apparent violation and to prevent it from happening again; and

(3) The name and call sign of the person operating at the time of the apparent violation.

(c) You must not shorten your response by references to other communications or notices.

(d) You must send your response directly to the office of the FCC which sent you the notice.

(e) If you cannot respond to a violation notice within the time stated in the notice, because of illness or other unavoidable circumstances, you must answer at the earliest possible time and explain the reason for your delay.

(f) If the violation notice includes violations related to technical transmitter standards, you must stop transmitting immediately, except for necessary tests and adjustments; and you must not transmit again until all technical problems with the transmitter have been corrected. The FCC may require you to have tests conducted and to report the results of those tests. (See § 95.513 for the rules about tests and adjustments.) Test results must be signed by the first- or second-class commercial radiotelephone operator who conducted or supervised the test.

(g) You must keep a copy of your response as a part of your station records.

EXISTING

§ 95.505 Current copy of rules required.

Each licensee in this service shall maintain as a part of his station records a current copy of Subpart D of Part 95, Personal Radio Services, of this chapter. Additional requirements of a technical nature may be found in Subpart E of this part.

(No existing rule.)

§ 95.507 Answers to notices of violations.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of § 95.621 and the answer to the notice shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application.

PROPOSED

Explanation

This section combines existing §§ 95.507 and 95.621 in a new § 95.509. This section has been redrafted in simpler language and shorter paragraphs to enable licensees to know precisely what it is they are expected to do if they receive a notice of violation from the FCC.

§ 95.510 What must I do if the FCC tells me that my CB station is causing interference?

(a) If the FCC tells you that your CB station is causing interference for technical reasons, you must follow all instructions in the official FCC notice. (Your station must comply with technical regulations found in Subpart E of Part 95.)

(b) You must comply with any restricted hours of CB station operation which may be included in the official FCC notice.

Explanation

The technical regulations currently allow the FCC to require "appropriate technical changes in equipment" to alleviate interference (§ 95.617(d)). We believed it would be helpful to the readers of these rules to be reminded that they could be required to have technical adjustments made to their equipment, if they are found to be causing interference. We are also proposing to add a new regulation allowing the FCC to impose restricted hours of station operation, in some cases of interference.

§ 95.511 Can I connect my CB radio to a telephone?

(a) You may connect your CB radio to a telephone if you comply with *all* of the following:

(1) You, or someone authorized to operate under your license, must be present at your CB station and must—

(i) Manually make the connection (the connection must not be made by remote control);

(ii) Supervise the operation of the transmitter during the connection;

(iii) Listen to all communications during the connection; and

(iv) Stop all communications if there are operations in violation of these rules.

(2) All communications during the telephone connection must comply with all of these rules.

(3) You must obey any restrictions on the connection placed by the telephone company.

(b) The CB radio you connect to a telephone must not be shared with any other CB station.

Explanation

Although there is no existing rule on this subject, the proposed rule states precisely what the FCC's policy on telephone connections with CB stations has always been. The clarification of this policy and its inclusion in the rules should assist an interested licensee to understand the restrictions on telephone—CB connections.

EXISTING

If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

§ 95.621 Compliance with technical requirements.

(a) Upon receipt of notification from the Commission of a deviation from the technical requirements of the rules in this part, the radiations of the transmitter involved shall be suspended immediately, except for necessary tests and adjustments, and shall not be resumed until such deviation has been corrected.

(b) When any station licensee receives a notice of violation indicating that the station has been operated contrary to any of the provisions contained in Subpart E of this part, or where it otherwise appears that operation of a station in this service may not be in accordance with applicable technical standards, the Commission may require the licensee to conduct such tests as may be necessary to determine whether the equipment is capable of meeting these standards and to make such adjustments as may be necessary to assure compliance therewith. A licensee who is notified that he is required to conduct such tests and/or make adjustments must, within the time limit specified in the notice, report to the Commission the results thereof.

(c) All tests and adjustments which may be required in accordance with paragraph (b) of this section shall be made by, or under the immediate supervision of a person holding a first- or second-class commercial operator license, either radiotelephone or radio telegraph as may be appropriate for the type of emission employed. In each case, the report which is submitted to the Commission shall be signed by the licensed commercial operator. Such report shall describe the results of the tests and adjustments, the test equipment and procedures used, and shall state the type, class, and serial number of the operator's license. A copy of this report shall also be kept with the station records.

(No existing rule.)

(No existing rule.)

PROPOSED

§ 95.513 How do I have my CB radio serviced?

(a) You may adjust your own antenna to your CB radio and you may make "radio checks."

(b) Each internal repair and each internal adjustment to your CB transmitter must be made by, or under the direct supervision of, a person holding a first- or second-class commercial radiotelephone operator license.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of a CB transmitter involving an external connection to the radio frequency output circuit must be made using a nonradiating dummy antenna.

(d) Brief test signals using a radiating antenna may be sent to adjust a transmitter to an antenna or to detect or measure spurious radiation.

Explanation

Existing §§ 95.511 and 95.515 have been drastically simplified and combined into proposed § 95.513. The rather complex provisions of the existing rules have been replaced with a simple general rule. We also propose to tighten the exiting rule concerning repair and adjustment of CB transmitters. Under the existing rule, tests, adjustments, and repairs to a CB transmitter while the transmitter is radiating energy must be made by, or under the direct supervision of, the holder of a first- or second-class commercial radiotelephony or radiotelegraphy operator license, as "appropriate for the type of emission employed." Tests, adjustments, and repairs made while the transmitter is not radiating energy may be made without the supervision of a commercial licensee or possession of a commercial operator license, but such a transmitter must be checked by a commercial licensee before it is put back in operation. We wish to ensure that *all* repairs and *all* adjustments of CB transmitters be made only by the holders of first- or second-class radiotelephony commercial operator licenses. (Radiotelephony is the only emission authorized in the CB service.) The provisions of existing § 95.507(b) are proposed to be deleted because they concern non-type-accepted equipment: effective January 1, 1978, all equipment must be type-accepted, and § 95.507(b) will be unnecessary. Paragraph (c) of existing § 95.511 is deleted as redundant.

EXISTING

§ 95.511 Transmitter Service and Maintenance.

(a) Except as provided in paragraph (b) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radio telegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(b) Except as provided in § 95.621 and in (c) of this section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of transmitters used at stations authorized prior to May 4, 1974: *Provided*, That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by nonfactory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the normal rendition of the service of the station, or during the final assembly of kits or partially preassembled units, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph. The manufacturer's certification concerning design and construction features of station transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to the particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in this paragraph have been fulfilled.

(c) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

§ 95.515 Tests and adjustments.

All tests or adjustments of radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a nonradiating dummy

PROPOSED

§ 95.515 Can I make any changes to my CB transmitter?

(a) You must not make or have made *any* internal modification to your CB transmitter.

(b) You must not operate a CB transmitter which has been modified by *anyone* in any way, including modification to operate on unauthorized frequencies or with unauthorized power.

Explanation

We are proposing to simplify the rule on transmitter modification by deleting the list of prohibited modifications. This list was confusing to readers of the rules, and could be clarified best by deleting it. The proposed rule simplifies and shortens the existing rule without changing its substance. The second paragraph of the proposed rule, concerning operation of a modified transmitter, is included to emphasize two of the most serious problems facing the CB service: over-powered operation and operation on unauthorized frequencies Paragraph (b) of the existing rule has been moved to the Subpart on Technical Standards (Subpart E of Part 95).

§ 95.517 Do I have to make my station available for inspection?

You must make your station available to an authorized FCC representative for inspection on request.

Explanation

The proposed rule clarifies the existing rule without changing the substance. The regulation concerning station records has been separated and will appear as proposed § 95.519.

§ 95.519 What are my station records?

(a) Your station records must include the following documents, as applicable:

(1) Your temporary permit (§ 95.415);

(2) A copy of any letter advising the FCC of your name or address change (§ 95.431);

(3) Your license (§ 95.503);

(4) A list of authorized users of your CB station (§ 95.473);

(5) A current copy of the CB Rules (§ 95.505);

(6) A copy of any response to an FCC violation notice (§ 95.509); and

(7) Any written permissions received from the FCC.

(b) You must make your station records available to an authorized FCC representative on request.

(c) You must keep your station records for the term of your license.

EXISTING

antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with communications already in progress on the operating frequency, and shall be properly identified as required by § 95.471, but may otherwise be unmodulated as appropriate.

§ 95.513 Modification of transmitters.

(a) Transmitting equipment type accepted for use in this service shall not be modified by the user. Changes which are specifically prohibited include:

(1) Internal or external connection or addition of any part, device or accessory not included by the manufacturer with the transmitter for its type acceptance. This shall not prohibit the external connection of antennas or antenna transmission lines, antenna switches, passive networks for coupling transmission lines or antennas to transmitters, or replacement of microphones.

(2) Modification in any way not specified by the transmitter manufacturer and not approved by the Commission.

(3) Replacement of any transmitter part by a part having different electrical characteristics and ratings from that replaced unless such part is specified as a replacement by the transmitter manufacturer.

(4) Substitution or addition of any transmitter oscillator crystal unless the crystal manufacturer or transmitter manufacturer has made an express determination that the crystal type, as installed in the specific transmitter type, will provide that transmitter type with the capability of operating within the frequency tolerance specified in § 95.615(a).

(5) Addition or substitution of any component, crystal or combination of crystals, or any other alteration to enable transmission on any frequency not authorized for use by the licensee.

(b) Only the manufacturer of the particular unit of equipment type accepted for use in CB stations may make the permissive changes allowed under the provisions of Part 2 of this chapter for type acceptance. However, the manufacturer shall not make any of the following changes to the transmitter without prior written authorization from the Commission:

(1) Addition of any accessory or device not specified in the application for type acceptance and approved by the Commission in granting said type acceptance.

(2) Addition of any switch, control, or external connection.

(3) Modification to provide capability for an additional number of transmitting frequencies.

§ 95.521 Inspection of stations and station records.

All stations and records of stations in this service shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative. Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

§ 95.521 Inspection of stations and station records.

All stations and records of stations in this service shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative. Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

PROPOSED

Explanation

The proposed rule clarifies the existing rule without changing the substance. "Station records" is a term which is often confusing to readers of these rules; therefore, the proposed language includes a definition and explanation of the records. Also, we have included a comprehensive list of all station records a licensee must keep.

§ 95.521 How do I contact the FCC?

(a) You may write to the following address concerning your application, concerning the rules or when you are requesting more than 25 users or transmitters:

Personal Radio Division, FCC, Washington, D.C. 20554.

(b) You may write to the following address when you send your notice of new name or address, or when you send a new or renewal application form:

FCC, Gettysburg, Pa. 17326.

(c) You may contact any of the following FCC offices in the field if you wish to file an interference complaint. The complaint will be forwarded to the appropriate field enforcement unit.

Alaska, Anchorage 99510, FCC, room G-63, U.S.P.O. and Courthouse Bldg., P.O. Box 644, 4th and F Sts.
California, Long Beach, FCC, room 501, 3711 Long Beach Blvd.
California, San Diego 92101, FCC, Fox Theatre Bldg., 1245 7th Ave.
California, San Francisco 94111, FCC, 323-A Customhouse, 555 Battery St.
Colorado, Denver 80202, FCC, suite 2925, The Executive Tower, 1405 Curtis St.
Florida, Miami 33130, FCC, room 919, 51 Southwest 1st Ave.
Florida, Tampa 33602, FCC, Barnett Office Bldg., room 809, 100 Ashley Dr.
District of Columbia, Washington 20554, FCC, 1919 M St. NW., room 411.
Georgia, Atlanta 30309, FCC, room 440, Massell Bldg., 1365 Peachtree St. NE.
Hawaii, Honolulu 96808, FCC, 502 Federal Bldg., P.O. Box 1021, 355 Merchant St.
Illinois, Chicago 60604, FCC, 230 South Dearborn St., room 3935.
Louisiana, New Orleans 70130, FCC, 829 F. Edward Hebert Federal Bldg., 600 South St.
Maryland, Baltimore 21201, FCC, 819 Federal Bldg., 31 Hopkins Plaza.
Massachusetts, Boston 02109, FCC, 1600 Customhouse, 165 State St.
Michigan, Detroit 48226, FCC, 1054 Federal Bldg., 231 West LaFayette St.
Minnesota, St. Paul 55101, FCC, 691 Federal Bldg. and U.S. Courthouse, 316 North Robert St.
Missouri, Kansas City 64106, FCC, 1703 Federal Bldg., 601 East 12th St.
New York, Buffalo 14202, FCC, 1307 Federal Bldg., 111 West Huron St.
New York, New York 10014, FCC, 201 Varick St.
Oregon, Portland 97204, FCC, 1782 Federal Office Bldg., 1220 Southwest 3d Ave.
Pennsylvania, Philadelphia 19106, FCC, James A. Byrne Federal Courthouse, 601 Market St.
Puerto Rico, Hato Rey 00918, FCC, Room 747, Federal Bldg.
Texas, Dallas 75242, FCC, Earle Cabell Federal Bldg., U.S. Courthouse, room 13E7, 1100 Commerce St.
Texas, Houston 77002, FCC, New Federal Office Bldg., 515 Rusk Ave., room 5636.
Virginia, Norfolk 23502, FCC, Military Circle, 870 North Military Highway.
Washington, Seattle 98174, FCC, 3256 Federal Bldg., 915 2d Ave.

Explanation

Although the existing rules do not include a section about contacting the FCC, we believe that such a section would be valuable to CB licensees.

EXISTING

(No existing rule.)

PROPOSED

(No proposed rule. Each of these rules is proposed to be deleted.)

Explanation

We are proposing to delete three of these rule sections in their entirety, because they merely duplicate sections found elsewhere in the Rules. Section 95.423 is duplicative of §1.958; § 95.425 duplicates §§ 1.918 and 1.961; and § 95.427 duplicates § 1.110. We believe none of these sections to be an essential element of Part 95, as each is found elsewhere in the Commission's Rules.

2. Subpart E. Technical Regulations, is amended by adding a new § 95.657, consisting of the text of former § 95.513 (b), as follows:

§ 95.657 Modification of transmitters.

Only the manufacturer of the particular unit of equipment type accepted for use in CB stations may make the permissive changes allowed under the provisions of Part 2 of this chapter for type acceptance. However, the manufacturer shall not make any of the following changes to the transmitter without prior written authorization from the Commission:

(a) Addition of any accessory or device not specified in the application for the type acceptance and approved by the Commission in granting said type acceptance.

(b) Addition of any switch, control, or external connection.

(c) Modification to provide capability for an additional number of transmitting frequencies.

Explanation

This Section is being moved to Subpart E, Technical Regulations, from § 95.513 in Subpart D, because it is directed at manufacturers of CB equipment. CB licensees have no need to be aware of these requirements.

EXISTING

§ 95.423 Defective applications.

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply which such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 95.425 Amendment or dismissal of application.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 95.427 Partial grant.

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

(No existing rule.)

FOLD

Place Stamp Here

PERSONAL RADIO DIVISION
FEDERAL COMMUNICATIONS COMMISSION
ROOM 5114
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

FOLD

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

THE FCC WANTS TO KNOW WHAT YOU THINK ABOUT THE PROPOSED NEW CB RULES

What you think about CB radio is important to the FCC. Your thoughts about the CB radio rules will help the FCC make the right decisions about your radio service, so please take a moment to fill out this sample questionnaire. The answers you give us will be used in making decisions about the CB radio rules. You do not have to complete this sample questionnaire, but if you do, you will be helping to build a better CB Radio Service.

1. Do you find the proposed CB rules easier to understand than the existing CB rules?

☐ YES ☐ NO ☐ DON'T KNOW

2. Are any of the proposed rules too hard to understand?

☐ YES ☐ NO ☐ DON'T KNOW

If so, which one(s)? _____

3. Was it helpful to see the existing rules next to the proposed rules?

☐ YES ☐ NO ☐ DON'T KNOW

4. How could the proposed CB radio rules be improved?

5. Do you have any other comments about the proposed CB radio rules? (More space to answer appears on the back of this page.)

NAME _____

ADDRESS _____

_____

[FR Doc.77-20915 Filed 7-19-77;8:45 am]

federal register

WEDNESDAY, JULY 20, 1977

PART IV

POSTAL RATE COMMISSION

■

POSTAL RATE AND FEE CHANGES, 1977

Filing of Proposed Changes, Etc.

POSTAL RATE COMMISSION

[Docket No. R77-1; Order No. 167]

POSTAL RATE AND FEE CHANGES, 1977

Filing of Proposed Changes in Postal Rates and Fees and Order Designating Presiding Officer and Officer of the Commission, Fixing Date for Prehearing Conference and Establishing Procedures

JULY 14, 1977.

Notice is hereby given that on July 13, 1977, the United States Postal Service (hereinafter Postal Service or Service), pursuant to Section 3622 of the Postal Reorganization Act (39 U.S.C. 3622), filed a request with the Postal Rate Commission for a recommended decision on certain proposed changes in fees and rates of postage for postal services and certain related changes to the Domestic Mail Classification Schedule. This filing has been assigned Docket No. R77-1.

The Postal Service states that its filing is in accordance with the Commission's rules of practice applicable to requests for changes in postage rates and fees (39 CFR 3001.51-3001.55). It further states that for the year ending March 24, 1979, gross revenues at current rates are estimated at approximately $15.7 billion while costs will reach $18.1 billion, leaving a revenue deficiency of $2.4 billion. The proposed rate and fee increases, which the Service states are necessary so that total estimated income and appropriations will equal as nearly as practicable total estimated costs as required by 39 U.S.C. § 3621, are designed to recoup most of the estimated deficiency by increasing revenues $1.967 billion and decreasing costs by $0.446 billion.

The percentage rate increases proposed for the various major categories of mail service are approximately as follows: [1]

	Percent
First class	21.4
Second class (regular)	[1] 29.0
Third class bulk rate (regular)	14.5
Fourth class:	
Parcel post	25.8
Special rate parcels	34.3

[1] 19 percent for 5-digit, direct sack presort.

Included within the Postal Service's request is a proposal for a "citizens' rate" applicable to first-class mail letters. This rate, which for the first ounce would be less than the general rate proposed for first-class letters, would be applicable to standard-size domestic letters mailed by individuals. In addition, such letters would require special stamps, ZIP codes, and hand-written address and/or return address.

Other highlights of the proposed rate structure include a two-cent discount for presorted first-class mail exclusive of post and postal cards which would be accorded a one-cent discount. Regular rate second-class mail for delivery outside the county of publication would be given a zoned rate structure for both advertising and non-advertising portions. The per-piece charge on regular rate second-class publications would be at two levels, with a two-cent lower per-piece rate applicable to mail included in direct sacks to the same 5-digit ZIP code destinations. For third-class regular rate matter, the Postal Service has proposed the elimination of the lower minimum per-piece rate for the first 250,000 pieces mailed annually. Significant changes also have been proposed in the rates for fourth-class mail and in the fees charged by the Postal Service for special services. The specific changes in the rates and fees, both as now existing and as proposed, are contained in Attachment A to this notice and order.

The request of the Postal Service for a recommended decision on changes in rates of postage and fees for postal services is on file with the Commission and is available for public inspection during regular business hours.

I. INTERVENTION

Hearings will be held on the proposal submitted by the Postal Service in Docket R77-1. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before August 1, 1977, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20 (b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in a hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before August 1, 1977, file a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules, 39 CFR 3001.19b. The Commission's adoption of this rule, permitting statements by "commenters," will permit the widest possible public participation in this proceeding.

The Commission has determined that this case must be conducted with the utmost expedition consistent with procedural fairness To help achieve this objective, we shall require that answers to petitions to intervene or appear as a limited participator, as permitted under 39 CFR 3001.20(d), be filed on or before August 8, 1977. All persons filing a petition for leave to intervene, whether generally or on a limited basis, will be permitted to participate in the proceeding pending a final ruling by the Commission on the petition.

Parties submitting petitions for leave to intervene are requested to identify therein any issues, legal or otherwise, which in their opinion are or may be raised in the Postal Service's request in connection with any proposed new subclasses and related rates.

II. APPOINTMENT OF PRESIDING OFFICER AND DATE OF INITIAL PREHEARING CONFERENCE

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice (39 CFR 30 (b)), the Commission will conduct all prehearing conferences and hearings en banc. Clyde S. DuPont, Chairman, will be the presiding officer in such proceedings (39 CFR 3001.5(e); 3001.23). An initial prehearing conference will be held on July 28, 1977 and, thereafter, on such further dates as may be designated by the presiding officer. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 200 L Street NW., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

III. APPOINTMENT OF THE OFFICER OF THE COMMISSION

The Officer of the Commission (OOC) designated to represent the general public [2] in this proceeding will be Kenneth J. Neises, Assistant General Counsel (Litigation). During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in nor advise as to any Commission decision in the case.[3] The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by § 10(c) of the rules of practice (39 CFR 3001.10(c)).

IV. PROCEDURES FOR EXPEDITION

Section 3624(c)(1) of the Postal Reorganization Act (39 U.S.C. 3624(c)(1)) provides that the Commission is to render its recommended decision within 10 months after receiving a request for change in rates of postage. In order to expedite the proceedings and still be consistent with procedural fairness, we are issuing the present detailed Order so that all those who contemplate participating in this case (even though not yet admitted) will have ample time to prepare for the prehearing conference.

In this regard, the Commission directs the attention of the parties, and of petitioners for leave to intervene or be heard as limited participators, to section 24(d) of the Commission's rules of practice which sets forth the matters which the presiding officer and the participants shall consider and resolve at the prehearing conference. All interested persons are expected to appear at the prehearing

[1] The percentage calculations are those supplied by the Postal Service.

[2] See 39 U.S.C. 3624(a).

[3] See 39 CFR 3001.8.

conference fully prepared to discuss in detail and resolve these matters. Additionally, such persons will have an opportunity to comment on the attached list of suggested procedural guidelines and proposed special rules of practice and should be authorized to make commitments with respect thereto. See Attachment B. Before the close of the prehearing conference, such persons will also have the opportunity to make opening statements, if they so desire.

In the past, our rules regarding discovery have been leniently enforced on occasion. For example, time limitations have been waived and extended (particularly for completion of discovery) in many instances and considerable delay of the proceedings has resulted. Because we are determined to expedite the conduct of this case, as the statute requires, and because the trial and decision of our previous rate cases have given us a body of useful experience which we anticipate will guide us in this proceeding, we plan to adhere as strictly as possible to the procedural requirements and filing deadlines set out in our rules of practice. The parties should therefore make certain, from the outset of this proceeding, that they have provided aedquate resources for the prompt preparation of and response to all discovery requests.

In furtherance of this objective, we have decided on a procedure to be followed in case answers to discovery requests are not forthcoming within the prescribed time. This procedure is the same as that provided for in the proceedings in Docket No. R76–1. If a motion to compel responses is not answered by a demonstration of cogent and convincing reasons for delay, the presiding officer will prescribe a time at which the witness to whom the discovery requests were addressed will be produced for oral examination on the subject matter of such requests. This examination will be conducted in parallel with the main hearings, before special presiding officers[4] to be designated by the Chairman for that purpose. The special presiding officer will record any objections made, together with his proposed disposition thereof, and transmit both to the Chairman acting in his capacity as presiding officer of the main hearing. A transcript will be made of any such examination, and the responding witness may be represented by counsel. We expect that such ancillary proceedings will accelerate the obtaining of responses (which would otherwise have to be pursued by written pleadings and motions), while not requiring the main proceedings to be halted.

While we are not at this time specifying any procedures for the taking of depositions in parallel with the principal hearing, the parties and the presiding officer will consider their use when appropriate to hasten responses to discovery requests and where attendance of a special presiding officer may not be required.

[4] Analogous procedures are found in the judiciary where Special Masters sometimes are appointed by a court for the hearing of particular matters. See F.R.C.P. Rule 53.

All participants should give careful consideration to expediting this proceeding and, in connection therewith, should review the proposed schedule of procedural stages. See Attachment C. As indicated, we tentatively plan to close the record in these proceedings by February 7, 1978.

The requirements of the Act demand expedited proceedings, coupled with procedural fairness. We must respond accordingly. We also alert the parties that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to adhere to a briefing schedule consonant with this policy. See Attachment C.

V. Prehearing Conference Statements

In preparation for the initial prehearing conference, each participant should serve a document captioned "Prehearing Conference Statement" on or before July 26, 1977, containing the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.)

2. A statement of the participant's tentative position on each of the proposed issues.

3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.

4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.

5. Any other matter the participant believes should be pursued at the prehearing conference.

Prior to the initial prehearing conference, all participants are encouraged informally and promptly to inform the Postal Service of desired preliminary clarification in the Service's presentation which each participant believes necessary in order to expedite this proceeding.

VI. Discovery

The Commission directs the attention of all participants to the provisions of sections 25, 26, and 27 of the rules of practice (39 CFR 3001.25, 3001.26, 3001.27) establishing the availability of, and the rules for, discovery procedures. The discovery process is one aspect of rate proceedings which we particularly wish to expedite. Interrogatories must be answered promptly so that the expedited hearing program we are adopting here can function effectively.

In an effort to reduce or obviate certain peripheral discovery by the parties, the Commission will entertain oral motions requesting an opportunity to engage in a limited amount of "preliminary cross examination" of Postal Service witnesses during prehearing conferences. In this regard, the Service is requested to have its witnesses present and be able to provide for the record the requested clarifications or any other relevant information which might be requested at the prehearing conference.[5] A similar "preliminary cross examination" session for clarification of the presentations of the participants will be held following the filing of other participants' cases.

We believe this type of clarifying questioning will help reduce the length of the formal discovery period by disposing of purely informational requests on the record during prehearing conferences. Preliminary cross examination, however, should be requested only where a party is of the view (and can persuasively demonstrate) that the expected responses are an essential part of the hearing record. Normally, participants should use informal off-the-record conference techniques to the maximum extent possible. In this connection, we request the Postal Service to file periodically, e.g., every two weeks, (1) a listing of information given to parties in response to informal requests and (2) a copy of the information to be lodged in the dockets section of the Postal Rate Commission. This procedure will avoid duplicative requests from participants for identical information. It will be optional for other participants to follow this procedure because, unlike the Service, they are not usually the source of "data base" information.

The Commission orders: (A) The Commission will sit en banc, with Clyde S. DuPont, Chairman, as presiding officer, in the above-captioned proceeding.

(B) A prehearing conference in this proceeding will be held on July 28, 1977, commencing at 9:30 a.m. in the Postal Rate Commission hearing room, suite 500, 2000 L Street NW., Washington, D.C. 20268. The Conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 CFR 3001.24) and in this Order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be resolved in Docket No. R77–1. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the presiding officer.

(C) Kenneth J. Neises, Assistant General Counsel (Litigation), is hereby designated as the Officer of the Commission to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

(D) The Secretary shall cause this notice and order to be published in the Federal Register.

By the Commission.

David F. Harris,
Secretary.

Note.—Copies of the following schedules (attachment A) are available at the Docket Section of the Postal Rate Commission.

[5] Such requests might, for example, be for workpapers, sources of numbers used, explanations or demonstrations of mathematical processes employed, etc. We contemplate that any extensive responses would be provided in writing, but any inquiry which can be answered immediately by a witness should be so disposed of.

Attachment A

PRESENT AND PROPOSED RATES OF POSTAGE AND FEES FOR POSTAL SERVICES

SCHEDULE A-1

First Class and Business Reply

Mail Type	Postage Rate Unit	Current Rates: Regular (cents)	Current Rates: Presorted (cents)	Proposed Rates: Regular (cents)	Proposed Rates: Presorted (cents) 1/
(1)	(2)	(3)	(4)	(5)	(6)
First-class					
Letters					
General rate	1st ounce.....	13	12/13	16	14/16
	Each add'l ounce 2/....	11	11	13	13
Citizens' rate 3/	1st ounce.....	13	—	13	—
	Each additional ounce..	11	—	13	—
Cards	Piece.....	9	8/9	10	9/10
Business Reply 4/	With advance deposit account.....	3.5	3.5	3.5	3.5
	Without advance deposit account.....	12	12	12	12

1/ Presorted first-class mail must be presented in a single mailing of 500 or more pieces properly prepared and presorted. The lower rate applies only to each piece of a group of ten or more pieces destined for the same five-digit ZIP Code or each piece of a group of fifty or more pieces destined for the same three-digit ZIP Code. A mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails presorted first-class mail.

2/ Current rate applicable through 13 ounces. Proposed rate applicable through 11 ounces. Heavier pieces are subject to priority mail rates.

3/ Applicable to standard-size domestic first-class letter mailings by individuals. Such mailings will require special postage stamps, ZIP Codes, and handwritten address and/or return address. Priority of handling and delivery will be immediately below other priority mail.

4/ Rates are applied on a per-piece basis in addition to regular postage. A fee of $30 must be paid once each calendar year for each business-reply permit. An accounting charge must be paid once each calendar year for each business-reply advance deposit account.

SCHEDULE A-2

Current Priority Mail Rates

Postage Rate Unit (Pounds)	Rate 1/ (dollars)					
	Zones					
	Local 1, 2 & 3	4	5	6	7	8
1.....	1.56	1.58	1.60	1.62	1.64	1.67
1.5.....	1.73	1.77	1.84	1.90	1.97	2.07
2.....	1.89	1.96	2.07	2.18	2.29	2.46
2.5.....	2.05	2.15	2.29	2.43	2.59	2.78
3.....	2.21	2.33	2.50	2.68	2.88	3.09
3.5.....	2.37	2.51	2.70	2.91	3.15	3.38
4.....	2.53	2.69	2.90	3.14	3.41	3.67
4.5.....	2.68	2.86	3.09	3.35	3.65	3.94
5.....	2.83	3.03	3.27	3.56	3.88	4.20
Each add'l. pound....	.30	.34	.37	.42	.47	.52

1/ Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE A-3

Proposed Priority Mail Rates

Postage Rate Unit (Pounds)	Rate 1/ (dollars)					
	Zones					
	Local 1, 2 & 3	4	5	6	7	8
1	1.48	1.54	1.59	1.67	1.75	1.81
1.5	1.56	1.64	1.73	1.85	1.96	2.14 2/
2	1.64	1.75	1.87	2.02	2.18	2.30
2.5	1.72	1.86	2.01	2.20	2.39	2.55
3	1.79	1.97	2.14	2.37	2.61	2.79
3.5	1.87	2.08	2.28	2.55	2.82	3.04
4	1.95	2.18	2.42	2.72	3.04	3.28
4.5	2.03	2.29	2.55	2.90	3.25	3.53
5	2.11	2.40	2.69	3.08	3.47	3.77
Per Piece	$1.32	$1.32	$1.32	$1.32	$1.32	$1.32
Per Pound	15.8¢	21.6¢	27.4¢	35.1¢	42.9¢	49.0¢

1/ Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

2/ Raised $.08 to allow for a rate greater than that for a 2 pound Zone 8 parcel sent via parcel post.

SCHEDULE A-1a

Proposed Priority Rate Schedule

WEIGHT NOT EXCEEDING (POUNDS)	LC,1,2,3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1.0	1.48	1.54	1.59	1.67	1.75	1.81
1.5	1.56	1.64	1.73	1.85	1.96	2.14 1/
2.0	1.64	1.75	1.87	2.02	2.18	2.30
2.5	1.72	1.86	2.01	2.20	2.39	2.55
3.0	1.79	1.97	2.14	2.37	2.61	2.79
3.5	1.87	2.08	2.28	2.55	2.82	3.04
4.0	1.95	2.18	2.42	2.72	3.04	3.28
4.5	2.03	2.29	2.55	2.90	3.25	3.53
5	2.11	2.40	2.69	3.08	3.47	3.77
6	2.27	2.62	2.96	3.43	3.89	4.26
7	2.43	2.83	3.24	3.78	4.32	4.75
8	2.58	3.05	3.51	4.13	4.75	5.24
9	2.74	3.26	3.79	4.48	5.18	5.73
10	2.90	3.48	4.06	4.83	5.61	6.22
11	3.06	3.70	4.33	5.18	6.04	6.71
12	3.22	3.91	4.61	5.53	6.47	7.20
13	3.37	4.13	4.88	5.88	6.90	7.69
14	3.53	4.34	5.16	6.23	7.33	8.18
15	3.69	4.56	5.43	6.58	7.76	8.67
16	3.85	4.78	5.70	6.94	8.18	9.16
17	4.01	4.99	5.98	7.29	8.61	9.65
18	4.16	5.21	6.25	7.64	9.04	10.14
19	4.32	5.42	6.53	7.99	9.47	10.63
20	4.48	5.64	6.80	8.34	9.90	11.12
21	4.64	5.86	7.07	8.69	10.33	11.61
22	4.80	6.07	7.35	9.04	10.76	12.10
23	4.95	6.29	7.62	9.39	11.19	12.59
24	5.11	6.50	7.90	9.74	11.62	13.08
25	5.27	6.72	8.17	10.10	12.05	13.57
26	5.42	6.94	8.44	10.45	12.47	14.06
27	5.58	7.15	8.72	10.80	12.90	14.55
28	5.74	7.37	8.99	11.15	13.33	15.04
29	5.90	7.58	9.27	11.50	13.76	15.53
30	6.06	7.80	9.54	11.85	14.19	16.02
31	6.22	8.02	9.81	12.20	14.62	16.51
32	6.38	8.23	10.09	12.55	15.05	17.00
33	6.53	8.45	10.36	12.90	15.48	17.49
34	6.69	8.66	10.64	13.25	15.91	17.98
35	6.85	8.88	10.91	13.61	16.34	18.47
36	7.01	9.10	11.18	13.96	16.76	18.96
37	7.17	9.31	11.46	14.31	17.19	19.45
38	7.32	9.53	11.73	14.66	17.62	19.94
39	7.48	9.74	12.01	15.01	18.05	20.43
40	7.64	9.96	12.28	15.36	18.48	20.92
41	7.80	10.18	12.55	15.71	18.91	21.41
42	7.96	10.39	12.83	16.06	19.34	21.90
43	8.11	10.61	13.10	16.41	19.77	22.39
44	8.27	10.82	13.38	16.76	20.20	22.88
45	8.43	11.04	13.65	17.12	20.63	23.37
46	8.59	11.26	13.92	17.47	21.05	23.86
47	8.75	11.47	14.20	17.82	21.48	24.35
48	8.90	11.69	14.47	18.17	21.91	24.84
49	9.06	11.90	14.75	18.52	22.34	25.33
50	9.22	12.12	15.02	18.87	22.77	25.82
51	9.38	12.34	15.29	19.22	23.20	26.31
52	9.54	12.55	15.57	19.57	23.63	26.80
53	9.69	12.77	15.84	19.92	24.06	27.29
54	9.85	12.98	16.12	20.27	24.48	27.78
55	10.01	13.20	16.39	20.63	24.92	28.27
56	10.17	13.42	16.66	20.98	25.34	28.76
57	10.33	13.63	16.94	21.33	25.77	29.25
58	10.48	13.85	17.21	21.68	26.20	29.74
59	10.64	14.06	17.49	22.03	26.63	30.23
60	10.80	14.28	17.76	22.38	27.06	30.72
61	10.96	14.50	18.03	22.73	27.49	31.21
62	11.12	14.71	18.31	23.08	27.92	31.70
63	11.27	14.93	18.58	23.43	28.35	32.19
64	11.43	15.14	18.86	23.78	28.78	32.68
65	11.59	15.36	19.13	24.13	29.21	33.17
66	11.75	15.58	19.40	24.48	29.63	33.66
67	11.91	15.79	19.68	24.84	30.06	34.15
68	12.06	16.01	19.95	25.19	30.49	34.64
69	12.22	16.22	20.23	25.54	30.92	35.13
70	12.38	16.44	20.50	25.89	31.35	35.62

1/ Raised $.08 to allow for a rate greater than that for a 2 pound zone 8 parcel sent via parcel post.

SCHEDULE B-1

Second-Class Mail: In-County, Transient, and Commingled Non-Subscriber Copies 1/

Mail Type	Full Rate Current (cents)	Full Rate Proposed (cents)
In-County		
Pound-rate matter:		
Per pound	4.6	5.0
Per piece	2.6	2.9
Per-copy-rate matter:		
Publications issued more frequently than weekly	3.9	4.1
Publications issued less frequently than weekly:		
Copies weighing 2 ounces or less	3.9	4.1
Copies weighing more than 2 ounces	5.2	5.5
Transient		
First 2 ounces	10.0	10.0
Each additional ounce	6.0	6.0
Commingled Non-subscriber Copies 1/		
Per pound	13.6	15.3
Per piece	4.5	5.8

1/ Includes sample copies in excess of the 10 percent allowance and complimentary copies.

SCHEDULE B-2

Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

	Postage Rate Unit	Full Rate 1/ Current (cents)	Full Rate 1/ Proposed (cents)
Per pound:			
Non-advertising portion	Pound	9.8	12.9
Advertising portion: 2/			
Zone: 1 & 2	Pound	13.2	15.9
3	Pound	14.2	16.6
4	Pound	15.2	17.8
5	Pound	16.7	19.9
6	Pound	18.7	22.5
7	Pound	20.7	25.1
8	Pound	23.1	27.6
Per piece	Piece	4.0	4.8

1/ Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

2/ Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B-3

Second-Class Mail: Classroom Publications, Outside County

	Postage Rate Unit	Full Rate 1/ Current (cents)	Full Rate 1/ Proposed (cents)
Per pound:			
Non-advertising portion	Pound	5.4	5.6
Advertising portion:			
Zone: 1 & 2	Pound	6.0	6.1
3	Pound	7.0	6.8
4	Pound	8.0	8.0
5	Pound	9.5	10.1
6	Pound	11.5	12.7
7	Pound	13.5	15.3
8	Pound	15.9	17.8
Per piece	Piece	2.5	2.7

1/ Charges for classroom publications are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

SCHEDULE B-4

Second-Class Mail: Regular Rate Publications, Outside County

	Postage Rate Unit	Full Rate 1/ Current (cents)	Full Rate 1/ Proposed (cents)
Per pound:			
Non-advertising portion:			
Zone: 1 & 2	Pound	10.2	12.3
3	Pound	10.2	12.9
4	Pound	10.2	14.1
5	Pound	10.2	16.0
6	Pound	10.2	18.4
7	Pound	10.2	20.8
8	Pound	10.2	23.0
Advertising portion:			
Zone: 1 & 2	Pound	13.6	16.5 2/
3	Pound	14.4	17.3
4	Pound	15.6	18.8
5	Pound	17.4	21.4
6	Pound	19.4	24.5
7	Pound	21.4	27.7
8	Pound	23.5	30.8
Per piece 3/	Piece	4.3	6.8/4.8 4/
Per piece 5/	Piece	3.5	5.9/3.9 4/

1/ Charges for second-class regular rate mail are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.
2/ Per-pound advertising portion full rate for science-of-agriculture publications mailed to Zones 1 and 2 is currently 13.2 cents per pound. The proposed full rate is 15.9 cents per pound.
3/ Publications mailing 5,000 or more copies per issue outside county of publication.
4/ Lower per-piece rate applies to pieces included in direct sacks to 5-digit ZIP Code destinations.
5/ Publications mailing fewer than 5,000 copies per issue outside county of publication.

SCHEDULE C

Controlled Circulation Mail

	Full Rate	
	Current (cents)	Proposed (cents)
Per pound	13.6	15.3
Per piece	4.5	5.8

SCHEDULE D

Third-Class Mail

	Full Rate	
	Current (cents)	Proposed (cents)
Single-Piece		
First 2 ounces	14	20
Next 2 ounces	14	20
Each additional 2 ounces	11	13
Keys and Identification Devices		
First 2 ounces	19	32
Each additional 2 ounces	14	18
Regular Bulk 1/		
Per-pound		
Ordinary matter 2/	36	41
Books, catalogs, etc. 3/	30	38
Minimum-per-piece	7.5/7.7 4/	8.6
Nonprofit Bulk 1/		
Per-pound		
Ordinary matter 2/	24	33
Books, catalogs, etc. 3/	20	29
Minimum-per-piece	3.7	5.4

1/ A fee of $40.00 must be paid once each calendar year for each bulk mailing permit.

2/ "Ordinary matter" includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

3/ Books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

4/ The lower minimum-per-piece rate applies to the first 250,000 pieces of regular bulk matter mailed annually.

SCHEDULE E-1

Fourth-Class Mail: Special and Library Rates

	Full Rate	
	Current (cents)	Proposed (cents)
Special:		
First Pound		
Not presorted	40	55
Presorted to 5-digits 1/ 2/	36	49
Presorted to 3-digits 1/ 3/	37	51
Each additional pound through 7 pounds	14	18
Each additional pound over 7 pounds	8	11
Library:		
First Pound	29	38
Each additional pound through 7 pounds	9	12
Each additional pound over 7 pounds	9	8

1/ A fee of $30.00 must be paid once each calendar year for each permit.
2/ For mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes (§400.331a(1) of the Classification Schedule effective July 6, 1976).
3/ For mailings of 2,000 or more pieces properly prepared and presorted to five-digit and three-digit destination ZIP Codes (§403.331a(2) of the Classification Schedule effective July 6, 1976).

SCHEDULE E-2

Fourth-Class Mail: Single-Piece Bound Printed Matter 1/ (Dollars)

Current

Rates for Pieces Weighing Up To (Pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5	0.52	0.62	0.64	0.67	0.70	0.73	0.78	0.84
2	.53	.65	.67	.71	.75	.79	.85	.93
2.5	.55	.68	.70	.75	.81	.86	.93	1.02
3	.57	.71	.74	.79	.86	.93	1.01	1.11
3.5	.59	.74	.78	.84	.91	.99	1.09	1.20
4	.61	.77	.81	.88	.96	1.05	1.17	1.31
4.5	.62	.79	.84	.93	1.01	1.11	1.25	1.40
5	.64	.82	.87	.96	1.06	1.17	1.32	1.49
6	.68	.88	.94	1.05	1.16	1.31	1.47	1.67
7	.71	.94	1.00	1.12	1.26	1.44	1.63	1.85
8	.75	1.00	1.07	1.20	1.37	1.57	1.78	2.04
9	.79	1.06	1.14	1.29	1.47	1.69	1.94	2.23
10	.82	1.11	1.20	1.38	1.58	1.81	2.10	2.42

Proposed

1.5	0.69	0.92	0.94	0.97	1.02	1.08	1.16	1.19
2	.69	.93	.95	.99	1.06	1.14	1.25	1.28
2.5	.69	.93	.96	1.01	1.10	1.20	1.33	1.38
3	.69	.94	.97	1.03	1.14	1.25	1.41	1.47
3.5	.69	.94	.98	1.05	1.17	1.31	1.50	1.56
4	.69	.95	.99	1.07	1.21	1.37	1.58	1.66
4.5	.69	.95	1.00	1.09	1.25	1.42	1.67	1.75
5	.70	.96	1.02	1.12	1.29	1.48	1.75	1.85
6	.70	.96	1.04	1.16	1.36	1.59	1.92	2.03
7	.70	.97	1.06	1.20	1.44	1.71	2.09	2.22
8	.70	.98	1.08	1.24	1.51	1.82	2.25	2.41
9	.70	.99	1.10	1.28	1.59	1.94	2.42	2.59
10	.70	1.00	1.12	1.32	1.66	2.05	2.59	2.78
Per Piece (cents)	.69	.91	.91	.91	.91	.91	.91	.91
Per Pound (cents)	.1	.9	2.1	4.1	7.5	11.4	16.8	18.7

1/ Includes both catalogs and similar bound printed matter (§400.51 of the Classification Schedule effective July 6, 1976).

SCHEDULE E-3

Fourth-Class Mail: Bulk Bound Printed Matter 1/

Zones	Current		Proposed	
	Per Piece (cents)	Per Pound (cents)	Per Piece (cents)	Per Pound (cents)
Local	26	2.8	35	.1
1 & 2	31	4.4	46	.9
3	31	5.2	46	2.1
4	31	6.4	46	4.1
5	31	7.8	46	7.5
6	31	9.6	46	11.4
7	31	11.6	46	16.8
8	32	13.9	46	18.7

1/ Includes both catalogs and similar bound printed matter ($400.51 of the Classification Schedule effective July 6, 1976).

SCHEDULE E-4

Fourth-Class Mail: Parcel Post 1/ 2/ 3/

Zones	Current		Proposed			
	Per Piece (cents)	Per Pound (cents)	Per Piece 4/ (cents)		Per Pound 4/ (cents)	
			2-30 lbs.	31-70 lbs.	2-30 lbs.	31-70 lbs
Local	68	4.5	108	162	.2	.1
1 & 2	76	7.0	145 5/	290	1.3	.3
3	76	8.5	145 5/	290	3.1	.6
4	83	10.5	145	290	5.8	1.2
5	88	13.5	145	290	9.6	1.9
6	93	17.5	145	290	14.8	3.0
7	96	22.0	145	290	20.4	4.1
8	96	26.0	145	290	32.7	6.5

1/ Full rate matrix is shown in Schedule E-4a.

2/ Exceptions: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

3/ Bulk parcel post: Consists of parcel post presented in a single mailing of 300 or more pieces properly prepared and separated by both weight (2-30 pounds and 31-70 pounds) and destination postage zone. The per-piece rate is the single-piece parcel post rate for a piece having a weight equal to the average weight per piece for each zone and weight grouping. ($400.22 of the Classification Schedule effective July 6, 1976.)

4/ In computing the charge for a parcel, fractions of 1/10 or .1 of a cent or greater will be increased to the next whole cent.

5/ Reduced to 135 cents in zones 1 and 2 for a 2 pound parcel and 136 cents-zone 3 for a 2 pound parcel.

SCHEDULE E-4a

PROPOSED PARCEL POST RATE SCHEDULE

WEIGHT NOT EXCEEDING (POUNDS)	LOCAL	ZIP 1,2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8
1	1.09	1.38	1.43	1.57	1.65	1.75	1.86	2.11
2	1.09	1.44	1.55	1.63	1.74	1.90	2.07	2.44
3	1.09	1.51	1.68	1.69	1.84	2.05	2.27	2.76
4	1.09	1.52	1.81	1.74	1.93	2.19	2.47	3.09
5	1.10	1.53	1.84	1.80	2.03	2.34	2.68	3.42
6	1.10	1.55	1.87	1.86	2.13	2.49	2.88	3.74
7	1.10	1.56	1.72	1.92	2.22	2.64	3.09	4.07
8	1.10	1.57	1.73	1.96	2.22	2.78	3.29	4.40
9	1.10	1.58	1.75	2.03	2.41	2.93	3.49	4.72
10	1.11	1.60	1.80	2.29	2.51	3.08	3.70	5.05
11	1.11	1.61	1.83	2.15	2.61	3.23	3.90	5.38
12	1.11	1.62	1.86	2.21	2.70	3.38	4.11	5.71
13	1.11	1.64	1.89	2.27	2.80	3.53	4.31	6.03
14	1.11	1.65	1.92	2.32	2.89	3.67	4.51	6.36
15	1.12	1.66	1.95	2.38	2.98	3.82	4.72	6.69
16	1.12	1.68	1.98	2.44	3.09	3.97	4.92	7.01
17	1.12	1.69	2.01	2.50	3.18	4.12	5.13	7.34
18	1.12	1.70	2.04	2.56	3.28	4.27	5.33	7.67
19	1.12	1.71	2.07	2.61	3.37	4.41	5.53	7.99
20	1.13	1.73	2.11	2.67	3.47	4.56	5.74	8.32
21	1.13	1.74	2.14	2.73	3.57	4.71	5.94	8.65
22	1.13	1.75	2.17	2.79	3.66	4.86	6.15	8.98
23	1.13	1.77	2.20	2.85	3.76	5.01	6.35	9.30
24	1.13	1.78	2.23	2.90	3.85	5.15	6.55	9.63
25	1.14	1.79	2.26	2.96	3.95	5.30	6.76	9.96
27	1.14	1.81	2.29	3.02	4.05	5.45	6.96	10.26
26	1.14	1.82	2.32	3.08	4.14	5.60	7.17	10.61
29	1.14	1.83	2.35	3.14	4.24	5.75	7.37	10.94
30	1.14	1.84	2.38	3.18	4.33	5.89	7.57	11.26
31	1.45	1.30	1.84	4.66	5.80	7.37	9.07	13.74
32	1.45	1.30	1.85	4.67	5.82	7.40	9.11	13.84
33	1.45	1.30	1.85	4.68	5.84	7.43	9.15	13.91
34	1.45	1.31	1.86	4.68	5.86	7.46	9.19	13.97
35	1.45	1.31	1.86	4.70	5.88	7.49	9.23	13.04
36	1.45	1.31	1.87	4.72	5.90	7.52	9.27	13.10
37	1.45	1.32	1.88	4.73	5.92	7.55	9.31	13.17
38	1.45	1.32	1.88	4.74	5.94	7.58	9.35	13.23
39	1.45	1.32	1.89	4.75	5.96	7.61	9.39	13.30
40	1.45	1.32	1.89	4.76	5.97	7.64	9.43	13.36
41	1.70	1.33	1.90	4.78	5.99	7.67	9.46	13.43
42	1.70	1.33	1.91	4.79	6.01	7.70	9.50	13.49
43	1.70	1.33	1.91	4.80	6.03	7.73	9.56	13.56
44	1.70	1.34	1.92	4.81	6.05	7.76	9.60	13.62
45	1.70	1.34	1.92	4.82	6.07	7.79	9.64	13.69
46	1.70	1.34	1.93	4.84	6.09	7.82	9.66	13.75
47	1.70	1.35	1.94	4.85	6.11	7.85	9.72	13.82
48	1.70	1.35	1.94	4.86	6.13	7.88	9.76	13.88
49	1.70	1.35	1.95	4.87	6.15	7.91	9.80	13.95
50	1.70	1.35	1.95	4.88	6.16	7.94	9.84	14.01
51	1.71	1.36	1.96	4.90	6.18	7.97	9.89	14.08
52	1.71	1.36	1.97	4.91	6.20	8.00	9.93	14.14
53	1.71	1.36	1.97	4.92	6.22	8.03	9.97	14.21
54	1.71	1.37	1.98	4.93	6.24	8.06	10.01	14.27
55	1.71	1.37	1.98	4.94	6.26	8.09	10.05	14.34
56	1.71	1.37	1.99	4.96	6.28	8.12	10.09	14.40
57	1.71	1.38	2.00	4.97	6.30	8.15	10.13	14.47
58	1.71	1.38	2.00	4.98	6.32	8.18	10.17	14.53
59	1.71	1.38	2.01	4.99	6.34	8.21	10.21	14.60
60	1.71	1.38	2.01	5.00	6.36	8.24	10.25	14.66
61	1.72	1.39	2.02	5.02	6.37	8.27	10.30	14.73
62	1.72	1.39	2.03	5.03	6.39	8.30	10.34	14.79
63	1.72	1.39	2.03	5.04	6.41	8.33	10.38	14.86
64	1.72	1.40	2.04	5.05	6.43	8.36	10.42	14.92
65	1.72	1.40	2.04	5.06	6.45	8.39	10.46	14.99
66	1.72	1.40	2.05	5.08	6.47	8.42	10.50	15.05
67	1.72	1.41	2.06	5.09	6.48	8.45	10.54	15.12
68	1.72	1.41	2.06	5.10	6.51	8.48	10.58	15.18
69	1.72	1.41	2.07	5.11	6.53	8.51	10.62	15.25
70	1.72	1.41	2.07	5.12	6.54	8.54	10.66	15.31
	1.11	1.69	1.92	2.92	2.69	3.97	4.81	6.39

SCHEDULE F-1

Current and Proposed Express Mail Rates: Airport to Airport

POUNDS (UP TO & INCL.)	ZONES*						
	1	2	3	4	5	6	7
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
7	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
8	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
9	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
10	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
11	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
12	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
13	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
14	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
15	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
16	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
17	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
18	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
19	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
20	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
21	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
22	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
23	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
24	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
25	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
26	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
27	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
28	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
29	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
30	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
31	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
32	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
33	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
34	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
35	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
36	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
37	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
38	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
39	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
40	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
41	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
42	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
43	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
44	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
45	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
46	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
47	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
48	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
49	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
50	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
51	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
52	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
53	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
54	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
55	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
56	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
57	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
58	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
59	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
60	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
61	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
62	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
63	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
64	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
65	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
66	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
67	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
68	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
69	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
70	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

SCHEDULE F-2

Current and Proposed Express Mail Rates: Programmed Service 1/

POUNDS (UP TO & INCL.)	ZONES						
	1	2	3	4	5	6	7
1	12.55	12.60	12.65	12.70	12.85	12.95	13.05
2	12.95	13.00	13.15	13.25	13.40	13.55	13.70
3	13.35	13.45	13.60	13.75	13.95	14.15	14.35
4	13.75	13.90	14.10	14.30	14.50	14.75	15.00
5	14.15	14.30	14.55	14.80	15.05	15.35	15.65
6	14.55	14.70	15.00	15.30	15.60	15.95	16.30
7	14.95	15.15	15.50	15.80	16.15	16.55	16.95
8	15.35	15.60	15.95	16.30	16.70	17.15	17.60
9	15.75	16.05	16.45	16.85	17.25	17.75	18.25
10	16.15	16.45	16.90	17.35	17.80	18.35	18.90
11	16.55	16.90	17.35	17.85	18.35	18.95	19.55
12	16.95	17.30	17.85	18.35	18.90	19.55	20.20
13	17.35	17.75	18.30	18.85	19.45	20.15	20.85
14	17.75	18.20	18.80	19.40	20.00	20.75	21.50
15	18.15	18.60	19.25	19.90	20.55	21.35	22.15
16	18.55	19.05	19.70	20.40	21.10	21.95	22.80
17	18.95	19.45	20.20	20.90	21.65	22.55	23.45
18	19.35	19.90	20.65	21.40	22.20	23.15	24.10
19	19.75	20.35	21.15	21.95	22.75	23.75	24.75
20	20.15	20.75	21.60	22.45	23.30	24.35	25.40
21	20.55	21.20	22.05	22.95	23.85	24.95	26.05
22	20.95	21.60	22.45	23.45	24.40	25.55	26.70
23	21.35	22.05	22.90	23.95	24.95	26.15	27.35
24	21.75	22.50	23.50	24.50	25.50	26.75	28.00
25	22.15	22.90	23.95	25.00	26.05	27.35	28.65
26	22.55	23.35	24.40	25.50	26.60	27.95	29.30
27	22.95	23.75	24.90	26.00	27.15	28.55	29.95
28	23.35	24.20	25.35	26.50	27.70	29.15	30.60
29	23.75	24.65	25.85	27.05	28.25	29.75	31.25
30	24.15	25.05	26.30	27.55	28.80	30.35	31.90
31	24.55	25.50	26.75	28.05	29.35	30.95	32.55
32	24.95	25.90	27.25	28.55	29.90	31.55	33.20
33	25.35	26.35	27.70	29.05	30.45	32.15	33.85
34	25.75	26.80	28.20	29.60	31.00	32.75	34.50
35	26.15	27.20	28.65	30.10	31.55	33.35	35.15
36	26.55	27.65	29.10	30.60	32.10	33.95	35.80
37	26.95	28.05	29.60	31.10	32.65	34.55	36.45
38	27.35	28.50	30.05	31.60	33.20	35.15	37.10
39	27.75	28.95	30.55	32.15	33.75	35.75	37.75
40	28.15	29.35	31.00	32.65	34.30	36.35	38.40
41	28.55	29.80	31.45	33.15	34.85	36.95	39.05
42	28.95	30.20	31.95	33.65	35.40	37.55	39.70
43	29.35	30.65	32.40	34.15	35.95	38.15	40.35
44	29.75	31.10	32.90	34.70	36.50	38.75	41.00
45	30.15	31.50	33.35	35.20	37.05	39.35	41.65
46	30.55	31.95	33.80	35.70	37.60	39.95	42.30
47	30.95	32.35	34.30	36.20	38.15	40.55	42.95
48	31.35	32.80	34.75	36.70	38.70	41.15	43.60
49	31.75	33.25	35.25	37.25	39.25	41.75	44.25
50	32.15	33.65	35.70	37.75	39.80	42.35	44.90
51	32.55	34.10	36.15	38.25	40.35	42.95	45.55
52	32.95	34.50	36.65	38.75	40.90	43.55	46.20
53	33.35	34.95	37.10	39.25	41.45	44.15	46.85
54	33.75	35.40	37.60	39.80	42.00	44.75	47.50
55	34.15	35.80	38.05	40.20	42.55	45.35	48.15
56	34.55	36.25	38.50	40.80	43.10	45.95	48.80
57	34.95	36.65	39.00	41.30	43.65	46.55	49.45
58	35.35	37.10	39.45	41.80	44.20	47.15	50.10
59	35.75	37.55	39.95	42.35	44.75	47.75	50.75
60	36.15	37.95	40.40	42.85	45.30	48.35	51.40
61	36.55	38.40	40.85	43.35	45.85	48.95	52.05
62	36.95	38.80	41.35	43.85	46.40	49.55	52.70
63	37.35	39.25	41.80	44.35	46.95	50.15	53.35
64	37.75	39.70	42.30	44.90	47.50	50.75	54.00
65	38.15	40.10	42.75	45.40	48.05	51.35	54.65
66	38.55	40.55	43.20	45.90	48.60	51.95	55.30
67	38.95	40.95	43.70	46.40	49.15	52.55	55.95
68	39.35	41.40	44.15	46.90	49.70	53.15	56.60
69	39.75	41.85	44.65	47.45	50.25	53.75	57.25
70	40.15	42.25	45.10	47.95	50.80	54.35	57.90

1/ The rates for Programmed Service are subject to the following:

a. If tendered at origin airport mail facility deduct $3.00.

b. If tendered for claim by addressee at destination airport mail facility deduct $3.00.

c. If tendered at origin airport mail facility for claim by addressee at destination airport mail facility deduct $6.00.

d. Add $5.25 for each delivery stop for item(s) tendered for delivery to addressee.

e. For each collection stop, add $5.25 per occurrence.

SCHEDULE P-3

Current and Proposed Express Mail Rates: Post Office to Addressee 1/

Pounds (Up to but not over)	Zones (Regular Service)						
	3	4	5	6	7	8	9
1	7.50	7.55	7.65	7.70	7.80	7.90	8.00
2	7.90	8.00	8.10	8.25	8.35	8.50	8.65
3	8.30	8.40	8.60	8.75	8.90	9.10	9.30
4	8.70	8.85	9.05	9.25	9.45	9.70	9.95
5	9.10	9.30	9.50	9.75	10.00	10.30	10.60
6	9.50	9.70	10.00	10.25	10.55	10.90	11.25
7	9.90	10.15	10.45	10.80	11.15	11.50	11.90
8	10.30	10.55	10.95	11.30	11.65	12.10	12.55
9	10.70	11.00	11.40	11.80	12.20	12.70	13.20
10	11.10	11.45	11.85	12.30	12.75	13.30	13.85
11	11.50	11.85	12.35	12.80	13.30	13.90	14.50
12	11.90	12.30	12.80	13.35	13.85	14.50	15.15
13	12.30	12.70	13.30	13.85	14.40	15.10	15.80
14	12.70	13.15	13.75	14.35	14.95	15.70	16.45
15	13.10	13.60	14.20	14.85	15.50	16.30	17.10
16	13.50	14.00	14.70	15.35	16.05	16.90	17.75
17	13.90	14.45	15.15	15.90	16.60	17.50	18.40
18	14.30	14.85	15.65	16.40	17.15	18.10	19.05
19	14.70	15.30	16.10	16.90	17.70	18.70	19.70
20	15.10	15.75	16.55	17.40	18.25	19.30	20.35
21	15.50	16.15	17.05	17.95	18.80	19.90	21.00
22	15.90	16.60	17.50	18.45	19.35	20.50	21.65
23	16.30	17.00	18.00	18.95	19.90	21.10	22.30
24	16.70	17.45	18.45	19.45	20.45	21.70	22.95
25	17.10	17.90	18.90	19.95	21.00	22.30	23.60
26	17.50	18.30	19.40	20.45	21.55	22.90	24.25
27	17.90	18.75	19.85	21.00	22.10	23.50	24.90
28	18.30	19.15	20.25	21.50	22.65	24.10	25.55
29	18.70	19.60	20.80	22.00	23.20	24.70	26.20
30	19.10	20.05	21.25	22.50	23.75	25.30	26.85
31	19.50	20.45	21.75	23.00	24.30	25.90	27.50
32	19.90	20.90	22.20	23.55	24.85	26.50	28.15
33	20.30	21.30	22.70	24.05	25.40	27.10	28.80
34	20.70	21.75	23.15	24.55	25.95	27.70	29.45
35	21.10	22.20	23.60	25.05	26.50	28.30	30.10
36	21.50	22.60	24.10	25.55	27.05	28.90	30.75
37	21.90	23.05	24.55	26.10	27.60	29.50	31.40
38	22.30	23.45	25.05	26.60	28.15	30.10	32.05
39	22.70	23.90	25.50	27.10	28.70	30.70	32.70
40	23.10	24.35	25.95	27.60	29.25	31.30	33.35
41	23.50	24.75	26.45	28.10	29.80	31.90	34.00
42	23.90	25.20	26.90	28.65	30.35	32.50	34.65
43	24.30	25.60	27.40	29.15	30.90	33.10	35.30
44	24.70	26.05	27.85	29.65	31.45	33.70	35.95
45	25.10	26.50	28.30	30.15	32.00	34.30	36.60
46	25.50	26.90	28.80	30.65	32.55	34.90	37.25
47	25.90	27.35	29.25	31.20	33.10	35.50	37.90
48	26.30	27.75	29.75	31.70	33.65	36.10	38.55
49	26.70	28.20	30.20	32.20	34.20	36.70	39.20
50	27.10	28.65	30.65	32.70	34.75	37.30	39.85
51	27.50	29.05	31.15	33.20	35.30	37.90	40.50
52	27.90	29.50	31.60	33.75	35.85	38.50	41.15
53	28.30	29.90	32.10	34.25	36.40	39.10	41.80
54	28.70	30.35	32.55	34.75	36.95	39.70	42.45
55	29.10	30.80	33.00	35.25	37.50	40.30	43.10
56	29.50	31.20	33.50	35.75	38.05	40.90	43.75
57	29.90	31.65	33.95	36.30	38.60	41.50	44.40
58	30.30	32.05	34.45	36.80	39.15	42.10	45.05
59	30.70	32.50	34.90	37.30	39.70	42.70	45.70
60	31.10	32.95	35.35	37.80	40.25	43.30	46.35
61	31.50	33.35	35.85	38.30	40.80	43.90	47.00
62	31.90	33.80	36.30	38.85	41.35	44.50	47.65
63	32.30	34.20	36.80	39.35	41.90	45.10	48.30
64	32.70	34.65	37.25	39.85	42.45	45.70	48.95
65	33.10	35.10	37.70	40.35	43.00	46.30	49.60
66	33.50	35.50	38.20	40.85	43.55	46.90	50.25
67	33.90	35.95	38.65	41.40	44.10	47.50	50.90
68	34.10	36.35	39.15	41.90	44.65	48.10	51.55
69	34.70	36.80	39.60	42.40	45.20	48.70	52.20
70	35.10	37.25	40.05	42.90	45.75	49.30	52.85

1/ For each collection stop, add $5.25 per occurrence.

SCHEDULE P-4

CURRENT AND PROPOSED EXPRESS MAIL RATES: POST OFFICE TO POST OFFICE 1/

Pounds (Up to but not over)	Zones* (Regular Service)						
	3	4	5	6	7	8	9
1	5.40	5.45	5.55	5.60	5.70	5.80	5.90
2	5.80	5.90	6.00	6.15	6.25	6.40	6.55
3	6.20	6.30	6.50	6.65	6.80	7.00	7.20
4	6.60	6.75	6.95	7.15	7.35	7.60	7.85
5	7.00	7.20	7.40	7.65	7.90	8.20	8.50
6	7.40	7.60	7.90	8.15	8.45	8.80	9.15
7	7.80	8.05	8.35	8.70	9.00	9.40	9.80
8	8.20	8.45	8.85	9.20	9.55	10.00	10.45
9	8.60	8.90	9.30	9.70	10.10	10.60	11.10
10	9.00	9.35	9.75	10.20	10.65	11.20	11.75
11	9.40	9.75	10.25	10.70	11.20	11.80	12.40
12	9.80	10.20	10.70	11.25	11.75	12.40	13.05
13	10.20	10.60	11.20	11.75	12.30	13.00	13.70
14	10.60	11.05	11.65	12.25	12.85	13.60	14.35
15	11.00	11.50	12.10	12.75	13.40	14.20	15.00
16	11.40	11.90	12.60	13.25	13.95	14.80	15.65
17	11.80	12.35	13.05	13.80	14.50	15.40	16.30
18	12.20	12.75	13.55	14.30	15.05	16.00	16.95
19	12.60	13.20	14.00	14.80	15.60	16.60	17.60
20	13.00	13.65	14.45	15.30	16.15	17.20	18.25
21	13.40	14.10	14.95	15.80	16.70	17.80	18.90
22	13.80	14.50	15.40	16.35	17.25	18.40	19.55
23	14.20	14.90	15.90	16.85	17.80	19.00	20.20
24	14.60	15.35	16.35	17.35	18.35	19.60	20.85
25	15.00	15.80	16.80	17.85	18.90	20.20	21.50
26	15.40	16.25	17.30	18.35	19.45	20.80	22.15
27	15.80	16.65	17.75	18.90	20.00	21.40	22.80
28	16.20	17.10	18.35	19.40	20.55	22.00	23.45
29	16.60	17.50	18.70	19.90	21.10	22.60	24.10
30	17.00	17.95	19.15	20.40	21.65	23.25	24.75
31	17.40	18.35	19.65	20.90	22.20	23.80	25.40
32	17.80	18.80	20.10	21.45	22.75	24.40	26.05
33	18.20	19.20	20.60	21.95	23.30	25.00	26.70
34	18.60	19.65	21.05	22.45	23.85	25.60	27.35
35	19.00	20.10	21.50	22.95	24.40	26.20	28.00
36	19.40	20.50	22.00	23.45	24.95	26.80	28.65
37	19.80	20.95	22.45	24.00	25.50	27.40	29.30
38	20.20	21.40	22.95	24.50	26.05	28.00	29.95
39	20.60	21.80	23.40	25.00	26.60	28.60	30.60
40	21.00	22.25	23.85	25.50	27.15	29.20	31.25
41	21.40	22.65	24.35	26.00	27.70	29.80	31.90
42	21.80	23.10	24.80	26.55	28.25	30.40	32.55
43	22.20	23.50	25.30	27.05	28.80	31.00	33.20
44	22.60	23.95	25.75	27.55	29.35	31.60	33.85
45	23.00	24.40	26.20	28.05	29.90	32.20	34.50
46	23.40	24.80	26.70	28.55	30.45	32.80	35.15
47	23.80	25.25	27.15	29.10	31.00	33.40	35.80
48	24.20	25.65	27.65	29.60	31.55	34.00	36.45
49	24.60	26.10	28.10	30.10	32.10	34.60	37.10
50	25.00	26.55	28.55	30.60	32.65	35.20	37.75
51	25.40	26.95	29.05	31.10	33.20	35.80	38.40
52	25.80	27.40	29.50	31.65	33.75	36.40	39.05
53	26.20	27.80	30.00	32.15	34.30	37.00	39.70
54	26.60	28.25	30.45	32.65	34.85	37.60	40.35
55	27.00	28.70	30.90	33.15	35.40	38.20	41.00
56	27.40	29.10	31.40	33.65	35.95	38.80	41.65
57	27.80	29.55	31.85	34.20	36.50	39.40	42.30
58	28.20	30.00	32.35	34.70	37.05	40.00	42.95
59	28.60	30.40	32.80	35.20	37.60	40.60	43.60
60	29.00	30.85	33.25	35.70	38.15	41.20	44.25
61	29.40	31.25	33.75	36.20	38.70	41.80	44.90
62	29.80	31.70	34.20	36.75	39.25	42.40	45.55
63	30.20	32.15	34.70	37.25	39.80	43.00	46.20
64	30.60	32.55	35.15	37.75	40.35	43.60	46.85
65	31.00	33.00	35.65	38.25	40.90	44.20	47.50
66	31.40	33.40	36.05	38.75	41.45	44.80	48.15
67	31.80	33.85	36.55	39.30	42.00	45.40	48.80
68	32.20	34.25	37.05	39.80	42.55	46.00	49.45
69	32.60	34.70	37.50	40.30	43.10	46.60	50.10
70	33.00	35.15	37.95	40.80	43.65	47.20	50.75

* To determine contract zone, use Express Mail Zone Chart only.

1/ For each collection stop, add $5.25 per occurrence.

SCHEDULE G-1

LOCKBOX AND CALLER SERVICES

Description	Fees (Semiannual)				
Lockbox Type	Box Size				
	1	2	3	4	5
Group I:					
A (Current)	$12.50	$15.00	$20.00	$25.00	$30.00
A (Proposed)	14.00	20.00	28.00	40.00	55.00
B	10.00	14.00	17.50	20.00	27.50
B	14.00	20.00	28.00	40.00	55.00
C	8.00	10.00	12.50	17.50	22.50
C	10.00	14.00	20.00	30.00	40.00
D	7.00	8.00	10.00	15.00	17.50
D	8.00	11.00	15.00	24.00	30.00
E	5.50	6.50	7.50	12.50	15.00
E	8.00	11.00	15.00	24.00	30.00
Group II:					
F	2.50	3.00	4.00	6.00	7.50
F	2.50	4.00	5.00	7.50	10.00
G	2.00	2.50	3.00	4.50	6.00
G	2.50	4.00	5.00	75.0	10.00
H	1.50	2.00	2.50	3.50	4.00
H	2.00	3.00	4.00	6.00	8.00
Group III:					
I	1.00	1.00	1.00	1.00	1.00
I	1.50	1.50	1.50	1.50	1.50

	Current	Proposed
Call Service	$ 35.00	$ 60.00
Reserved Number	10.00	10.00

SCHEDULE G-2

REGISTERED MAIL

Value	Fees (In addition to postage) For Articles Not Covered By Commercial Or Other Insurance		For Articles Also Covered by Commercial or Other Insurance	
	Current	Proposed	Current	Proposed
$ 0.00 to $ 100	$ 2.10	$ 3.30	$ 2.10	$ 3.30
$ 100.01 to $ 200	2.30	3.50	2.30	3.50
$ 200.01 to $ 400	2.60	3.70	2.60	3.70
$ 400.01 to $ 600	2.90	4.10	2.90	4.10
$ 600.01 to $ 800	3.20	4.50	3.20	4.70
$ 800.01 to $ 1,000	3.50	4.90	3.50	4.90
$ 1,000.01 to $ 2,000	3.80	5.30	$* plus handling charge	
$ 2,000.01 to $ 3,000	4.10	5.70	of ** cents per $1,000 or	
$ 3,000.01 to $ 4,000	4.40	6.10	fraction over first $1,000	
$ 4,000.01 to $ 5,000	4.70	6.50	*3.50	*4.90
$ 5,000.01 to $ 6,000	5.00	6.90	**0.25	**0.35
$ 6,000.01 to $ 7,000	5.30	7.30		
$ 7,000.01 to $ 8,000	5.60	7.70		
$ 8,000.01 to $ 9,000	5.90	8.10		
$ 9,000.01 to $ 10,000	6.20	8.50		
$10,000.01 to $ 11,000	—	8.90		
$11,000.01 to $ 12,000	—	9.30		
$12,000.01 to $ 13,000	—	9.70		
$13,000.01 to $ 14,000	—	10.10		
$14,000.01 to $ 15,000	—	10.50		
$15,000.01 to $ 16,000	—	10.90		
$16,000.01 to $ 17,000	—	11.30		
$17,000.01 to $ 18,000	—	11.70		
$18,000.01 to $ 19,000	—	12.10		
$19,000.01 to $ 20,000	—	12.50		
$20,000.01 to $ 21,000	—	12.90		
$21,000.01 to $ 22,000	—	13.30		
$22,000.01 to $ 23,000	—	13.70		
$23,000.01 to $ 24,000	—	14.10		
$24,000.01 to $ 25,000		14.50		
$10,000 to $1,000,000 Current	$* plus handling charge of ** cents per $1,000 or fraction over first $10,000 at current rates—over first $25,000 at proposed rates.			
$25,000 to $1,000,000 Proposed	*6.20	*14.50		
	**0.25	** 0.35		
$ 1,000,000 to $15,000,000	$* plus handling charge of ** cents per $1,000 or fraction over first $1,000,000		$* plus handling charge of ** cents per 1,000 or fraction over first 1,000,000	
	*1251.70	*355.75	*253.15	*354.55
	** 0.20	** 0.30	** 0.20	** 0.30
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.			

SCHEDULE G-3

MONEY ORDERS

Amount	Fees (Domestic) Current	Proposed
$ 0.01 to $ 10	$ 0.50	$ 0.60
10.01 to 50	0.70	0.80
50.01 to 400 [1/]	0.90	1.10
APO-FPO		
$ 0.01 to $400 [1/]	0.15	0.20

1/ Current Limit $300.

SCHEDULE G-4

SPECIAL DELIVERY

Class/Weight	Fees (in addition to postage) Current	Proposed
First Class and Priority Mail		
Not more than 2 pounds	$ 1.25	$ 2.10
More than 2 pounds but not more than 10 pounds	1.50	2.10
More than 10 pounds	1.75	2.60
All Other Classes		
Not more than 2 pounds	1.75	2.60
More than 2 pounds but not more than 10 pounds	1.85	2.60
More than 10 pounds	2.15	3.10

SCHEDULE G-5

CERTIFIED MAIL

Description	Fees (in addition to postage) Current	Proposed
Per Piece	$ 0.60	$ 0.90

INSURED MAIL

Liability	Fees (Domestic) (in addition to postage) Current	Proposed
$ 0.01 to $ 15	$ 0.40	$ 0.60
15.01 to 50	0.60	0.90
50.01 to 100	0.80	1.20
100.01 to 150	1.00	1.80
150.01 to 200	1.20	1.80
200.01 to 300	—	2.40
300.01 to 400	—	3.00

SCHEDULE G-6

RETURN RECEIPTS

Description	Fees (in addition to postage) Current	Proposed
Requested at time of mailing:		
Showing to whom (signature) and date delivered	$ 0.25	$ .45
Showing to whom (Signature) and date and address where delivered	0.45	.55
Requested after mailing:		
Showing to whom and date delivered	0.45	2.10

SCHEDULE G-7

COLLECT ON DELIVERY MAIL

Amount to be Collected or Insurance Coverage Desired	Fees (in addition to postage) Current	Proposed
$ 0.01 to $ 10	$0.85	$1.40
10.01 to 25	1.05	1.60
25.01 to 50	1.25	1.80
50.01 to 100	1.45	2.10
100.01 to 200	1.65	2.70
200.01 to 300	1.85	3.30
300.01 to 400	—	3.90
Notice of nondelivery of c.o.d.	0.25	1.05
Alteration of c.o.d. charges or designation of new addressee	0.50	1.05
Registered c.o.d.	0.85	1.40

SCHEDULE G-8

STAMPED ENVELOPES

Type	Fees (in addition to postage) Current	Proposed
Single Sale	$0.02	$0.04
Bulk (500) #6-3/4 size		
Regular	3.55	8.00
Window	4.00	8.50
Precanceled	3.55	8.00
Bulk (500) #10 size		
Regular	4.20	9.00
Window	4.85	9.50
Precanceled	4.20	9.00
Printing Charge Per 500 Envelopes		
Minimum Order (500 envelopes)	2.25	2.50
Orders for 1,000 or more Envelopes	2.00	2.50

SCHEDULE G-9

SPECIAL HANDLING

Weight	Fees (in addition to postage) Current	Proposed
Not more than 2 pounds	$ 0.50	$ 0.70
More than 2 pounds but not more than 10 pounds	0.70	0.70
More than 10 pounds	1.00	1.00

ADDRESS CORRECTION

Description	Fee Current	Proposed
Per Piece	$ 0.25	$ 0.30

SCHEDULE G-10

ON-SITE METER SETTING

Description	Fees Current	Proposed
Meter Company Adjustments	$ 5.00	$ 5.00
All Other Meter Settings		
First meter		
By appointment	$ 5.00	$ 7.00
Unscheduled request	7.50	12.00
Additional meters	2.50	3.50

PERMIT-IMPRINT FEE

Description	Fee Current	Proposed
Per permit	$ 20.00	$ 30.00

SCHEDULE G-11

CERTIFICATES OF MAILING

Description	Fees (in addition to postage) Current	Proposed
Individual Pieces		
Original certificate of mailing for individually listed pieces of all classes of ordinary mail	$0.10 each	$0.15 each
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and c.o.d. mail	0.10 each	0.15 each
Bulk Pieces		
Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:		
Up to 1,000 pieces (1 certificate for total number)	0.50	0.75
Each additional 1,000 pieces, or fraction	0.10	0.15
Duplicate copy	0.10	0.15

SCHEDULE G-12

RESTRICTED DELIVERY

Description	Fee (in addition to postage) Current	Proposed
Per piece	$ 0.60	$ 0.90

PARCEL AIRLIFT MAIL

Description	(in addition to parcel post rate) Current	Proposed
Up to 2 pounds	$ 1.00	$ 0.25
Over 2 but not exceeding 3 pounds	1.00	.50
Over 3 but not exceeding 4 pounds	1.00	.75
Over 4 pounds	1.00	1.00

SCHEDULE G-13

SECOND-CLASS MAILING APPLICATIONS

Type	Fee	
	Current	Proposed
Original Entry		
Circulation 2,000 or less	$ 30.00	$ 120.00
Circulation 2,001 to 5,000	60.00	120.00
Circulation 5,001 or more	120.00	120.00
News Agent	25.00	30.00
Reentry	15.00	30.00
Additional Entry		
Within Zones 1 & 2	15.00	50.00
Within Zones 3 through 8	50.00	50.00

SCHEDULE G-14

DEAD LETTER RETURN

Description	Fees	
	Current	Proposed
Per piece	$ 0.20	$ 0.40

ZIP CODING OF MAILING LISTS

Description	Fee	
	Current	Proposed
Per 1,000 names	$ 1.50	$ 23.00

ATTACHMENT B

PART I: PROPOSED SPECIAL RULES OF PRACTICE [6]

Grouping. Participants with common interests or positions in this proceeding should group themselves to make a joint presentation including oral representation, briefing, and presentation of evidence. Such grouping will be without derogation to the right of any party to present a separate point of view where his position differs from that of the group in which he is participating.

Discovery. The discovery procedures set forth in the Commission's order herein are not exclusive. The parties will be expected also to engage in informal discovery whereever possible to clarify exhibits and testimony. The results of such efforts may be introduced into the record by stipulation, supplementary testimony, or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing or other appropriate means.

Case-in-Chief. The case-in-chief of all participants shall be in writing and shall include the participant's direct case and its rebuttal, if any, to the United States Postal Service's case-in-chief. It should be accompanied by legal memoranda, where appropriate,

Exhibits. Exhibits should be self-explanatory. They should contain appropriate footnotes or narratives explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains and may also contain a statement of the purpose for which the exhibit is offered; however, such a statement will not be considered part of the evidentiary record. Where one part of a multi-page exhibit is based on another part, as on another exhibit, appropriate cross references should be made. Relevant exposition should be included in the exhibit or given in the accompanying testimony.

Official Notice. Parties requesting official notice should refer to the page and paragraph of such material and should furnish copies of the referenced item for the record and for other parties.

Special Service and Dates. Interrogatories and answers thereto should be served on the Commission, the Officer of the Commission (three copies), on the complementary party, and on any other party so requesting.

Follow-up interrogatories should be served within five days of receipt of the answer to the prior interrogatory unless a good reason is stated.

Written cross-examination will be utilized whenever possible, to introduce factual or statistical evidence. Written cross-examination should be served three days before the announced appearance of a witness on the Commission, on the Officer of the Commission (three copies), on the witness' counsel, and on any participant so requesting.

[6] In the main, these special rules of practice have been utilized effectively in past administrative proceedings before the Commission and we propose their continued use.

Oral cross-examination will be permitted for testing assumptions, conclusions, or other opinion evidence. However, requests for permission to conduct oral cross-examination must be made in advance, accompanied by (1) specific references to the subject matter to be examined, and (2) page references to the relevant direct testimony. Requests by participants for oral cross-examination should be served three days before the announced appearance of a witness on the Commission, on the Officer of the Commission (three copies), on counsel for the witness, and on any participant so requesting.

General. Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony which is adverse to the participant wishing to cross-examine.

Legal memoranda, where appropriate, will be welcome at any stage of the proceeding.

PART II. SUGGESTED PROCEDURAL GUIDELINES

1. All parties will be expected to reference their exhibits and the testimony of their witnesses to one another and where inconsistencies between testimony or numerical figures appear, such inconsistencies are to be explained.

2. Parties will be required to sponsor as exhibits workpapers which were relied on for the purpose of proposing rates or for challenging the proposed rates of another party or the Postal Service.

3. Any participant who proposes a rate or set of rates will be expected to calculate all appropriations implied by such proposals. The participant will also be expected to show through workpapers or testimony how such appropriations were calculated. (See e.g., The Commission's Recommended Decision in Docket No. R74-1, Appendix L.)

4. The Postal Service and all other participants will be expected to demonstrate in a specific, cogent manner the relationship of proposed rates to the ratemaking criteria of the Postal Reorganization Act. Generalized statements that a particular rate meets the ratemaking criteria of the Act will be considered non-responsive.

5 The Postal Service and all participants will be expected to fully document all phases of their presentation and to provide all studies relied on in the presentation of each case-in-chief or rebutal of other participants' presentations. Where studies or documents are primarily relied on as the basis of a proposed rate or rates, the participant relying on such material will be expected to sponsor the material as an exhibit.

6. Documents and studies which are prohibitively expensive to reproduce for use by each participant, or which are prohibitively voluminous, shall be filed in the docket section of the Postal Rate Commission and shall be sponsored as an exhibit by the participant. The filed documents should receive both (1) a hearing Exhibit number and (2) a "PRC lib. ref." number.

7. Volume data presented by the Service and all participants shall be provided by class and subclass.

8. The Postal Service shall provide detail as to the specific nature and the dollar amount of the various items in each cost segment on both a "before" and "after rate" basis.

9. Hearings on the Postal Service's proposed rate changes will be commenced immediately following that part of the discovery process relating to the Service's proposed changes.

ATTACHMENT C

TENTATIVE HEARING SCHEDULE FOR PROCEEDINGS—DOCKET R77-1

Month, date, and year	*Procedural stage*
Aug. 25, 1977	2d prehearing conference.
Sept. 16, 1977	Completion of all discovery directed to the Postal Service. (Answers due Sept. 28, 1977, or 20 days after filing of the interrogatory, whichever is earlier.
Oct. 14, 1977	Filing of the case-in-chief of each participant (including that of OOC).
Oct. 25, 1977	Confercenes for the purpose of clarification of each participant's case.
Oct. 31, 1977	Beginning of hearings, i.e., cross-examination, on the Postal Service's case-in-chief.
Nov. 14, 1977	Completion of all discovery directed to the intervenors. (Answers due Dec. 5, 1977, or 20 days after filing of the interrogatory, whichever is earlier.)
Dec. 2, 1977	Completion of evidentiary hearings as to the Service's case-in-chief.
Dec 12, 1977	Beginning of evidentiary hearings as to the case-in-chief of each participant.
Jan. 9, 1978	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
Jan. 20, 1978	Completion of the evidentiary hearings as to the case-in-chief of each participant.
Jan. 23, 1978	Beginning of evidentiary hearing on rebuttal evidence.
Feb. 7, 1978	Close of the evidentiary record.
Mar. 7, 1978	Initial briefs filed.
Mar. 17, 1978	Reply briefs filed.
Mar. 24, 1978	Oral argument.

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